



**National Integrity Systems**  
**Transparency International**  
**Country Study Report**

**Caribbean Composite Study 2004**

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## Abbreviations

ALP	Antigua Labour Party
AMLA	Anti-Money Laundering Authority
BLP	Barbados Labour Party
CALEA	The Commission on Law Enforcement Agency
CALP	Caribbean Anti-Money Laundering Programme
CARICOM	Caribbean Community and Common Market
CBC	Constituency Boundaries Commission/
CBC	Caribbean Broadcasting Corporation
CBO	Community Based Organisation
CC	Constituencies Commission
CCM	Concerned Citizen's Movement
CDB	Caribbean Development Bank
CFTF	Caribbean Financial Task Force
CIDA	Canadian International Development Agency
CJ	Chief Justice
CRC	Constitutional Review Commission
CTB	Central Tenders Board
CSME	CARICOM Single Market and Economy
DFID	Department for International Development
DFP	Dominica Freedom Party
DLP	Democratic Labour Party (Barbados)
DLP	Dominica Labour Party
DOA	Director of Audit
DPP	Director of Public Prosecutions
DTB	Departmental Tenders Board
EBC	Electoral and Boundaries Commission

EC	Eastern Caribbean/Electoral Commission
ECLAC	Economic Commission of Latin America and the Caribbean
ECPC	East Caribbean Press Council East Caribbean Press Council
ECSC	Eastern Caribbean Supreme Court
FATF	Financial Action Task Force
FTAA	Free Trade Area of the Americas
FFEL	Free and Fair Elections League
FIU	Financial Intelligence Unit
FNM	Free National Movement
FSRC	Financial Services Regulatory Commission
GDP	Gross Domestic Product
GG	Governor General
GIFSA	Grenada International Financial Services Authority
GNP	Grenada National Party
GULP	Grenada United Labour Party
HDI	Human Development Index
IBC	International Business Corporation
IBU	International Business Unit
IDB	Inter-American Development Bank
IFI	International Financial Institution
ILO	International Labour Organisation
IMF	International Monetary Fund
IMG	Internal Monitoring Group
INCSR	International Narcotics Control Strategy Report
Interpol	International Criminal Police Organisation
JLSC	Judicial and Legal Services Commission
LO	Leader of the Opposition
MBS	Medical Benefit Scheme

MLSA	Money Laundering Supervisory Authority
MOF	Minister of Finance
MP	Member of Parliament
MPLA	Money Laundering (Prevention) Authority
NCCT	Non-Cooperative Countries and Territories
NDC	National Democratic Congress
NDP	National Democratic Party
NGO	Non-governmental Organisation
NHC	National Housing Corporation
NIS	National Integrity System
NNP	New National Party
NRP	Nevis Reformation Party
OAS	Organisation of American States
OECD	Organisation for Economic Cooperation and Development
OECS	Organisation of Eastern Caribbean States
OFSC	Offshore Financial Services Council
ONDCP	Office of the National Drug Control and Money Laundering Policy
PAC	Public Accounts Committee
PAHO	Pan-American Health Organisation
PAM	People's Action Movement
PLP	People's Liberation Party
PM	Prime Minister
PLM	Progressive Labour Movement
PO	Public Officer
POWER	Professional Organisation for Women
PPP	People's Progressive Party
PSC	Public Services Commission
PTB	Public Tenders Board

RBPF	Royal Bahamas/Barbados Police Force
SE	Supervisor of Elections
SKLP	St. Kitts-Nevis Labour Party
SLP	St. Lucia Labour Party
TCE	Tripartite Committee on the Economy
UDC	The Urban Development Commission
ULP	United Labour Party
UN	United Nations
UNCTAD	United Nations Commission on Trade and Development
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UPP	United People's Party
UWP	United Workers Party
WTO	World Trade Organisation

# Caribbean Composite Study

## Introductory Statement

This report, unlike other country studies, is a composite of the NIS in a number of independent states. The countries examined are eight of the island states of the 15 member Caribbean Community (CARICOM) viz: Antigua-Barbuda, The Bahamas, Barbados, Dominica, Grenada, St. Kitts-Nevis (sometimes referred to as St. Christopher-Nevis), St. Lucia and St. Vincent and the Grenadines. Much of the detail that would be in an NIS is contained in the questionnaires for each country, which are expanded for this purpose. While these islands do have much in common, a special challenge was to identify the broader similarities and differences and evaluate their significance – which is the main focus of this report.

In this regard 'desk research' was important and required the generation of special comparative tables to an extent that a single country report would not necessitate. In this particular study, these tables are of particular importance in comparing and contrasting the situation in the different states. Interviews "on the ground" with the "movers and shakers" in each territory were of unique value in detecting island nuances and concrete examples of prevailing practice more so than would have been the case in a single country study. Confirming, arranging and conducting over 100 such discussions was especially challenging in the context of significant distances between islands, uneven communication infrastructure and divergent schedules. The 8 questionnaires completed - one for each island - on the primary basis of the interviews need to be read with special care since the composite by definition ignores the specifics of each and highlights common patterns in the national integrity systems of the selected states.

## Executive Summary

Narcotics-related corruption and associated arms trafficking, money-laundering and financial crime constitute a growing threat in the region. Political corruption, in the context of ineffective procurement systems, completely unregulated political parties and "winner-take-all"<sup>1</sup> majoritarianism seriously undermines the quality of democratic governance. Finally, petty corruption associated with administrative corruption is pervasive in a culturally permissive context.

Nevertheless in combating and controlling corruption these micro-states perform relatively better than most states in the Latin American and Caribbean region. Their main assets in this regard are free and independent media, effective superior courts, a civil society with latent anti-corruption potential and most recently, more stringent regimes against money laundering and financial crimes.

Weaknesses in national integrity systems are however potentially fatal and are aggravated by a global environment hostile to small island states<sup>2</sup>. The main flaws are seriously deficient legislative frameworks, low institutional capacity in critical anti-corruption pillars (e.g. Auditors General, Directors of Public Prosecutions), limited resource availability in the context of declining economies and an all pervasive 'personal Prime Ministerial government' facilitated by small size and subversive of autonomous checks and balances.

In this context, not only the effectiveness of the national integrity system is undermined but as well the very survival of democratic governance is compromised. Against this background, and in keeping with the focus of the report, the main recommendations have to do with:

- Firstly, plugging big gaps in the legislative framework, in particular to ensure greater transparency and accountability in political parties, the public sector and the system of governance in general.
- Secondly, building institutional capacity in critical structures such as the Auditor General, the Director of Public Prosecutions, the financial crimes units and the magistracy.
- Thirdly, political and constitutional reform to reduce the degree of 'personal government', strengthen checks and balances within the state and empower civil society.
- Fourthly, effective public education against corruption with a view to strengthening popular perceptions of the harmfulness of petty corruption and the need for more effective public engagement in raising levels of national integrity.
- Fifthly, without doubt, the sine qua non of enhanced national integrity in these micro-states is a new quality of activism among donor countries and in the donor community to promote a less hostile external economic environment and the channelling of substantially increased resources to help reduce economic vulnerability and support the urgently needed internal reforms.

## Regional Overview

The eight selected states are all parliamentary democracies, which, with the exception of Dominica recognize the British monarch, represented by a native Governor General, as Head of State. Former British colonies, they attained independence between 1966, with Barbados being the first and 1983 when St. Kitts and Nevis, the last of the eight, became a sovereign state. All are members of the Commonwealth of Nations, the Caribbean Community (CARICOM) and with the exception of Barbados and the Bahamas, the Organisation of Eastern Caribbean States (OECS). These countries within the family of small island states may be regarded as micro-states each with confined inhabited land areas of a few hundred square kilometres and populations ranging from below 40,000 - St. Kitts-Nevis - to the largest - the Bahamas with over 300,000.

**Table 1 Selected CARICOM States - Statistical Overview**

Country	Land Area (km <sup>2</sup> )	Population Size	Date of Independence	Participation in Selected International Organizations
Antigua & Barbuda	442	67,448	1 November 1981	Commonwealth
Bahamas	13,939	307,400 <sup>a</sup>	10 July 1973	CARICOM
Barbados	431	269,900 <sup>a</sup>	30 November 1966	CDB
Dominica	750	70,158	3 November 1978	ECLAC
Grenada	345	89,211	1 February 1974	World Bank
St. Kitts-Nevis	269	38,736	19 September 1983	ILO
St. Lucia	616	160,145	22 February 1979	IMF
St. Vincent and the Grenadines	388	116,394	27 October 1979	Interpol
				OAS
				OECS <sup>b</sup>
				UN
				UNCTAD

**Source:** Compiled by Author

1. Land area, cited from the [Caribbean Development Bank - Annual Report 2002](#), p. 13, St. Michael, Barbados, March 6, 2003.
2. Population size, with the exception of the Bahamas and Barbados (<sup>a</sup>) is taken from [www.caribbean-search.com/fastfacts.cfm](http://www.caribbean-search.com/fastfacts.cfm). The figures for Bahamas and Barbados were cited from data on the Mid-Year population figures for 2001 in the [Caribbean Development Bank - Annual Report 2002](#), p. 13, St. Michael, Barbados, March 6, 2003.
3. The Bahamas and Barbados are not members of the OECS (<sup>b</sup>).

They are located strategically in an arch of islands stretching from the South American Mainland in the south to North America in the north. Each has democratic traditions and institutions originating in British colonial rule, developed during the period of decolonisation and consolidated in the decades of independent statehood. As such (with the exception of Grenada (1979-1983)) constitutional government has been uninterrupted and political oppositions in each territory have taken power more than once by peaceful means in free and

fair, constitutionally scheduled elections<sup>3</sup>. All states, with the exception of Antigua-Barbuda, which has a one party dominant system, boast competitive two or two plus party systems. All states, again with the exception of Antigua-Barbuda, are categorized as free, protect fundamental rights and freedoms in their constitutions and enjoy the highest ratings in terms of political rights and civil liberties (See Table 2). Not surprisingly, the popular political culture places value on the individual freedom and social justice, with the extent of press freedom particularly noteworthy.

**Table 2 Select CARICOM States - Freedom Rating**

Country	Freedom Level (Interval)	Press Freedom (Actual Score)	Civil Liberties	Political Rights	Assessment of Overall Freedom
Antigua and Barbuda	(41-50)	45	2	4	Partly free
The Bahamas	(11-20)	11	1	1	Free
Barbados	(11-20)	14	1	1	Free
Dominica	(11-20)	14	1	1	Free
Grenada	(11-20)	14	2	1	Free
St. Kitts and Nevis	(11-20)	18	2	1	Free
St. Lucia	(1-10)	8	1	2	Free
St. Vincent and the Grenadines	(11-20)	17	2	1	Free

**Source:** (Press Freedom): <http://freedomhouse.org/pfs2003.pdf>

**Source:** (Civil Liberties and Political Rights): <http://freedomhouse.org/research/freeworld/table2004.pdf>

Freedom House Annual Survey of Press Freedom 2004 (reflects global events from January 1, 2003 to November 31, 2003).

In the range of ratings for Civil Liberties and Political Rights, 1 represents the most free and 7 the least free. In relation to Press Freedom, the scale is 1 to 100 where 1 is most and 100 least free.

The countries enjoy an independent judiciary particularly at the level of the superior courts, each state retaining the Judicial Committee of the United Kingdom Privy Council as the highest judicial authority<sup>4</sup>. These courts have the ultimate responsibility to uphold the constitutions, exercise the right, on behalf of aggrieved citizens, to review government action and do, from time to time, rule against the executive in providing redress for wrongful actions.

The economies of these states, until recently enjoying relative prosperity, are now in varying stages of decline brought on by the ending of preferential trading arrangements with developed countries and more generally inadequate preparedness for the onset of liberalisation and globalisation. The slowness of the global and hemispheric trading rules to accede to the request of developing countries for 'special and differential treatment' portends particularly harmful consequences for these micro-states. In these circumstances the social and economic dislocations of adjustment, if not managed more effectively, threaten continued growth and stability as well as put the very survival of democratic statehood at risk (See Table 3).

**Table 3 Economic Indicators**

Country	GDP Per Capita Income 2001 (\$)	GDP at current market price 2001 (\$B)	Real Rate of Growth in GDP 2001 (%)	Central Government Recurrent Account Surplus as % GDP 2001	Balance of Payments Current Account 2001 (\$m)
Antigua & Barbuda	9,055	.7	(4.3)	(2.9)	(59.7)
The Bahamas	16, 250	5.0	(2.8)	2.6	(195.3)
Barbados	9,444	2.5	1.5	2.4	(81.5)
Dominica	3,696	.3	(3.4)	(4.0)	(48.9)
Grenada	3,880	.4	(2.4)	3.1	(85.0)
St. Kitts-Nevis	7,450	.3	(5.4)	(4.9)	(95.8)
St. Lucia	4,185	.7	0.2	2.0	(59.1)
St. Vincent & the Grenadines	3,112	.3		1.4	(50.3)

**Source:** Adapted from "Selected Economic Indicators for CDB Borrowing Member Countries" in the Caribbean Development Bank Annual Report 2002, p. 13 and 15. ( ) Denotes decline.

As is apparent from this brief overview and will become more so in the course of our examination of national integrity systems of these states, common patterns and uniformities are considerable in the region.

Antigua-Barbuda presents the only significant divergence (for the worse) sustained over time. This difference expresses itself on number of indicators: confirmed cases of serious corruption at the highest levels of the state and society, effective limits on freedom of the press, irregularities in electoral administration, one party dominance detracting from free and fair electoral competition to name but a few. Antigua-Barbuda contrasts in degree, if not in kind, from other micro-states. In turn, much of this lies in the near monopoly of power exercised by one particular political dynasty - the Bird family - over the Antiguan system of governance, both in the period of decolonisation and the post colonial state having won 8 of the 10 elections held before and after independence. The roots of this unique hegemony lay in the relatively small size of the population, in the unity of a popular anti-colonial movement behind Bird's assault on the colonial-plantation order and, subsequently in the systematic use of state and economic levers by Bird's Antigua Labour Party and Antigua Trade and Labour Union to keep the opposition out of office. Legislation and regulations restricting the effective exercise of political rights and civil liberties by dissenting groups, excessive patronage for supporters and victimization of opponents, degradation of the integrity of electoral administration, erosion of effective checks and balances within the governmental system - each of these evident in one degree or another in other states - were carried to their furthest extreme in Antigua-Barbuda. Vere Bird Sr. the first Prime Minister of Antigua retired from office in 1994 and his son Lester Bird became Prime Minister. The elder son Vere Bird Jr. had previously resigned in 1990 as Minister of Public Works and Communications following allegations of corruption. The political stewardship of the Bird family has been marked periodically by such allegations of corruption. The family's influence in the society has been dominant in the areas of politics, trade unionism, the economy and control of the government owned radio and television stations. However the decisive defeat of the incumbent Antigua Labour Party led by members of the Bird dynasty who had been in the March 2004 general elections suggests that, in the context of the strong underlying democratic values of Caribbean political culture, even

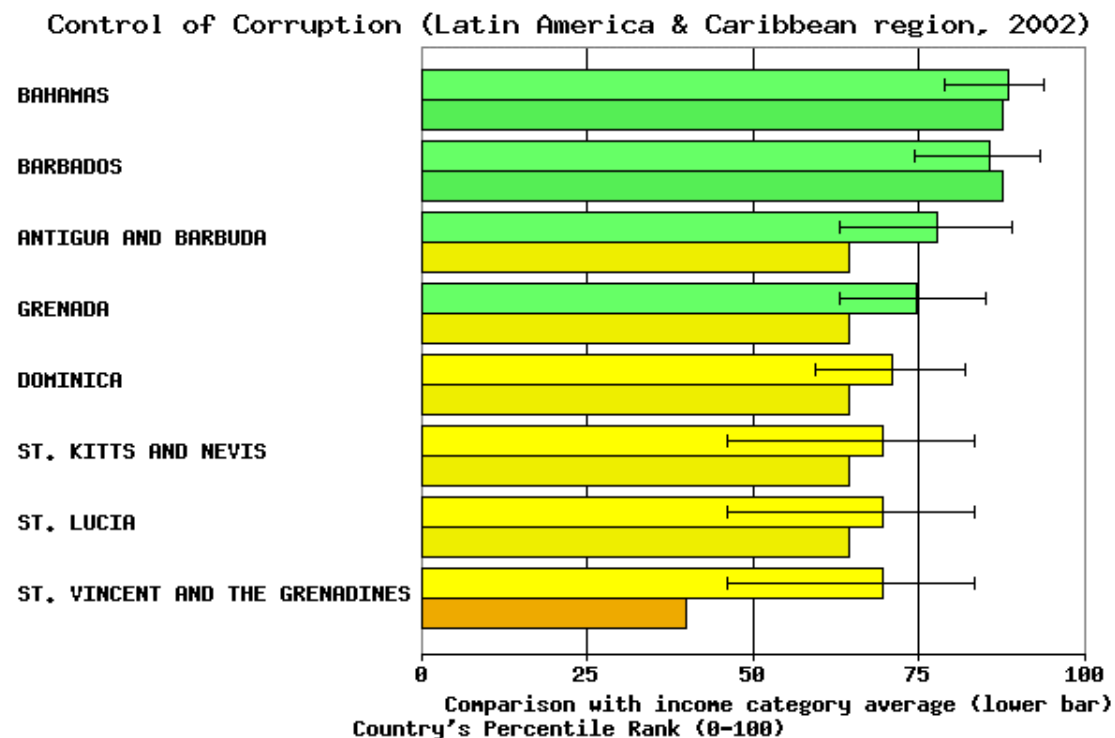
relatively entrenched one-party dominant regimes are likely to be ultimately unsustainable under pressure from a popular backlash utilizing even limited democratic rights.

## Corruption Profile

There are no data relating to the incidence of corruption-complaints, investigations, prosecutions and convictions in these states, as there are no special investigative/watchdog agencies dealing with data collection on corruption. Statistics from the criminal justice system (e.g. the police or the courts) are at best sketchy and at worst non-existent. Nevertheless, despite this limitation it is possible from a variety of sources to develop a corruption profile of the region<sup>5</sup>.

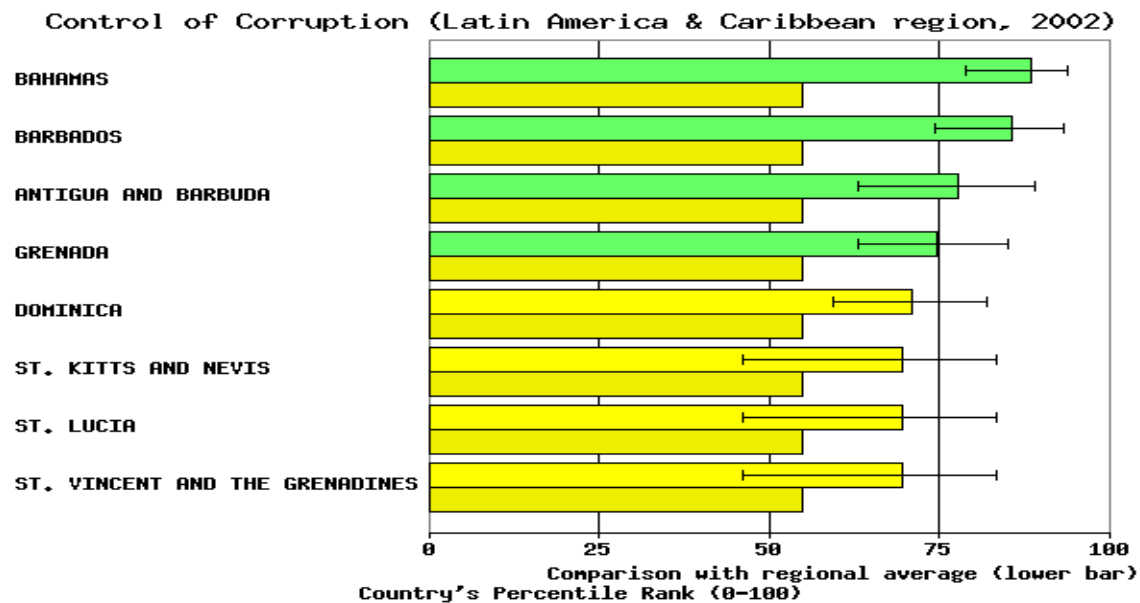
A useful point of Departure relates to the comparative standing of these states in relation to the "control of corruption" - one of the six governance indicators developed by the World Bank Institute. These indicators are in the main subjective, reflecting "the statistical compilation of responses on the quality of governance given by a large number of survey institutes, think tanks, non-governmental organisations and international organizations"<sup>6</sup>. On the "control of corruption" indicator, all 8 states rank above the regional Latin America and the Caribbean average and with the exception of Barbados, above their income category average. In 5 of the eight, the individual country scores best or second best on control of corruption compared to the other five governance indicators.

**Figure 1 Control of Corruption (Latin America and Caribbean region, 2002) - (comparison with income average)**



Source: D. Kaufmann, A. Kraay and M. Mastruzzi, 2003: Governance Matters III: Governance Indicators for 1996-2002 (<http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>)

**Figure 2 Control of Corruption (Latin America and Caribbean region, 2002) – (comparison with regional average)**



Source: D. Kaufmann, A. Kraay and M. Mastruzzi, 2003: Governance Matters III: Governance Indicators for 1996-2002 (<http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>)

Source: [http://info.worldbank.org/governance/kkz2002/mc\\_chart.asp](http://info.worldbank.org/governance/kkz2002/mc_chart.asp)

The perception is therefore that comparatively significant efforts are being made to deal with corruption. But, what of the types of corruption?

There are three types, which to one degree or another are prevalent viz:

- Petty corruption (linked to administrative corruption);
- Narcotics-related corruption;
- Political corruption.

## Petty Corruption

Petty corruption understood on the one hand as the use of position for illicit gain and on the other, the offer of illegal benefit to providers, is regarded as widespread. This type of corruption invariably centres on irregular, illegal payments/receipts to avoid traffic tickets, to expedite provision of various certificates (e.g. birth, death), to reduce or eliminate duties on imported goods, to speed up processing of titles (e.g. land or motor vehicle), to circumvent licensing procedures (e.g. motor-vehicle, drivers, fire-arm). By and large, though widespread, these forms of corruption do not normally involve large sums of money and are generally regarded as acceptable payments to facilitate the relationships with various state agencies at street level. The Grenada situation is typical. "Despite the existence of formal rules and prohibitions, civil servants do receive gifts from the public. These gifts are largely undeclared and are not monitored... a large section of the public service which is most vulnerable to bribery and corruption is unaffected by the institutional framework established to limit corrupt practices"<sup>7</sup>

## Narcotics-Related Corruption

Narcotics-related corruption constitutes a major challenge in the Caribbean, posing a clear and present danger to the integrity and viability of both the state and the society<sup>8</sup>. The critical dimension and urgent nature of this challenge may be deduced from the fact that "approximately 35 metric tons of cocaine originated from, was destined for or transited through the Eastern Caribbean in 2002"<sup>9</sup>. At estimated New York and London street values of \$25 million and \$60 million per ton respectively, the value of the illicit traffic was \$875 million and \$2.1 billion respectively. In the North, the Bahamas was in the top 21 of countries in the world in terms of cocaine interceptions in 2002. Almost half of the cocaine introduced into the United States and 30% into Europe comes through the Caribbean corridor<sup>10</sup>.

The significance of cocaine trafficking in the regional economy may also be inferred from the fact that in 2001 "the total income generated by cocaine trafficking and dealing in the Caribbean is ... about US \$3.68 billion"<sup>11</sup>. This is greater by far than the GDP of each of the states with which we are concerned (with the exception of Bahamas and than all the OECS states combined (cf Table 3 above).

At the micro-level the proceeds from the sale of one kilo of cocaine in New York (\$20-25, 000) or in London (\$50-60, 000) is between 3 and 7 times the total annual income of the average citizen in the south eastern Caribbean states. This multiple is increasing as the per capita incomes in the region decline with economic liberalization, the loss of preferential markets major challenges in developing globally competitive, non-traditional economic activity and consequent decline in rates of growth of GDP. The erosion of traditional ethics and the rise of an individualistic materialism, which has accompanied the present phase of globalisation combine to increase vulnerability to narcotics-related corruption in the Caribbean.

Each link in the national integrity chain is therefore under more intense pressure from the narco-dollar. Customs officials, police officers, magistrates, prosecutors, civil servants, bank clerks, attorneys, airline pilots, fishermen, politicians, and the "man in the street" - all are now more increasingly at risk.

**Table 4 Cocaine Seizures (in Kilos)**

Country	2001	2002 <sup>1</sup>	2003 <sup>2</sup>
Antigua and Barbuda	767	51	62
Bahamas	1, 468	2, 450	4000
Barbados	83	47	97
Dominica	6	4	2.1
Grenada	83	77	40
St. Kitts/Nevis	20	30	36
St. Lucia	63	152	433
St. Vincent and the Grenadines	0	13	1.5
<b>Total</b>	<b>2490</b>	<b>2824</b>	<b>4671.6</b>

**Source:** Caribbean Drug Trends 2001-2002, United Nations Office on Drugs and Crime.

1. 1st 9 months of 2002.
2. INCSR 2003. <http://www.state.gov/g/inl/rls/nrcrpt/2003/vol1html/29834.htm>. The figures for St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines are based on data up to November 2003. For Grenada, the data is up to August 2003. In the case of Barbados the data

presented is up to early December 2003. The data for both Antigua-Barbuda and Dominica are representative of all of 2003.

The relatively small amounts of cocaine seized - albeit increasing each year over the last three years - (compared to trafficking estimates) (cf Table 4 above), together with insignificant, though noteworthy prosecutions of high officials for narcotics-related corruption, suggest the grave dimensions of the threat. Moreover 3 of the 8 states - Antigua-Barbuda, the Bahamas and Dominica are regarded as major money-laundering territories "whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking"<sup>12</sup>. It is therefore no exaggeration to suggest that "drug trafficking and related crimes such as money-laundering, drug use, arms trafficking, official corruption, violent intimidation - have the potential to threaten the stability of the small, democratic countries of the Eastern Caribbean and to varying degrees have damaged civil society in all of these countries"<sup>13</sup>

One of the more dramatic examples of the links between narcotics related corruption, arms trafficking and bribery of state officials occurred in Antigua-Barbuda between 1988 and 1990<sup>14</sup>. This episode involved the illicit shipment from Israel by way of Antigua-Barbuda of 500 Israeli-manufactured weapons and 200,000 rounds of ammunition valued at US\$353,700 to the Medellin cocaine cartel in Colombia. The Antigua-Barbuda Defence Force was used as a cover for the order and the criminal conspiracy involved Israelis, Panamanians, Colombians and Antiguan. Amongst "the Antiguan implicated were Vere Bird Jr., Minister of Public Works and Communications, Lieutenant Colonel Clyde Walker, ABDF Commander; Vernon Edwards, managing director of a shipping and brokerage agency; and Glendon Armstrong and Sean Leitch, customs officers."<sup>15</sup> Even more explicit was the finding of the commissioner investigating this affair "I entertain no doubt Mr. Vere Bird, Jr. was paid by or at least with, money emanating from Señor Rodriguez Gacha, for the services rendered to the arms transshipment"<sup>16</sup>.

In a second country, Bahamas, "[t] here have been cases of prosecutions for corruption ranging from rank and file police to Members of Parliament, Commissioners and Government officials, which have resulted in convictions. There have also been resignations of Cabinet Ministers, MPs and a Post Master General after a Commission of Enquiry into Drug Trafficking"<sup>17</sup>. The most significant of these cases, although some years ago, illustrated the capacity of narcotics related corruption to infect the highest levels of the political directorate. In the 1980s, consistent charges of high level corruption involving Prime Minister Pindling himself and other top officials led in 1983 to the establishment of a Commission of Inquiry which reported in 1984<sup>18</sup>. The Commission's report spoke of the extent to which the illicit drugs trade had contaminated all strata of Bahamian society - public and private sector. It noted the fact that between 1977 and 1984 the expenditures and assets of Prime Minister Pindling himself far exceeded his official income. As a result of the report a number of top officials were indicted, five government ministers either resigned or were dismissed and measures taken to combat institutionalised corruption in the Bahamas.

## Political Corruption

Though difficult to prove, political corruption, in the form of 'kick-backs' or patron-client relations is widespread and endemic in the region. To one degree or another supporters and favourites of the party, and more particularly the party leader, in power are rewarded whilst opponents are victimised in a variety of ways. The main benefits (and deprivations) have to do with employment, appointments, promotion, contracts, licences, land distribution and other assets directly or indirectly at the disposal of the government in power. "Winner-takes-all" majoritarianism characterises the politics of these territories and infects, to one degree or another, the organs of the national integrity system. Most disastrously, public procurement

institutions do not function efficiently and far from being a brake on political interference, are themselves prone to serious corruption by political cronyism.

Two factors contribute to high levels of political corruption: the first is the absence of any regulation whatsoever of political parties, party funding and campaign finance<sup>19</sup>. The second is the small size of these micro-states. The two largest islands each have a population in the region of 300,000 and the average of eight states is less than 145,000. In these societies, the state, even when its comparative dimensions are not significantly greater than in larger countries, occupies disproportionate social and geographical space. The reach of executive power as well as the impact of political patronage and victimisation is in those conditions of small scale considerably magnified and accentuated.

**Table 5 Small Size and the Public Sector**

Country	Public Sector Size <sup>1</sup>	Population (July 2002 est.) <sup>2</sup>	Public Sector as a Percentage of Population <sup>3</sup>	Area (km <sup>2</sup> ) <sup>4</sup>	Public Sector Density (Public Servant per km <sup>2</sup> )
Antigua and Barbuda	10,589	67, 448	15.7 <sup>5</sup>	442	24
Bahamas <sup>6</sup>	-	-	-	-	-
Barbados	28,200	300,000	9.4	431	65.4
Dominica	2,752	70, 158	3.9	750	3.7
Grenada	5,230	89, 211	5.9	345	15.2
St. Kitts-Nevis	2,798	38, 736	7.2	269	10.4
St. Lucia	5,982	160, 145	3.7	616	9.7
St. Vincent and the Grenadines	4,932	116, 394	4.2	388	12.7
Selected CARICOM (Average)			7.1	463	
Uruguay	194,700	3.3 m	5.9	177,000	1.1
LAC (Average)			3.0		

**Source:** Compiled by Author

1. Estimate of Government positions in 1999 based on 1999-2000 Budget Estimates. <http://www1.worldbank.org/publicsector/civilservice/countries/Antigua/surquesres.htm>
2. [www.caribbean-search.com/fastfacts.cfm](http://www.caribbean-search.com/fastfacts.cfm) For all states with the exception of Uruguay and Barbados. Data for Uruguay was extracted from the Human Development Report 2002 based on population data for the year 2000, p. 162. Data on the population of Barbados was extracted from the Human Development Report 2000, for the year 1998, p. 223.
3. Calculated on the basis of tabled figures for Public Sector size and Population for all countries except Antigua and Barbuda
4. Data on area of selected CARICOM states extracted from Caribbean Development Bank, Annual Report 2002, p. 13, and for Uruguay in Richard L. Bernal, The Integration of Small Economies in the Free Trade Area of the Americas. CSIS Americas Program, Volume IX, Study 1, p. 18, Washington, DC: 1998.
5. [www.antigua-barbuda.com/busnss-politics/body\\_budget\\_speech\\_2002.html](http://www.antigua-barbuda.com/busnss-politics/body_budget_speech_2002.html)

## 6. Figures for Bahamas unavailable

For example, the situation subsequent to the victory of the St. Lucia Labour Party (SLP) over the United Workers Party (UWP) led by the former Prime Minister John Compton, following the 1997 General elections is illustrative. At the SLP Convention following the UWP defeat, the majority of incoming Ministers and "job hungry party stalwarts demanded that the 'Comptonites'... be severed... the view was that the spoils of political war should go to the victors."<sup>20</sup> Amongst those replaced was the governor general (who prior to his appointment was a UWP Member of Parliament); the directors of all state owned bodies; several Permanent Secretaries were encouraged to take early retirement; some contracts were bought out and Labourites previously banished to statutory bodies were recalled to the central bureaucracy. Another illustration relates to allegations by the current Leader of the Opposition in St. Vincent and the Grenadines that "after a mere five months in office some 671 crash programme workers, that is non-established workers were fired by the government"<sup>21</sup>.

## Crime

Crime levels present a mixed picture. In Barbados and Dominica the overall number of offences per 100,000 inhabitants has risen, while in the Bahamas, Grenada and St. Kitts-Nevis it has declined. While comparative data are incomplete it is clear that drug offences are very high while violent crime (in particular murder) is above the global average in 6 of the eight states but with the exception of the Bahamas well below the average for Latin America and the Caribbean.

**Table 6 Crime Trends**

Countries	Offences (per 100,000 inhabitants)							
	Murder	Sex Offence (including rape)	Serious Assault	Theft (all kinds of theft)	Fraud	Counterfeit Currency	Drug Offences	Total Number of Offences contained in National Crime Statistics
Antigua & Barbuda	4.69	3.13	478.87	1,589.98	75.12	3.13	464.79	4,896.71
The Bahamas	27.09	127.09	61.54	1,561.20	38.13	88.29	477.26	4,869.57
Barbados	7.47	51.88	25.38	200.81	85.10	-	544.58	4,069.96
Dominica	7.89	99.93	682.39	4,779.37	42.07	10.52	210.37	9,566.64
Grenada	3.16	118.95	1304.21	2,146.32	7.37	-	384.21	10,177.89
St. Kitts-Nevis	12.00	114.00	434.00	1,100.00	6.00	-	168.00	3,808.00
St. Lucia	-	-	-	-	-	-	-	-
St. Vincent & the Grenadines	10.00	149.09	1,322.73	2,910.00	15.45	-	458.18	6,570.91
Canada	2.0	-	-	-	-	-	207.2	9,982
Sweden	12.0	-	-	-	-	-	350.6	12,671
United States	9.0	-	-	-	-	-	-	5,367
Global	5.5	-	-	-	-	-	-	-
Latin America and the Caribbean (LAC)	20	-	-	-	-	-	-	-

**Sources:**

1. <http://www.interpol.int/Public/Statistics/ICS/downloadList.asp>, Country specific, selected crime statistics submitted by individual jurisdictions. The statistics available for each state varies but consistently the latest available year is used and as far as possible the growth pattern of the crime over a three-year span was examined to demonstrate the pervasiveness of crime in these countries. Antigua-Barbuda (1996), The Bahamas (1999), Barbados (2000), Dominica (1999), Grenada (1997), St. Kitts-Nevis (1999), St. Vincent and the Grenadines (1995). St. Lucia has made no submissions.

2. United Nations Development Programme (UNDP) Human Development Report 2000, Oxford University Press, New York, 2000, p. 247
3. There are no comparable data averaging crime levels for either high or medium human development countries to which the selected CARICOM states belong. However we include in our table total recorded crimes per hundred thousand for 3 of the top ten countries in the human development index, namely Canada Sweden and the United Kingdom. Note that the most current data for these countries was 1994. We also include the global averages for murder taken from Anthony Harriott Police and Crime Control in Jamaica: Problems of Reforming Ex-Colonial Constabularies, University of the West Indies Press, Kingston, 2000, p.13

Organised crime, understood as group crime that links the under-world with the 'upper/outer-world' (e.g. extortion, racketeering) has a relatively insignificant presence and role outside of the narcotics related criminality (e.g. money laundering, illicit trafficking in fire-arms, etc.) This is not to say that levels of "ordinary crime" are unworthy of special attention. On the Contrary, the Heads of Government of the CARICOM, concerned about the growth of crime throughout the region, in July 2001 established a regional Task Force on Crime and Security. The first term of reference of the task force was to "study the range of complex issues with a view to isolating the fundamental causes of the increasing levels of crime, violence and security threats in the region."<sup>22</sup>

Two months later however, before the task force could begin serious work the terrorist attacks on the World Trade Centre and the Pentagon in the United States dramatically shifted the focus of the global community towards anti-terrorist priorities. Not surprisingly therefore the Special (Emergency) Meeting of the Heads of Government of the CARICOM held in Nassau on October 11 and 12, 2001 broadened the task force's mandate to develop a specific Plan of Action against Terrorism for implementation across the region. As such the interim Report of the Task Force presented in January 2002 dealt primarily with issues relating to counter-terrorism, intelligence and information-sharing, regional maritime counter-drug cooperation, etc. The causes of crime in general and recommended responses attracted relatively little attention. Nevertheless the Task Force noted:

"socio-economic factors such as increasing unemployment, and perhaps more so the issue of inequality, especially among the youth, lack of facilities or organised community and national sports and cultural activities, increasing "underperformance" of males in the school system and other forms of inequity all create the conditions for the persistence of crime and violence."

Hence the overall focus of its recommendations "involved the development of constructive multi-sectoral approaches that seek to tackle the underlying socio-economic causes of crime and target high risk groups - the youth, the unemployed, the inner-city enclaves..." Specifically, in the short term, the Task Force urged the development on an island-basis of "multi-sectoral, integrated National Crime Master plans" incorporating balanced emphases on "law enforcement, social issues, legal issues and regional and international cooperation". To develop and execute these plans, the group recommended the establishment of national crime commissions, which could become "strong platforms for the mobilisation of popular support for anti-crime policies".

It is worthy of note that recently elected governments in two of the states - St. Lucia and St. Vincent - have established broad based national anti-crime commissions - with representation from the government, opposition, civil society and the private sector - to monitor and advise the authorities on anti-crime measures<sup>23</sup>.

## Offshore Financial Centres

Each of the selected states provides offshore financial services and has been regarded as an offshore financial centre. As such there have been displayed "characteristics" identified by the International Monetary Fund: "such as anonymity of financial transactions, opaqueness of the operations of offshore corporations and legal protections [which] have helped to make the centres vulnerable to financial abuse - money laundering, fraud and tax evasion"<sup>24</sup>. In 2000, the Financial Action Task Force (FATF) listed the Bahamas, Dominica, Grenada, St. Kitts-Nevis, St. Vincent and the Grenadines among 15 countries and territories not cooperating with FATF anti-money laundering regulations. Pressure from the FATF, OECD states, in particular the United Kingdom and the United States, resulted in substantial modifications in the regulatory regime governing the financial services sector.

**Table 7 Overview - Offshore Financial Services**

Country	Offshore Banks <sup>2</sup>	IBCs/Exempt and/or Restricted Companies <sup>3</sup>	Internet Gaming <sup>4</sup>	Criminalised Drug Money Laundering (D) & Beyond Drugs (BD) <sup>5</sup>	FATF Non-cooperative Exercise <sup>6</sup>	Membership in International Organizations (A, C, CE, F, O, OC, I, S) <sup>7</sup>
Antigua & Barbuda	15	13,500	Y	BD	R	C, OC
The Bahamas	301	47,040	Y	BD	RM	C, O, OC, I, S, EG
Barbados	56	4,673	N	BD	-	C, O, OC, S, EG
Dominica	1	8,601	Y	BD	RM	C, OC
Grenada	2	2,293	Y	BD	RM	C, OC
St. Kitts-Nevis <sup>1</sup>	1	13,800	Y	BD	RM	C, OC
St. Lucia	2	1,052	Y	BD	R	C, OC
St. Vincent & the Grenadines	10	6,342	Y	BD	RM	C, OC, EG

**Source:** Extracted from Offshore Financial Services Table and Explanatory Notes, <http://www.state.gov/g/inl/rls/nrcrpt/2003/vol2/html/29918.htm>, 3/27/2004

1. In the case of St. Kitts-Nevis the offshore bank is located in Nevis which, also has 17,000 IBCs/Exempt and/or Restricted Companies, while St. Kitts has 450 respectively.
2. Offshore Banks - jurisdiction offers offshore financial services (OFC) licenses; a number is provided if known.
3. IBC - International Business Company, numbers provided when known and public; in many cases, the numbers are significantly underreported.
4. Internet Gaming-Licences granted by the jurisdictions that enable grantees to established "virtual casinos" on the Internet, in which customers can pay via credit card. A 'Y' indicates that the OFC licenses Internet Gaming and a 'N' indicates that it does not.
5. Criminalised Drug Money Laundering - A 'D' indicates that the OFC has a law criminalizing narcotics related money laundering only. A 'BD' indicates that crimes other than those related to narcotics are considered to be predicate crimes for money laundering in the OFC.

6. Financial Action Task Force (FATF) Non-cooperative Exercise - provides the FATF finding. 'NC' indicates that the jurisdiction was determined to be non-cooperative; 'R' indicates that the jurisdiction was reviewed and was not identified as non-cooperative; a blank cell indicates that the jurisdiction was not reviewed. RM indicates that FATF removed the jurisdiction from the NCCT list.
7. The International Organisations listed includes A= Asia/Pacific Group; C= Caribbean Financial Action Task Force; CE= Council of Europe Select Committee on Money Laundering; E= Eastern and Southern Africa Anti-Money Laundering Group; EG= The Egmont Group; F= Financial Action Task Force; I Offshore Group of Insurance Supervisors (OGIS); IO= Observer to the OGIS; O= Offshore Group of Banking Supervisors; OC= OAS/Inter-American Drug abuse Control Commission; S= International Organization of Security Commissioners.

As a consequence, the number and significance of offshore banks and international business corporations declined significantly, money laundering was criminalized not only for the proceeds of drugs but for other crimes as well and all states were removed from the list of non-cooperating territories by the FATF (See Table 7). Nevertheless, despite the resulting decline in the contribution of the financial services sector to the diversification of these economies, financial services nevertheless continues to provide an important pillar of economic development. Controversy continues however around the internet gaming sub-sector, whereby each jurisdiction grants licenses enabling grantees to establish 'virtual casinos' on the internet, in which customers can pay via credit card. The United States has barred this activity from its territory and in response Antigua-Barbuda has taken the United States before a WTO dispute settlement panel on grounds that the American prohibition violates WTO rules relating to the liberalisation of trade in financial services.

## Causes of Corruption

Among the major pre-disposing factors and causes of contemporary corruption in the Caribbean micro-states are the following:

- Popular culture permissive of petty corruption. 'Beating the system' is a general Caribbean pastime.
- Growing inequality. Levels of inequality are high even by Latin American Standards.
- Weak institutions of national integrity.
- Inadequate legislative frameworks.
- A "winner-takes-all" political tradition and a fall off in political volunteerism. Increasing pressures on parties not to lose and rising campaign costs makes parties more vulnerable.
- Increasing vulnerability to narcotics related corruption encouraged by pressures from economic challenges posed by liberalisation and globalisation.
- A rise in individualistic materialism and a decline in social ethics.
- Geography, in terms of location between South American supply and North American/European demand for illicit narcotics, size and island characteristics.

## Effects of Corruption

- Rising levels of violent, narcotics related crime.

- Growing political cynicism and alienation. These attitudes are reflected in opinion surveys and declining voter turnout.
- Increasing transaction costs for foreign and local investors.
- Erosion of the legitimacy and effectiveness of state institutions.
- Deterioration in public morality.
- Unfair competition to the legal economy from the informal, narcotics related economy.
- Accumulation of public revulsion and potential for anti-corruption mobilisation. This was demonstrated most clearly by the popular demand for punitive action in response to the Antiguan medical benefits scheme white-collar crime and corruption.

# National Integrity System

## Executive

Seven of the eight CARICOM states being studied vest Executive authority in Her Majesty the Queen and provide that this authority be exercised either directly or indirectly on behalf of the monarch by a Governor General<sup>25</sup>. The eighth state - Dominica - places executive authority in the office of the President established under the 1978 Independence Constitution<sup>26</sup>. In the case of the Governors-General each is appointed and dismissible by the Queen on the advice of the Prime Minister of the particular country. The Dominican situation is somewhat different.

Unlike the Governor General, the Dominican President is elected by the Legislature for a fixed term of five years with a limitation of two terms. The constitution provides for election by the House under two different sets of circumstances, viz:

- Where the Prime Minister and the Leader of the Opposition submit a joint nominee "the Speaker shall inform the House of the Nomination and declare that candidate to have been duly elected without putting the question to the vote".
- Where the two leaders fail to agree on a single nominee, each separately as well as any three members of the House may submit nominees. In this situation, the candidate who receives a majority of the votes of members of the House becomes president. Consistent with legislative involvement in the Dominican President's election, the House also plays a significant role in the event of removal of the President prior to the expiry of his term of office. Such a resolution would have to be signed by at least one third of the members of the House and thereafter receive the support of at least two thirds of the members of the House. A judicial tribunal would then have to consider and support removal. Thereafter the removal could only be effected if a final vote in the House attracted the support of two thirds of the membership.

Notwithstanding the difference in the method of appointment and removal, the offices of both the Governors General and the President are largely ceremonial. The effective executive in all cases is the Cabinet. In this regard, the formulation in the Antiguan Constitution establishing the relationship between the Head of State and the Cabinet is typical of the other states: "In the exercise of his functions the Governor General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where other provision is made by the Constitution or any other law."<sup>27</sup>

In all cases Cabinets are the principal instruments of policy responsible for coordination of the government and composed by Ministers appointed by the Prime Minister. It is important to note that while the size of the Cabinet varies somewhat amongst the eight states (cf table 8), uniformly the relatively large number of Ministers all of whom are required to be Parliamentarians vis-à-vis "back benchers" in the legislature contributes to the dominance of the Executive in Executive-Legislative relations.

**Table 8 Cabinet/Legislature Sizes**

Countries	Size of Cabinet	Size of Legislature	Ratio of Cabinet to Legislature
Antigua & Barbuda	11	34	1: 3.09
The Bahamas	16	56	1: 3.5
Barbados	17	51	1: 3
Dominica	14	30	1: 2.14
Grenada	13	28	1: 2.15
St. Kitts-Nevis	10	14	1: 1.4
St. Lucia	15	28	1: 1.87
St. Vincent and the Grenadines	11	21	1: 1.91

**Source:** Compiled by the Author. [www.electionworld.org](http://www.electionworld.org)

Within the Executive the Prime Minister in every instance enjoys overwhelming dominance and thereby considerable authority over the entire governmental system and society. He has the de facto power to:

- Hire and fire Ministers (as well as the Head of State, excepting the Dominican case).
- Assign and reassign ministerial portfolios.
- Determine the Cabinet as well as the legislative agenda.
- Select the members of the Services Commissions charged with the responsibility of appointment, discipline and removal of public officers (save for those positions, e.g. The DPP, where the removal process involves a judicial tribunal).
- Appoint the Chief Justice. In Barbados and the Bahamas, the constitution explicitly requires the Head of State to act on the recommendation of the Prime Minister in appointing the Chief Justice<sup>28</sup>. Amongst the other states under consideration, the Chief Justice of the Eastern Caribbean Supreme Court which exercises jurisdiction over the countries is appointed by the Queen and this is done on the recommendation of the Prime Ministers involved.
- Appoint Ambassadors, High Commissioners and other foreign representatives of the governments. In St. Lucia this power is somewhat diluted as the appointments are done by the Public Service Commission "after consultation with" (and not on the recommendation of...) the Prime Minister<sup>29</sup>.
- Set the date of General Elections at any time within the 5-year period constitutionally specified for the Parliament.
- Appoint and remove a majority of the nominated members of the legislature (termed Senators) in both bi-cameral and unicameral Legislatures (cf Table 9 (a) and (b)).

- Dissolve Parliament in the face of a successful no-confidence vote from the Legislature. In two of the states however, St. Lucia and St. Vincent and the Grenadines, the Head of State is given the discretion to refuse a dissolution requested by a Prime Minister who has lost a no-confidence vote<sup>30</sup>. Thus except in the circumstances specified in respect of the two exceptions above, the Legislature has no power to prevail against the wishes of the Prime Minister where a majority of the former may wish either to bring about or to forestall a dissolution of Parliament.

**Table 9 Elected House and Senates****a) Bicameral Legislatures**

Country	House Size (elected members) <sup>1</sup>	Senate Size	Members of Senate (appointed by) <sup>2</sup>			
			Head of State No. (%)	Prime Minister No. (%)	Opposition Leader No. (%)	Other <sup>3</sup> No. (%)
Antigua-Barbuda	17	17	1 (6)	11(65)	4 (23)	1 <sup>a</sup> (6)
Bahamas	40	16	0	12 (75)	4 (25)	
Barbados	28	21	7 (33)	12 (57)	2 (10)	0
Grenada	15	13	0	10 (77)	3 (23)	0
St. Lucia	17	11	2 (18)	6 (55)	3 (27)	0

**(b) Unicameral Legislatures**

Country	House elected members <sup>1</sup>	Nominated Senators	Members of Senate (appointed by) <sup>2</sup>			
			Head of State No. (%)	Prime Minister No. (%)	Opposition Leader No. (%)	Other <sup>3</sup> No. (%)
Dominica	21	9	0	5 (56)	4 (44)	-
St. Kitts-Nevis	11	3 <sup>b</sup>	0	2 (67)	1 (33)	-
St. Vincent and the Grenadines	15	6	0	4 (67)	2 (33)	-

**Source:**

- 1) [www.electionworld.org](http://www.electionworld.org), 26/03/04
- 2) This section notes who appoints members of the Senate, the total number appointed by that public official and the percentage of the power of appointment held by that official
  - a) The Barbuda Council selects this Senator. Patrick A.M. Emmanuel Governance and Democracy in the Commonwealth Caribbean: An Introduction, Institute of Social and Economic Research, Barbados, 1993, p. 61
  - b) Constitutionally set as the minimum number of senators.

Even this cursory review of the role of the Prime Minister confirms what one regional Prime Minister himself termed "excessive powers" and justify the charge that "Parliamentary government is reduced not merely to Cabinet Government but to Prime Ministerial

government<sup>31</sup>. This constitutional and political reality has to do with a number of factors, viz: a general tendency in Westminster Parliamentary systems to evolve in the direction of a concentration of power in the Prime Minister; the political history of the Caribbean states during the periods of decolonisation and post-colonial rule in which the charismatic leader-follower relations developed commandist leadership cultures; the size and economic vulnerability of micro-states in which dependence on government and in particular, the Head of Government is magnified by virtue of small scale.

## The Service Commissions

In the context of this overarching Prime Ministerial power, the provisions relating to the Service Commissions (Judicial, Public, Police and Teachers) make some effort at insulating their respective spheres of competence from undue partisan political intrusion by the leadership of the governing party<sup>32</sup>.

**Table 10 Service Commissions**

Country	Judicial and Legal Services Commission <sup>1</sup>	Police Service Commission	Public Service Commission
Antigua & Barbuda	Yes	Yes	Yes
The Bahamas	Yes	Yes	Yes
Barbados	Yes	Yes	Yes
Dominica	Yes	Yes	Yes
Grenada	Yes	No	Yes
St. Kitts-Nevis	Yes	Yes	Yes
St. Lucia	Yes	N/A <sup>2</sup>	Yes
St. Vincent & the Grenadines	Yes	N/A <sup>2</sup>	Yes

**Source:** Responses to interviews based on NIS questionnaire for each territory and Patrick A.M. Emmanuel *Governance and Democracy in the Commonwealth Caribbean: An Introduction*, Institute of Social and Economic Research, Barbados, 1993, p. 82-83

1. The OECS countries (all the above excluding Barbados and the Bahamas) have a joint committee under their cooperation agreement. Therefore the individual states refer to the regional mechanism rather than to national bodies.
2. The Police Services Commission falls under the mandate of the Public Service Commission.

The constitutions expressly provide for the commissions to exercise their functions independent of outside direction or control. Towards this end, whereas commission members are appointed either on the advice or recommendation of the Prime Ministers the removal of a commissioner, on the grounds of illness or misbehaviour can only take place through a process involving a judicial tribunal, even then it should be noted that the initiation of this process lies exclusively within the purview of the head of government.

The service commission for the judiciary in six of the eight states under examination is however somewhat special. Whereas the Bahamas and Barbados each has a Judicial Services Commission (and indeed each of the eight have a Public Service Commission), Antigua-Barbuda, Dominica, Grenada, St. Christopher-Nevis, St. Lucia and St. Vincent all share a common Judicial and Legal Services Commission<sup>33</sup>. The Chief Justice of the Eastern Caribbean Supreme Court chairs this Commission and is appointed by the Queen, by convention, on the

recommendation of the Prime Ministers and Premiers of participating countries. This commission includes two chairmen, selected on a rotating basis, of the Public Services Commissions of participating territories and a former judge appointed on the agreement of at least four heads of government.

By and large, the Service Commissions particularly in respect of the judiciary have functioned relatively effectively in insulating the appointment, promotion and disciplinary procedures of the public service from prime ministerial/political interference beyond that constitutionally allowed. There have been nevertheless some exceptions to this generalisation worthy of special note. One such may be mentioned at this stage. In the early 1990s, a public servant in the Ministry of Agriculture of Antigua-Barbuda by the name of De Freitas, while he was on vacation took part in a peaceful picket of the Ministry of Agriculture Headquarters in which placards were displayed criticising the minister for being implicated in a gun running scandal were displayed.

The Permanent Secretary claimed that the civil servant's action breached restraints on political expression imposed by the Antiguan Civil Service Act of 1984 and the civil service staff orders. De Freitas was interdicted ( i.e. suspended from office on reduced pay) consistent with the wish of the political directorate. The matter was however appealed through the judicial process up to the Privy Council, which ruled in favour of De Freitas and found the restriction/interdiction imposed on him unreasonable and unjustified<sup>34</sup>

### **Accountability of Public Officials to the Citizens**

The constitution of each Anglophone Caribbean state guarantees the fundamental rights and freedoms of the individual<sup>35</sup>. By and large however these are limited to political rights and civil liberties - so-called first generation human rights. Moreover the constitutional provisions are written in a manner, which admits of conditions, and qualifications that undermine the effectiveness of their application. Not surprisingly therefore, constitutional reform processes now underway in these states are demonstrating some determination to remedy these deficiencies and strengthen the fundamental rights provisions<sup>36</sup>.

Nevertheless, despite these limitations, public officials from time to time are held to account for violations of individual rights and citizens have from time to time successfully sought redress through the courts. A few illustrations are in order. In Grenada, the citizens' right to freedom of association was upheld and the Governor General's order for dissolution of the Board of the Grenada Cooperative Nutmeg Association ruled null and void<sup>37</sup>. In St. Kitts-Nevis and Barbados, the personal liberty of the citizen and the protection of the individual from the deprivation of property have been affirmed against the unconstitutional incursion by state authorities<sup>38</sup>. In Antigua-Barbuda the Attorney General has been held to account by the Courts for violation of the freedom of expression<sup>39</sup> and in the Bahamas the police for breaching the individual's right to freedom of movement<sup>40</sup>.

In addition to the courts to which public officials have to account in the context of allegations of abuse of citizen rights, the office of the ombudsman fulfils a similar function. In Antigua and Barbuda, St. Lucia and Barbados ombudsmen are empowered, in the words of the Ombudsman Act of Antigua and Barbuda to "investigate any complaint relating to any decision or recommendation made or any act done or omitted by an officer of the Government or Statutory body in any case in which a member of the public claims to be aggrieved, or appears to the Ombudsman to have sustained injustice as a result of the exercise of the administrative function of that officer or body"<sup>41</sup> Fair use is made of the office. For example during 2001, the Antiguan Ombudsman received eighty-eight (88) complaints against departments and public officials in over 12 different Ministries<sup>42</sup>.

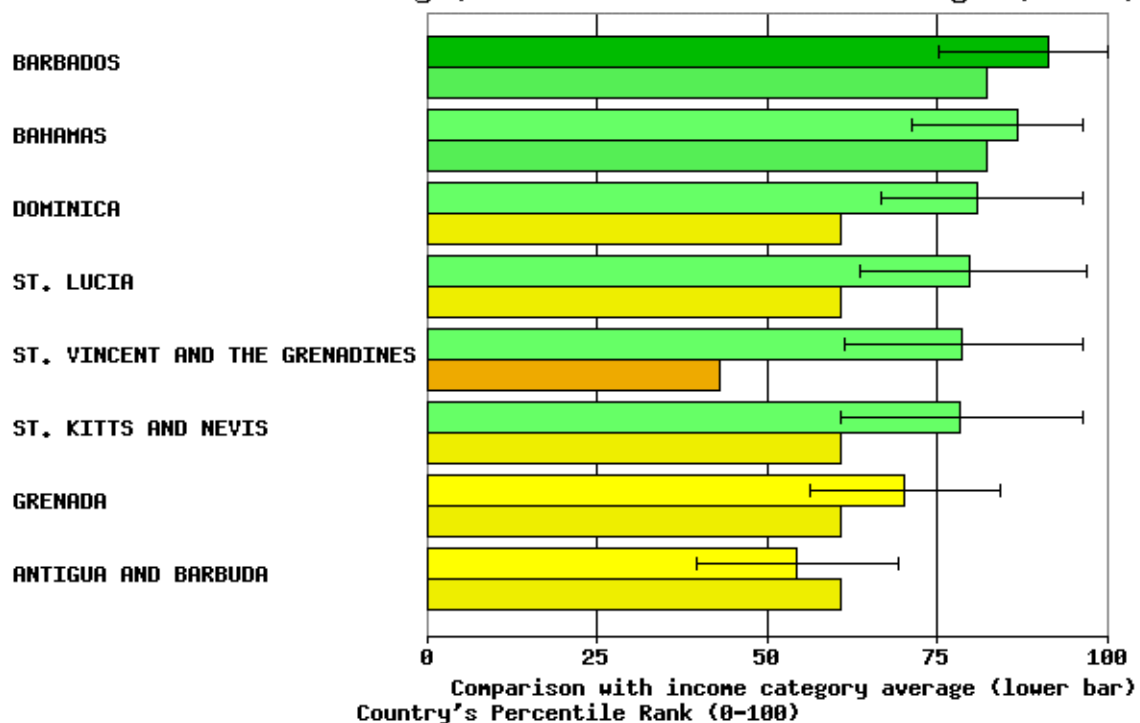
In an earlier article on the role of his office, the ombudsman wrote: "Complaints covered a whole area, e.g. non-receipt of land promised by the government in exchange, long delays in obtaining certificates of title for land, tardiness of officials in responding to requests,

discourteous service from some officials, tardiness in dealing with applications for utility services, pollution of the environment by noise and fumes, delays in the payment of damages assessed by the courts, problems in getting cases through the courts in a timely manner, health nuisances and lack of development of infrastructure after lands are purchased - to name a few<sup>43</sup> It is worthy of note that of the forty one (41) complaints the investigation of which was completed in 1996, two-thirds were found to be justified.

Overall however these states scored relatively highly on World Bank indicator of voice and accountability (cf Figure 2). In fact six of the eight CARICOM countries being examined ranked in the highest quartile; the other two in the second highest - well above most democracies on this criterion of accountability. In terms of Latin America and Caribbean, all the Caribbean countries with the sole exception of Antigua and Barbuda were well above the regional average on this indicator. This positive rating is complemented by the highest scores in relation to the recognition of political rights and civil liberties (again with the single exception of Antigua and Barbuda).

**Figure 3 Voice and Accountability (Latin America and Caribbean Region, 2002) – (comparison with income average)**

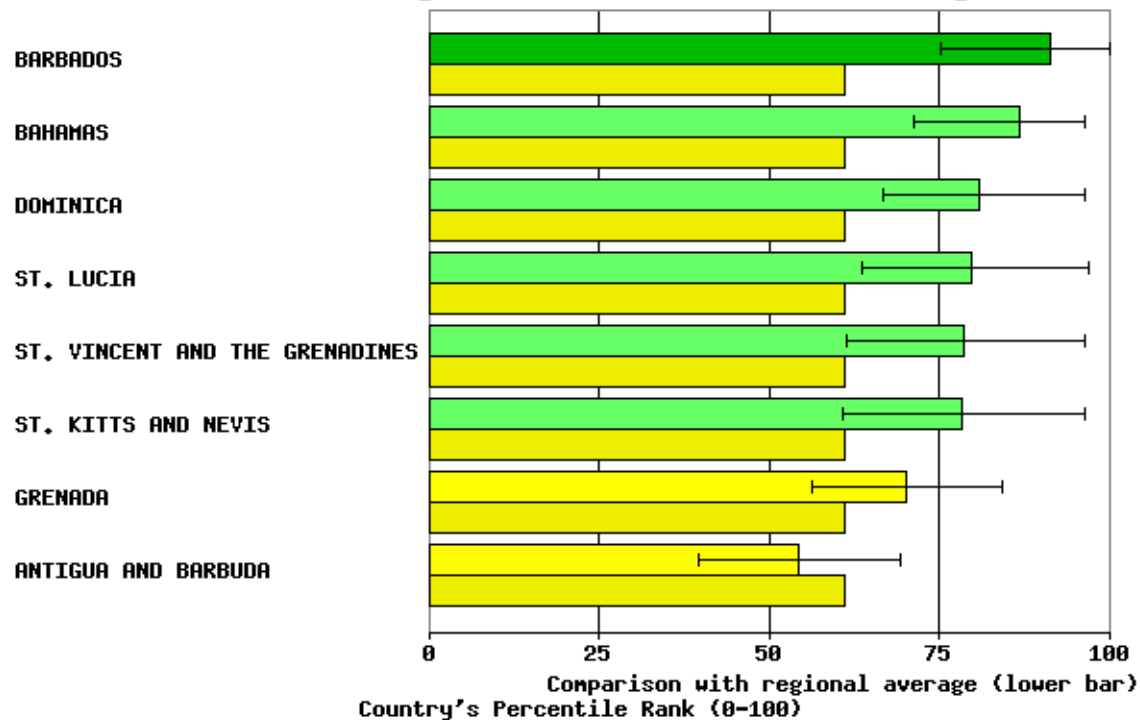
Voice and Accountability (Latin America & Caribbean region, 2002)



Source: D. Kaufmann, A. Kraay and M. Mastruzzi, 2003: Governance Matters III: Governance Indicators for 1996-2002 (<http://www.worldbank.org/ubi/governance/pubs/govmatters3.html>)

**Figure 4 Voice and Accountability (Latin America and Caribbean Region, 2002) – (comparison with regional average)**

**Voice and Accountability (Latin America & Caribbean region, 2002)**



Source: D. Kaufmann, A. Kraay and M. Mastruzzi, 2003: Governance Matters III: Governance Indicators for 1996-2002 (<http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>)

Source: [http://info.worldbank.org/governance/kkz2002/mc\\_chart.asp](http://info.worldbank.org/governance/kkz2002/mc_chart.asp)

## Conflict of Interest Rules

The constitution of each territory contains provisions dealing with Executive conflict of interest.<sup>44</sup> To the extent that Cabinet members are also members of Parliament the constitutional rules governing parliamentarians apply to members of the Cabinet. Sections 43(h) and 49 (f) of the Bahamas constitution are typical of other constitutions and lay out the basic rules relating to members of the Senate and of the House of Assembly respectively: "Every member of the House of Assembly shall vacate his seat in the House... (f) if he becomes interested in any government contract: Provided that - (i) if in the circumstances it appears to the House of Assembly to be just to do so, the House of Assembly may exempt any member of the House from vacating his seat under the provisions of this sub-paragraph, if that member, before becoming interested in such contract as aforesaid or as soon as practicable after becoming so interested, discloses to the House the nature of such contract and his interest therein"<sup>45</sup>

In a few territories the government has supplemented constitutional rules dealing with conflicts of interest with codes of ethics for ministers and for MPs who are also Parliamentary Secretaries. The Bahamian code enjoins members of the Executive to "avoid any material conflict between their private interests and public duties. avoid using their ministerial status or influence for the enrichment of themselves or their families".<sup>46</sup> In giving effect to this general injunction, Ministers, on assuming office are required to discontinue private work, resign as a

director/officer in any private company and divest themselves of any equity, shares or interest in any company that has contractual relations with the government. Moreover "it should be considered a flagrant breach of the Code of Ethics if a Minister, either directly or indirectly, uses "insider information" to make speculative investments in the securities market or to obtain some advantage for himself, a family member or associate in advance of any imminent change in government policy or revenue measures"<sup>47</sup>. In a number of cases however public controversy has surrounded the extent to which this and similar provisions have been violated in practice (see for example, the 2003 controversy in the Bahamas where Minister of Trade and Industry, Leslie Miller is alleged to own the shopping centre in which the Bahamas Telephone Company, a government corporation, has contracted to lease three units <sup>48</sup>).

A case worthy of special note relates to Dominica. "Following its election to office in January 31<sup>st</sup> 2000, the coalition Government of the Dominica Labour Party and the Dominica Freedom Party undertook measures to investigate charges of conflict of interest and abuse of office by a number of leading Officials of the United Workers Party. The Dominica Labour Party had made the issue of corruption a key plank of its election platform, and the Government saw itself as having a mandate and a responsibility to fulfil its election pledges. The persons against whom investigations have been launched include former Prime Minister Edison C. James and the former Minister of Finance Mr. Julius Timothy. The basis of these investigations is the subject of a report undertaken on behalf of the Government of Dominica by a leading Barrister, Queens' Counsel Anthony Astaphan.

Among the allegations levelled against the former Prime Minister Mr. Edison James was the decision of Cabinet to lease substantial State lands on extremely favourable terms to North-East Quarry Ltd., a company owned by Mr. James and his wife in contravention of the State Lands Act and Regulations (Chap 53:01). It is also alleged that North-East Quarry Ltd. was interested in the lands in view of Government's proposed intention to engage in expansion works at Melville Hall Airport. It is also alleged that North-East Quarry limited was able to obtain approval from the AID Bank of Dominica (a development focused Bank) in contravention of the established rules and practices of the Bank. The charges against Mr. Julius Timothy pertain to the granting of concessions for duty free entry for private vehicles for agricultural purposes without the necessary supportive documentation from the Ministry of Agriculture.

It is significant however that whilst Astaphan's Preliminary Report was completed in August 2000, to date no action has been taken either by way of the establishment of a Commission of Inquiry into the allegations or by way of Criminal or Civil Proceedings against the offending persons. It was the view of the Prime Minister that a costly Commission of Inquiry could not be justified in an environment where "Dominican Civil Servants have had to undergo significant reductions in their salaries."<sup>49</sup>

Outside of the constitution and codes of ethics, states have either tabled legislation or are in the process of considering draft proposals to deal in part with conflict of interest as well as gift receiving, largely to give effect to the Inter American Convention against Corruption in Public Life. Towards the end of 2002, for example, two bills - Integrity in Public Life and the Prevention of Corruption - were tabled in the Parliament of Antigua and Barbuda. "Similarly, there are provisions in the criminal code of Saint Vincent and the Grenadines and Saint Lucia that provide for offence of corruption of public officers"<sup>50</sup>. In Saint Kitts-Nevis on the other hand there are no provisions in the criminal code dealing specifically with the offence of corruption. Regarding monitoring of assets and disclosure provisions for ministers and high officials, the Bahamas, Dominica and St. Lucia have such requirement but the other states do not. Active consideration is now being given to relevant legislation. Where codes or rules do exist however it is fair to say that the follow-up investigation by the responsible commission has been insufficiently systematic and relatively ineffective.

**Table 11 Conflict of Interest Rules and Registers**

Country	Code of Conduct			Register of Personal/Financial Interests			Disclosure Rules		
	Ministers	MPs	Civil Servants	Ministers	MPs	Civil Servants	Ministers	MPs	Civil Servants
Antigua & Barbuda <sup>1</sup>	No	No	Yes	No	No	Yes	No	No	Yes
The Bahamas	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes
Barbados	No	No	Yes	No	No	No	No	No	No
Dominica <sup>1</sup>	No	No	Yes	N/A	N/A	N/A	Yes	Yes	Yes
Grenada	No	No	Yes	No	No	No	No	Yes	Yes
St. Kitts-Nevis <sup>1</sup>	No	No	Yes	N/A	N/A	No	No	No	No
St. Lucia	No	No	Yes	No	No	No	Yes	Yes	No
St. Vincent and the Grenadines <sup>1</sup>	No	No	Yes	No	No	No	No	No	Yes

**Source:** Responses given in Country specific NIS Questionnaires referring to the Executive, Legislature and the Civil Service.

1. These states have proposed or recently passed legislation that has not been fully implemented.

## Legislature

Each of the eight constitutions vests the “power to make laws ... for the peace, order and good government” of the state in the parliament of the country<sup>51</sup>. This power has to be exercised however “subject to the provisions” of the constitution, thereby subordinating the doctrine of parliamentary sovereignty to the principle of “constitutional supremacy”. Three (Dominica, St. Christopher-Nevis, St. Vincent) of the eight parliaments are unicameral, the remainder bi-cameral. Whether unicameral or bi-cameral, each parliament incorporates a nominated element alongside the elected component. In respect of the nominated element all the legislatures make provision for a minority of Senators to be named on the recommendation of authorities other than the Prime Minister<sup>52</sup>.

This segment varies from a low of 23% in Grenada to a high of 45% in St. Lucia (cf Table 9). The selection of senators is in three cases divided between the Leader of the Opposition and the Head of State. Accordingly in the constitutions of Antigua, Barbados and St. Lucia, the Governor General appoints 6%, 33% and 18% of Senators in his own deliberate judgment. By convention and constitutional provision these appointments are made with a view to ensuring representation in the legislature for non-political, civil society interests.

It needs to be noted however that the effectiveness of senators and Senates as an oversight body or as a check on the executive power is limited by a number of factors. In the first place, the government has an invariable stable majority in both the bi-cameral and the unicameral legislature. Secondly, the Senate has no competence in respect of ‘money bills’ and the power to delay not veto the passage of ordinary legislation. Thirdly the independence of senators is

qualified by the fact that generally their appointments can be revoked and they be replaced by the authority by whom they were selected.

Finally, the senatorial element is tied to the executive in that all constitutions make provision for their appointment as Ministers and Parliamentary Secretaries.

**Table 12 Legislative/Executive Relations**

Country	No. of Politicians <sup>2</sup>	No. of Government Ministers <sup>3</sup>	No. of Backbenchers (Ruling Party) <sup>3</sup>	No. of Opposition MPs <sup>2</sup>	No. of Senators
Antigua & Barbuda <sup>1</sup>	34	5	7	4	17
The Bahamas	56	15	14	11	16
Barbados	51	15	8	7	21
Dominica <sup>4</sup>	30	12	-	9	9
Grenada	36	8	-	7	13
St. Kitts-Nevis <sup>5</sup>	15	10	-	3	3
St. Lucia	28	11	3	3	11
St. Vincent & the Grenadines	21	10	2	3	6

**Source:**

1. <http://www.cnn.com/2004/world/americas/03/24/antigua.elections.ap/> The Barbuda seat is still to be contested.
2. [www.electionworld.org](http://www.electionworld.org) 08/04/04
3. [www.cia.gov/cia/publications/chiefs](http://www.cia.gov/cia/publications/chiefs)
4. Members of Cabinet in Dominica's coalition government are listed at <http://www.avirtualdominica.com/government.htm> 08/04/04
5. The 15th member is an ex-officio member.

(Note: The calculation of government ministers has included Junior Ministers/Parliamentary Secretaries (all of whom are elected officials) for all states.)

In five cases (Antigua-Barbuda, Barbados, Grenada, St. Kitts-Nevis and St. Lucia) there are no limits set on the number appointable to the Executive. While in the Bahamas, Dominica and St. Vincent limits are constitutionally stipulated. We may conclude that the nominated element in the legislature to some extent dilutes but does not effectively check Prime Ministerial power. On the other hand, the senators not appointed by the government enjoy a measure of authority to block stipulated constitutional amendments in Barbados, Dominica, St. Kitts-Nevis and St. Vincent-Grenadines in so far as the legislative majorities needed would require for passage support for the government from among minority senators<sup>53</sup>.

In so far as the elected chamber (or component in the case of the unicameral systems) of the legislature is concerned, a number of trends are worth noting. Firstly, the parliaments, and by extension the elected element, are relatively small, varying in size from 14 elected representatives in St. Kitts-Nevis to 40 in the Bahamas. In all cases therefore, a majority of legislators belonging to the ruling party are members of the government and thereby bound

by the constitutional rule of 'collective responsibility' to support the executive (cf Table 9). Secondly, and related, the small size of the legislatures in the micro-states limits the possibility and even more so, the effectiveness of developing any meaningful parliamentary oversight committee system. Hence there is a severe structural constraint on the capacity of the legislature to exercise fundamental oversight responsibility in relation to the executive.

A third constraint relates to the electoral systems. In all cases, members of parliament are elected on the basis of universal adult suffrage, first-past-the-post plurality systems in single member constituencies. In keeping with the universal tendencies observed in such systems the majority party in these states invariably receives a proportionate legislative seat allocation greater than the percentage of its popular vote. Conversely the opposition representation in parliament is disproportionately less than its electoral support.

**Table 13 Disproportionality in Ballots Cast Versus Seats Won by Opposition Parties in the Last General Election**

Country	% Seats	% Votes	Deficit
Antigua-Barbuda	23.5	41.8	18.3
Bahamas	17.5	41.1	23.6
Barbados	23.33	44.1	20.77
Dominica	42.9	43.3	0.4
Grenada	46.66	45.1	-1.56
St. Kitts-Nevis	18	29.6	11.6
St. Lucia	17.65	36.6	18.95
St. Vincent and Grenadines	20	40.7	20.7

Source: <http://www.electionworld.org>

**Table 14 Distribution of Parliamentary Seats April 2004**

Antigua & Barbuda (2004)		The Bahamas (2002)		Barbados (2003)		Dominica (2000)		Grenada (2003)		St. Kitts-Nevis (2000)		St. Lucia (2001)		St. Vincent & the Grenadines (2001)	
Party	No. of Seats	Party	No. of Seats	Party	No. of Seats	Party	No. of Seats	Party	No. of Seats	Party	No. of Seats	Party	No. of Seats	Party	No. of Seats
ALP	4	PLF	29	BLP	23	UWP	9	NNP	8	SKL	8	SLF	14	ULP	12
UPP	12	FNM	7	DLP	7	DLP	10	NDC	7	CCM	2	UW	3	NDP	3
BPM	1	Ind.	4			DFP	2			NRI	1				

**Sources:**

1. [www.electionworld.org](http://www.electionworld.org), 26/03/04
2. () most recent date of Parliamentary elections, <http://www.georgetown.edu/pdba/Elecdata/electdata.html#data>

3. In the case of Antigua-Barbuda - the Barbuda seat was decided on April 20, roughly a month after the general elections, <http://www.antiquaelections2004.com/>

As is evident, with the exception of Grenada and Dominica where there was a relative match, in all other instances, the opposition followed on the most recent general elections ended up with over 20% less seats in the legislature than would have been the case had the electoral system facilitated Parliamentary representation more proportional to electoral support. This clearly diminishes the presence and role in the legislature of the segment of the population not supportive of the majority party and has raised the question of modifying the electoral systems to facilitate greater proportional representation<sup>54</sup>.

There is another more cultural than institutional factor, which inhibits the independence of the legislature and facilitates subordination of government Parliamentarians to the Prime Minister – there is a tradition of party deference to their political leaderships throughout the region. The endorsement (or at the minimum the neutrality) of the party leader is the sine qua non for candidacy on behalf of the party in general elections. Hence elected legislators owe their parliamentary party identity in part to the leader and risk withdrawal of leadership support, with potentially fatal consequences for re-election, to the extent that they demonstrate independence or criticism of the leader during the life of the House. In Antigua-Barbuda, the constitution-makers went so far as not to rely on cultural inhibitors to the extreme manifestation of parliamentary independence reflected in a member crossing the floor. As such, that constitution imposes the ultimate, if qualified, penalty - an elected member has to vacate his seat “if having been elected to the House by virtue of being a member of a political party, he resigns his party whip and withdraws his allegiance from that party provided that he shall not be required to vacate his seat so long as he remains an independent member of the House”<sup>55</sup>

In respect of the constitutional provision in all these states for a Leader of the opposition, it may be argued that the legislatures have a built in independence of the executive and some capacity to exercise oversight<sup>56</sup>. To some, though limited extent, this is true. Leaders of the opposition in all countries have to be consulted by the Prime Minister prior to his exercising important executive functions, particularly in relation to recommendations to the Head of State regarding appointments to key offices. But in no case does the obligation to consult extend to providing the opposition leader with a veto power. In many instances the charge has been made that consultation is more formal than real. Moreover as we have seen, the legislative capacity of the opposition leader is limited by the invariable reality of Parliamentary under representation.

Finally, all the constitutions stipulate that the Cabinet of Ministers are “collectively responsible to Parliament”<sup>57</sup>. Manifestations of this requirement in the Standing Orders of the Parliament are that Ministers must answer within specified periods questions asked of them in the Parliament by legislators and that private member’s motions, including resolutions of censure of Ministers can be put. Another is the provision, present in one or another form in all the constitutions, that the Head of State “may remove the Prime Minister from office if a resolution of no confidence in the Government... is passed by the majority of all the members of the House of Representatives”<sup>58</sup>. But this power is anything but absolute. In fact, the prime minister enjoys the constitutional authority, in effect to over-rule a majority-supported Parliamentary resolution for his removal by refusing to resign, dismissing the parliament and requiring general elections to be held. In this context where Prime Ministers hold the power to impose “capital punishment” on the legislature, votes of no confidence have rarely been contemplated much less effected in the Caribbean. Against this background, consensus concern has arisen in all states at the ineffectiveness of the Legislature vis-à-vis the Executive and proposals to strengthen the independence of parliament are being everywhere seriously debated in constitutional reform processes<sup>59</sup>.

## National Budget

A critical area in which the relative importance of the Legislature vis-à-vis the Executive is evident is in relation to the national budget. Each of the constitutions obliges the executive to gain parliamentary approval in order to raise revenue or authorize expenditure. The provisions in the Constitution of the Commonwealth of Dominica are typical: "All revenues or other monies raised or received by Dominica (not being revenues or other monies that are payable, by or under any law for the time being in force in Dominica, into some other fund established for a specific purpose) shall be paid into and from the Consolidated Fund<sup>60</sup>. No monies shall be withdrawn from the Consolidated Fund except:

- To meet expenditure that is charged upon the Fund by this Constitution or by any law enacted by Parliament; or
- Where the issue of those monies has been authorized by an appropriation law... (s.77)... The Minister... for finance shall cause to be prepared and laid before the House before, or not later than 45 days after, the commencement of each financial year estimates of revenues and expenditure of Dominica for that Financial year.<sup>61</sup>

These constitutional provisions are generally observed. However, Parliamentary approval of budgets is more or less a foregone conclusion. Equally, the absence of any amendments being proposed or accepted is typical of the formal nature of the budgetary process and the supremacy of the Executive in the Legislature-Executive relationship. "Nevertheless there have been rare but noteworthy cases where the fundamental requirement of Parliamentary approval of budgetary expenditure has been ignored. One such, was examined by a Commission of Inquiry in St. Kitts-Nevis, "the Report of the Commission of Inquiry established 14<sup>th</sup> July 1999, chaired by Sir Louis Blom-Cooper on the "Tale of the Three Hydrofoils and other Acts of Financial Management in St. Kitts and Nevis 1980-1999" pointed out some problems with the financial decisions of government as it relates to the Estimates and Expenditures.

According to the Report, a loan of \$25,330,000.00 to Nautical Trading, was underwritten by the Government of Dr. Kennedy Simmonds,

- Yet there was no submission from a department of government indicating that the loan was being underwritten by government;
- There was no indication from the Prime Minister of the liability which the Government was undertaking - which was one-third of the country's budget;
- Nor was the matter of the hydrofoils and the financing of their sale and purchase ever brought to cabinet.

Of the approach adopted by the government with respect to the loan guarantee stated:

"What does one make of such a casual, not to say cavalier approach to the guaranteeing of a loan of over US\$25 million? Either Dr. Simmonds (and his Attorney-General) genuinely thought that the St. Kitts and Nevis Government, as a party to the Credit Agreement of 30 May 1986, was truly engaging in a "mere formality" or, for reasons, which are not clear, they were deliberately underplaying the financing of the sale and purchase of the hydrofoils....

Whatever is the answer to that conundrum the action of the Prime Minister disclosed a serious failure of duty at the very minimum, to inform his Cabinet colleagues of the Government's participation in an agreement which involved such a large sum of money, irrespective of any liability which the government itself might be incurring or the fact of an indemnity from one of the promoters of the hydrofoil project... The Government never subjected the terms and conditions of the loan of US\$25,330,000 to any public scrutiny, either through the national Assembly or by way of departmental review, or any public statement to the media."<sup>62</sup>

## Electoral Administration

In the region both the Executive and the Legislatures derive their legitimacy from popular elections. By and large these have been held within the constitutionally mandated intervals and their administration, supervision as well as outcomes have been adjudged free and fair. In this regard in all the states under consideration in the period since adult suffrage governments have demitted office and opposition parties acceded, through elections, to power between 2 and 5 times. Only once in the exceptional circumstances of the Grenada Revolution 1979-83 was this record of constitutional rule ruptured. By and large therefore, the system established in these states for the delimitation of electoral boundaries, the registration of voters and the supervision of elections have stood the test of time and have survived any significant corruption of the electoral process.

The institutional arrangements for the related functions of constituency boundary delimitation and supervision of voter registration/elections have been well summarized by Emmanuel.

**Table 15 Commonwealth Caribbean Electoral Provisions, Institutions and Roles**

Countries	Institutions/Roles
Antigua-Barbuda Grenada St. Vincent & the Grenadines	Constituency Boundaries Commissions (CBCs) and Chief Electoral Officers
The Bahamas	Constituencies Commission (CC) and Chief Electoral Officer
Dominica St. Kitts-Nevis St. Lucia	Constituency Boundaries Commissions (CBCs) and Electoral Commissions
Barbados	Election and Boundaries Commission (EBC)

**Source:** (Adapted) Patrick A.M. Emmanuel, Governance and Democracy in the Commonwealth Caribbean: An Introduction, Institute of Social and Economic Research (EC), Monograph Series, UWI, Barbados, 1993: 19

It can be observed from the above that there is some difference in how the twin responsibilities of constituency demarcation and election supervision are managed. In respect of the former, in four (4) of the eight states (Antigua-Barbuda, the Bahamas, Grenada and St. Vincent and the Grenadines), there are commissions responsible for constituency matters only, with election supervision assigned to officials. In Dominica, St. Kitts-Nevis and St. Lucia the two responsibilities are separately assigned to two different commissions. In Barbados by contrast, one Commission manages both constituency delimitation and conduct of elections.

As could be anticipated the appointment, tenure and removal of officials engaged in electoral administration has been subject to special arrangements. These are summarized below.

**Table 16 Appointment and Removal of Electoral Commissions and Officials: Constitutional and Statutory Provisions**

Country	Body/Official	Appointment	Removal
Antigua-Barbuda	CBC	Chair: oao PM acb PM & LO	Tribunal
		2 oao PM, 1 oao LO	Tribunal
	SE	oro Parliament	Tribunal
Bahamas	CC	Chair: Speaker	House
		Dep. Chair: Judge or CJ	CJ
		2MHAs oao PM	PM
		1 MHA oao LO	LO
Barbados	EBC	Chair: oro PM acw LO	Tribunal
		Dep. Chair: oro LO acw PM	Tribunal
		2 oro PM acw LO	Tribunal
		2 oro LO acw PM	Tribunal
Dominica	CBC	Chair: Speaker	House/Tribunal
		2 oao PM	Tribunal
		2 oao LO	Tribunal
Grenada	CBC	Chair: Speaker	House/Tribunal
		2 oao PM	Tribunal
		2 oao LO	Tribunal
St. Kitts-Nevis	CBC	Chair: oao PM, acb GG, LO and other persons	oao PM acb GG and LO
		2 MHAs oao PM	oao PM
		2 MHAs oao LO	oao LO
	EC	Chair: by GG	GG
		1 oao PM	oao PM
		1 oao LO	oao LO
SE	PO or non-PO by GG, acw PM, LO and Premier (Nevis)	GG	
St. Lucia	CBC	Chair: Speaker	House
		2 oao PM	Tribunal
		2 oao LO	Tribunal
	EC	Chair: by GG	Tribunal
		1 oao PM	Tribunal
		1 oao LO	Tribunal
	CEO	GG acw EC	Tribunal

Country	Body/Official	Appointment	Removal
St. Vincent & Grenadines	CBC	Chair: by GG	Tribunal
		1 oao PM	Tribunal
		1 oao LO	Tribunal
	SE	PO by PSC or non-PO by PSC acw PM	PSC

**Source:** Patrick A.M. Emmanuel, Governance and Democracy in the Commonwealth Caribbean: An Introduction, Institute of Social and Economic Research (EC), Monograph Series, UWI, Barbados, 1993: 30-33

#### Key to Abbreviations

acb - after consultation between

acw - after consultation with

oao - on the advice of

EC - Electoral Commission

GG - Governor General

LO - Leader of the Opposition

PM - Prime Minister

PO - Public Officer

PSC - Public Service Commission

SE - Supervisor of Elections

It is apparent that in the procedures relating to appointment and removal of electoral officials, various degrees of bi-partisan executive and legislative involvement as well as introduction of service commissions and judicial tribunals have been found necessary. Some conflict and controversy has accompanied both these procedures and their substantive outcomes. The Report on the 1999 General Elections in Antigua-Barbuda for example, identified several irregularities, which undermined the credibility of the electoral administration system and necessitated reform of the system with the assistance of the Electoral Office of Jamaica<sup>63</sup>. By and large however the systems of electoral administration they have secured elections regarded as generally free and fair.

## Political Parties

Political Parties, newly emergent in the final stages of decolonisation, have been consolidated in the post-colonial Caribbean states. Currently in all eight countries, with the exception of St. Vincent and the Grenadines, the parties, which won pluralities in the most recent elections and now form the governments were all formed in the pre-independence period. Similarly the main opposition political formations also date their origins from colonial times. Largely therefore, two-party competitive systems are well established though in three of the eight territories third parties have some representation in the legislature. One state - Antigua and Barbuda is a consistent deviant from this pattern. This is clearly a one-party dominant system as the

Antigua Labour Party has won all but one of eleven general elections since the grant of adult suffrage in 1951<sup>64</sup>.

**Table 17 Commonwealth Caribbean: Sequence of Winning Parties**

Elections	Antigua-Barbuda	Bahamas	Barbados	Dominica	Grenada	St. Kitts-Nevis	St. Lucia	St. Vincent & Grenadines
	(1951-2004)	(1957-2002)	(1951-2003)	(1951-2000)	(1951-2003)	(1952-2000)	(1951-2001)	(1951-)
1 <sup>st</sup>	ALP	PLP	BLP	-	GULP	SKLP	SLP	-
2 <sup>nd</sup>	ALP	PLP	BLP	-	GULP	SKLP	SLP	Inds.
3 <sup>rd</sup>	ALP	PLP	DLP	Coalition	Coalition	SKLP	SLP	PPP
4 <sup>th</sup>	ALP	PLP	DLP	DLP	GULP	SKLP	SLP	PPP
5 <sup>th</sup>	PLM	PLP	DLP	DLP	GNP	SKLP	UWP	PPP
6 <sup>th</sup>	ALP	FNM	BLP	DLP	GULP	SKLP	UWP	SVLP
7 <sup>th</sup>	ALP	FNM	BLP	DLP	GULP	Coalition	UWP	Coalition
8 <sup>th</sup>	ALP	PLP	DLP	DFP	GULP	PAM	SLP	SVLP
9 <sup>th</sup>	ALP		DLP	DFP	NNP	PAM	UWP	SVLP
10 <sup>th</sup>	UPP		BLP	DFP	Coalition	SKLP	UWP	NDP
11 <sup>th</sup>			BLP	UWP	NNP	SKLP	UWP	NDP
12 <sup>th</sup>			BLP	DLP/Coalition	NNP		UWP	NDP
13 <sup>th</sup>					NNP		UWP	NDP
14 <sup>th</sup>							SLP	ULP
15 <sup>th</sup>							SLP	
16 <sup>th</sup>								
Ind. Date	1/11/81	10/07/73	30/11/66	3/11/78	7/02/74	19/09/83	22/02/79	27/10/79
No. of Parties	3	2	2	2	4	2	2	3

**Source:** (Adapted) Patrick A.M. Emmanuel, *Governance and Democracy in the Commonwealth Caribbean: An Introduction*, Institute of Social and Economic Research (EC), Monograph Series, UWI, Barbados, 1993: 101 and <http://www.georgetown.edu/pdba/Elecdata/elecdata.html#data>

It should also be noted that single-party cabinets have been the rule and majoritarian democratic governance the norm. Nevertheless the absence of absolute Parliamentary majorities for any single party have since adult suffrage led to the formation of coalition governments in St. Kitts-Nevis, Grenada, St. Vincent and Dominica. Currently the last named

state, Dominica, is in fact ruled by a coalition in which two parties are represented in the Cabinet. In that regard, while during the last 40 years over 70 parties have contested over 90 elections in these eight states, only 21 have formed governments<sup>65</sup>, thereby confirming the two party dominant system in the region. Clearly, the Caribbean remains distinctive in the extent of sustained stable party governance, the frequency of free and fair elections, the normalcy of oppositions acceding to office by constitutional means and in the absence of one-party dictatorship, police-military rule and political assassinations.

Nevertheless there is much evidence of deformation in Caribbean democratic governance and in particular in respect of the political parties in the region. The persistence of leader centred political culture inherited from the past has as its obverse dependence and passivity amongst party supporters as well as insufficient accountability of party leadership. Excessive election rivalry often leading to violence is everywhere invariably followed by a "winner-takes-all" approach to governance<sup>66</sup>. Favouritism towards party supporters, victimization of opponents, nepotism and cronyism more often than not accompany accessions to office. As economic vulnerability diminish the spoils of office, less of the party following can rely on government favours; much less so the rest of the population. Conversely, it becomes a matter of life and death for supporters of the opposition to displace the governing party. This pattern of tribal "exclusionary" politics is magnified in its impact in micro-states and becomes a growing cause of alienation among increasing sections of the eligible electorate. Hence a major cause for the pattern of declining voter turnout and weakened party attachment across the Caribbean.

**Table 18 Selected Commonwealth Caribbean States: Average Electoral Turnout 1950s-1990s**

(The number in parenthesis indicates the number of elections)

Country	1950s	1960s	1970s	1980s	1990s	2000-2003
Antigua-Barbuda	64 (2)	48 (2)	86 (2)	67 (3)	63 (2)	91(1)
Bahamas	-	-	95 (2)	89 (2)	92 (2)	90 (1)
Barbados	62 (2)	70 (2)	78 (2)	74 (2)	62 (3)	-
Dominica	74 (3)	79 (2)	79 (2)	77 (2)	66 (2)	60 (1)
Grenada	69 (3)	68 (3)	74 (2)	77 (2)	62 (3)	-
St. Kitts-Nevis	-	68 (2)	80 (2)	73 (3)	67 (2)	64 (1)
St. Lucia	55 (3)	52 (2)	76 (2)	64 (3)	64 (2)	54 (1)
St. Vincent & the Grenadines	67 (3)	81 (3)	67.5 (3)	81 (2)	66.5 (2)	69 (1)

**Source:** (Adapted) Patrick A.M. Emmanuel, Elections and Party Systems in the Commonwealth Caribbean 1944-1991, Caribbean Development Research Services (CADRES), Barbados, 1992, p.100

At the heart of this debility is the system of party funding and campaign financing in the region. In no state is there any regulatory framework for political parties. Despite their critical public function in the system of democratic governance these institutions remain in effect little more than private clubs. Hence there is no requirement for registration of parties or any standards of internal democracy, which parties have to meet. There is moreover, no obligation except in the case of Antigua-Barbuda<sup>67</sup> to disclose sources of party funding, either to the membership, public or any constituted authority. There are no limits on contributions to parties or candidates. Similarly there is a complete absence of restrictions on the level of expenditure by parties in and out of elections. Moreover, no system of public funding, whether

in cash or kind, exists for political parties. These gaps combined with the absence of transparency in party finances combine with escalating costs of election campaigns across the region to produce a formula for political corruption. Not surprisingly therefore in all Caribbean states, there are strong popular perceptions that political parties are engaged in political corruption even in the absence of documented evidence.

## Supreme Audit Institution

Each of the islands constitutions makes provision for a supreme audit institution in the office of the Director of Audit (as the office is styled in Dominica, Grenada, St. Kitts-Nevis) or of the Auditor General (Bahamas, Barbados). The method of appointment to that office is more or less uniform throughout the region and is carried out by the Head of State in accordance with the recommendation of the Public Service Commission after consultation with the Prime Minister. The provision in the constitution of St. Kitts-Nevis is typical: "The Director of Audit shall be appointed by the Governor General, acting in accordance with the recommendation of the Public Service Commission (s.82(1))... the Public Service Commission shall consult with the Prime Minister"<sup>68</sup>.

The functions of the Supreme Audit institution/office are specified in similar terms in all the constitutions. He is "at least once in every year" to audit and report on the public accounts of all officers and authorities of the state. Some constitutions specify the purpose of the audit as "to satisfy himself that all the monies that have been appropriated by Parliament and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it"<sup>69</sup>. In the fulfilment of these functions each constitution lays down that "the Director of Audit shall not be subject to the direction or control of any other person or authority"<sup>70</sup>.

Consistent with this constitutionally stipulated independence, the occupant of this office enjoys special security of tenure. In all jurisdictions, he may be removed from office (whether arising from infirmity of body or mind or any other cause) or for "misbehaviour"<sup>71</sup>. In this connection, the process of removal may be initiated only by the Prime Minister or the Chairman of the Public Service Commission making representation to the Head of State that the issue of removal ought to be investigated. Thereafter the Head of state is obliged to appoint a tribunal of Superior Court judges who shall conduct an enquiry, report on the facts and make a recommendation regarding removal of the Auditor. This issue of the security of tenure and independence of the Auditor General from the political executive has been tested in the case of Julia Lawrence, a Director of Audit in Grenada.

The report<sup>72</sup> stated that:

"Miss Lawrence's removal came about as a result of a letter of rebuke which she had written to the Prime Minister, when it was reported to her by the Clerk of Parliament, that the Prime Minister had submitted a report to Parliament, with inked alterations and scribbling, indicating his disagreement and displeasure with the report. The report in question was Audit Report No. 2 of 1999, and was a report on the Ministry of Works, Communications and Public Utilities and of the Awarding of Contracts for works. The report revealed a catalogue of breaches. In particular, the section dealing with the awarding of contract for works noted that "there was no mechanism in place for ensuring that all relevant contracts were presented to the Tenders Board for approval, and also that the details on contract documents were as approved by the board" (par. 34).

The Report also noted: "contracts awarded by the tenders Board were not countersigned by the chairman of the Tenders Board" (par. 35). Similarly, the report noted the practice by the Permanent Secretary to engage in sole sourcing for contracts far in excess of the \$500.00 upper limit, allowed for by the rules. In addition, the report condemned the fact that Cabinet belatedly sought, by Conclusion No. 1528 of September 1996, to give legal effect to the actions of the Permanent Secretary, by approving a request "from the Ministry of Communications and Works to sole source contractors to perform works...not exceeding \$60,000.00 in value until December 31<sup>st</sup> 1996" (par. 40). Further discrepancies were identified in the Audit Report. Most notable of these was the practice of breaking down large works to meet a newly created \$10,000.00 dollar requirement for sole sourcing, and to "avoid the scrutiny of the Tenders Board" (par. 41).

In addition, the report also alluded to the fact that at the time of the audit, the "amendment was not effected through legal process; and therefore the Cabinet Conclusion had no legal authority"(par. 41). Another major issue noted in the report was a request from the Ministry of Works to Cabinet for approval for a 3 million dollar traffic lighting system for St. Georges, despite the fact that no expenditure of such magnitude on this particular line item, was budgeted for in the annual estimates. The request met the approval of Cabinet and an agreement was signed with a Company "Peek Traffic" to supply the Government with intersection traffic control installations, spare parts, documentation and training. However, the Director lamented that, her attempt "to review the project to determine whether or not the products agreed upon were delivered", were unsuccessful since "the details of the products were not made available" to her. The report also noted that despite the attempts to provide the Permanent Secretary ample opportunity to respond, and to influence the final report, he made no attempt to do so (par. 56). The report concluded by noting that for the period under review, "there was widespread disregard for the controls established to ensure that the services provided by MOW were provided in a regular manner, safeguarding its assets and resources; and securing the accuracy and completeness of its accounting records"(par. 57).

It is on this basis that the Director had written to the Prime Minister requesting that he forward the report to Parliament. When therefore the Clerk informed her, that after much delay, the Prime Minister had submitted a report that showed signs of alterations, she wrote, without independent verification, a strongly worded letter, which was used as a basis for her dismissal on the grounds of misbehaviour. She was found by the tribunal to be at fault and was subsequently dismissed. She appealed the decision before the High Court, and won her case. The Government appealed to the OECS Court of Appeal and the decision of the High Court was overturned, and the decision of the original tribunal upheld. The episode has been entered into at some length because it provides an actual working sense of the independence or lack thereof of the Director of Audit.<sup>73</sup>

Despite these formal requirements designed to ensure the effectiveness of the office, there are nevertheless serious deficiencies in the functioning of the Auditor General throughout the region. Firstly the office is very often inadequately staffed and resourced. In any event the Auditors General are dependent on the Ministries of Finance for funding and where there are budgetary constraints, these impact negatively on the competent and thorough fulfilment of the auditing responsibility. Related to this is the question of the timeliness of the Auditor Generals reports. Of the eight countries under review, in only one, St. Kitts-Nevis has the annual report of the Auditor General been consistently up to date. The governments of Grenada, St. Lucia and St. Vincent and the Grenadines are considerably behind in the preparation, certification and submission of annual financial accounts and audit reports to the House of Assembly<sup>74</sup>. In Antigua-Barbuda the report is twelve years in arrears! A connected deficiency relates to what happens to the reports after they are tabled in Parliament.

**Table 19 Status of Preparation and Submission of Government Financial Accounts and Audit Reports of Selected CARICOM States**

Country	Annual Financial Accounts of the Government for the Fiscal Year Ending:	Date Corrected/certified Accounts Submitted by Accountant General/MOF to DOA	Date of Submission by DOA to MOF with Certification	Date of transmittal by Minister of Finance to House Assembly for Consideration
Antigua and Barbuda	1995-2000 (first report since 1989)	-	-	-
The Bahamas	1998 (4 yrs in arrears)	2002	-	-
Barbados	2002			
Dominica	June 30, 1999	September 30, 1999/February 2000	March 29, 2000	April 2000
Grenada	(i) Dec 31, 1992	(i) Nov. 1997	(i) Nov. 30, 1997	(i) Sept. 22, 1998
	(ii) Dec 31, 1993	(ii) Dec. 1997	(ii) Dec. 31, 1997	(ii) Sept. 22, 1998
	(iii) Dec 31, 1994	(iii) Mar. 1999	(iii) March 31, 1999	(iii) and (iv) Status of Action Not Known to DOA
		(iv) Special Audit Report on Ministry of Works, Communications and Public Utilities	(iv) March 31, 1999	
St. Kitts-Nevis	Dec. 31, 1999	Submission date not available	Sept 29, 2000	October 2000
St. Lucia	(i) Mar. 31, 1996	(i) Around Nov 1998	(i) Nov. 18, 1998	(i) On the table of the House - date not available
	(ii) Mar. 31, 1997	(ii) Not completed as of Nov. 2000	(ii) Not applicable as DOA has not received certified accounts from the Accountant General	(ii) Not Applicable
St. Vincent and the Grenadines	(i) Dec. 31, 1995	(i) October 1999	(i) Nov. 3, 1999	(i) June 2000
	(ii) Dec. 31, 1996	(ii) June 1999	(ii) June 30, 2000	(ii) and (iii) December 2000
	(iii) Dec. 31, 1997	(iii) June 1999	(iii) June 30, 2000	

**Source:** The World Bank. *OECS Country Procurement Assessment Report* (Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines), Volume I, Findings and Recommendations, April 2003, Table 6, p. 23. Data for Antigua-Barbuda, Bahamas and Barbados extracted from country specific

NIS questionnaires, (-) indicates that data was not available. DOA- Director of Audit; MOF- Minister of Finance.

'Best practice' (as exemplified in the Jamaican case) would dictate that the Director of Audit/Auditor General's reports would be subjected to the careful scrutiny by a special committee of parliament, the Public Accounts Committee chaired by an opposition member meeting in a public session. Only two of the constitutions under consideration - Antigua-Barbuda and St. Vincent-the Grenadines make any provision for such committees.

However, in any event, in cases where the PAC does exist, they are invariably entirely ineffectual. Barbados is not a-typical. Up until 1998, "The Public Accounts Committee has reported to Parliament only twice in its more than 30 years of existence. Even when it has met, the record of its meetings has certainly not been made available to the public. Its functioning has been such that we are left to conclude that as presently constituted it is not undertaking its very important function... there is an obvious need to strengthen this Committee by giving it constitutional status and adequate resources, whilst expanding its membership to include members of the Senate"<sup>75</sup>. Within recent times however, there has been an attempt to revive the PAC in Barbados. Its first order of business is to investigate the tendency of government to lend millions of dollars to state entities without parliamentary approval. One such is the Gems project where, according to the Leader of the Opposition "... the focus of the investigation into the Gems of Barbados would be very much on the capacity of the Cabinet to lend as much as \$145 million to HRL (the Gems' parent company) without seeking the approval of Parliament"<sup>76</sup>.

This particular shortcoming in dealing effectively with the Reports assumes more serious significance to the extent that often these Reports detect substantial irregularities in the Public Accounts.

**Table 20 Existence of Public Accounts Committees**

Country	Antigua & Barbuda	The Bahamas	Barbados	Dominica	Grenada	St. Kitts-Nevis	St. Lucia	St. Vincent & the Grenadines
PAC	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Effective	No	No	No	No	No	No	No	No

**Source:** NIS country specific questionnaire responses

For example, it was not until 1999 that the Director of Audit for Grenada reported on the Grenada government accounts of 1994. The Report documented a number of irregularities and concludes "the Statement of Accounts for 1994 did not give a true and fair view of the state of affairs of the government of Grenada... nor of its revenue and expenditure for the year."<sup>77</sup> More pointedly the Director of Audit condemned "the shoddy manner in which the accounts were prepared" and attributed the refusal of the Accountant General to heed his observations "to one or more of the following: incompetence, indifference and/or an attempt to mislead"<sup>78</sup>. Most pointedly, the Director of Audit asserted, "This failure to account properly opens the door very wide to corruption"<sup>79</sup>.

Clearly in Grenada and in the other territories where the Auditor's reports receive ineffective or non-existent scrutiny from a properly functioning PAC "the door" remains "very wide open to corruption"<sup>80</sup>

## Judiciary

The constitutions of the Bahamas and Barbados<sup>81</sup> each make provision for superior courts in each country of broadly similar structure, viz:

- The Supreme Court.
- The Court of Appeal.
- Her Majesty in Council, i.e. the U.K. Privy Council.

Below these are the magistrates' courts. The six other island states of the Eastern Caribbean provide for an identical hierarchy but, importantly, also for sharing a common institution in the Eastern Caribbean Supreme Court<sup>82</sup>. This Court was established (prior to independence of these countries) in 1967 by the West Indies Associated Supreme Court Order No. 223, which had subsequently been incorporated into the independence constitutions. The court serves, in addition to the six, three British Overseas Territories, namely, Anguilla, the British Virgin Islands and Montserrat. The court sits in two divisions - The Court of Appeal which is itinerant and consists of the Chief Justice and three Justices of Appeal. The second division is the High Court, which is composed of thirteen High Court Judges each of whom is assigned as a resident judge in the various member states.

The provisions relating to the appointment and tenure of Superior Court judges in the eight states are broadly similar. In the cases of the Bahamas and Barbados the Chief Justices (and the President of the Court of Appeal in the case of the Bahamas) are appointed by the Governor General "on the recommendation of the Prime Minister after consultation with the Leader of the Opposition"<sup>83</sup>. Her Majesty the Queen appoints the Chief Justice of the Eastern Caribbean Supreme Court on the recommendation of the Judicial and Legal Services Commission. This recommendation must however have the approval of the heads of government of all the Organization of Eastern Caribbean States. In respect of all other appointments to the superior courts of these states, these, with two qualifications - Barbados and the Bahamas - are done by the Heads of States on the recommendation of the Judicial and Legal Services Commissions. In Barbados, this provision of the Independence Constitution was amended in 1981 to make all superior court judges appointed by the Governor General "on the recommendations of the Prime Minister after consultation with the Leader of the Opposition"<sup>84</sup>. In the Bahamas, judges of the Court of Appeal are not appointed on the recommendation of the Judicial and Legal Services Commission but by the Head of State "on the recommendation of the Prime Minister after consultation with the Leader of the Opposition"<sup>85</sup>

In all eight jurisdictions however superior court judges enjoy special security of tenure. They may only be removed from office "for inability to discharge the function of his office... or for misbehaviour"<sup>86</sup>. This removal process can only be initiated by the Prime Minister (in the case of a Chief Justice or President of the Court of Appeal and by the Chief Justice (in the case of other High Court Judges) or by the President of the Court of Appeal (in the case of Justices of Appeal). Thereafter the matter shall be investigated by a judicial tribunal, which determines whether the question of removal should be referred to the judicial committee of the Privy Council. In this regard it is especially worthy to note that this process for the removal of the

superior court judge has never been activated in any of the jurisdictions and hence no judge has had their tenure terminated by intervention of the political directorate<sup>87</sup>.

This record becomes more significant in the context of the exercise of the function of "judicial review" by superior court judges in the Caribbean. In a number of important judgments, the judiciary has ruled in favour of the individual and against the government in cases where the citizen has alleged violation of constitutional provisions including fundamental rights and freedoms. Four cases are worthy of mention by way of illustration. "The Rochamel case, in St. Lucia emerged as a public issue in early 2003. The request from Rochamel to guarantee for cost overruns of the construction of the Hyatts Hotel was December 2002. Martinus Francois sued government arguing that the PM's guarantee to Rochamel was illegal as parliament never sanctioned the agreement. Francois asked the courts to declare the guarantees as illegal. Essentially there were two agreements. An agreement of Intent with the developers of the Hyatt property on Pigeon Point, St. Lucia and the second agreement that is the agreement with the bank for the arrangements for the guarantee. The cost overruns were \$8.75 million, and, \$4 million. Government went for Parliament approval with that Resolution in December 2002, which is a requirement of the Finance Act. Section 41 prohibits government from involving government in any financial liability unless that guarantee is given in accordance with an enactment or unless approved by resolution of parliament". The Court ruled in favour of Francis and against the Government of St. Lucia<sup>88</sup>.

In Barbados, in 1982 the High Court ruled against the Attorney General of Barbados and in favour of the applicant, a lecturer in law at the Cave Hill Campus of the UWI. Her contention that the magistrate of a lower court had violated her fundamental right to personal liberty was upheld and damages and costs were awarded against the state<sup>89</sup>. In Grenada in 1977, the West Indies Associated States Supreme Court (the predecessor of the Eastern Caribbean Supreme Court) similarly ruled that the Government of Grenada by way of a compulsory land acquisition order had violated the constitutional right of Grand Anse Estates Ltd to protection from deprivation of property and ordered payment of appropriate compensation<sup>90</sup>. In the Bahamas in 1984, in response to a citizen's application arising out of a police road-block, the Chief Justice granted a declaration that the police right "to erect barriers and to stop vehicles did not incorporate a right to search the vehicles nor the persons of the drivers or passengers" and that this therefore violated Art. 21(1), related to no search of person or property without consent, of the Bahamian constitution<sup>91</sup>. Taking into account the overall record of judicial review it is fair to conclude; "the judges of that [ECSC] court have shown much valour and fearlessness, thereby incurring the undying hostility of some Heads of Government"<sup>92</sup>.

Nevertheless much anxiety has been expressed that the independence of the judiciary at the superior court level, but even more so at lower levels, is under threat from political interference and lack of economic independence<sup>93</sup>. The Dumas Task Force appointed by the Chief Justice of the ECSC to examine the structure and functioning of the Judicial and Legal Services Commission found that the JLSC was generally regarded as a "rubber stamp...which invariably acted in accordance with the wishes of the Chief Justice and the respective Heads of Government"<sup>94</sup>. More over the Task Force recorded "the considerable dissatisfaction expressed to it throughout the length and breadth of the region with the fact that, under the SCO, the political directorate plays a key role in certain judicial appointments and in the extension (or not) of judges tenure of office"<sup>95</sup>. In fact the requirement for political consensus regarding the appointment of the Chief Justice has meant that the JLSC recommendation on occasion has not been accepted.

A connected issue is the absence of judicial control of judicial budgets and the consequential dependence of the judges on governments for the quality of housing, official cars for transportation and other accoutrements of office. This matter came sharply to the fore in September 1999 in Trinidad and Tobago where the Chief Justice of Trinidad and Tobago alleged that "Efforts are now being made to make the Judiciary's access to the funds voted to it by Parliament subject to the approval and disapproval of the Attorney General...If the

Attorney General can control the flow of funds to the Judiciary, he will have a stranglehold on the Judiciary<sup>96</sup>.

This led to the appointment of a Commission of Inquiry headed by Lord McKay, a former Lord Chancellor of Great Britain to examine and report on, among other things "the Operation of the existing financial and administrative rules and procedures for the release and the draw down of funds allocated to the Judiciary by the Parliament..."<sup>97</sup>. In this connection, a recent diagnostic assessment done by the Inter-American Development Bank made an important recommendation: "... a total budgetary allowance should be set by agreement between the executive, the legislative and the judicial branches of government. Then each individual component should be allowed greater flexibility in allocating their total allowance, with the Ministry (of Finance) playing a coordinating role"<sup>98</sup>.

Regarding the lower courts, the magistracy does not enjoy the security of tenure of the High Court Judges; this has been a major cause of concern. Not surprisingly a number of official bodies have recommended that the status of the magistracy should be upgraded in order to better ensure independence and insulation from the political directorate<sup>99</sup>. Overall, it may be concluded, "the judiciary... has made considerable progress in the matter of the executive recognizing the independent status of the judiciary. Interference on political grounds takes place rarely and indirectly..."<sup>100</sup>

## Civil Service

The structure, composition and functions of the civil service in each of the territories is similar though not set out in the constitutions. These all contain a chapter - entitled "The Public Service"<sup>101</sup> - but the provisions therein deal primarily with the establishment and composition of the Public Service Commission, the appointment to particular offices and the role of the public Service Appeal Board in matters relating to the discipline of public officers. In all cases however the civil service is divided among a number of Ministries and Departments. At the head of each Ministry is a Minister whose responsibility is set out in identical terms in each constitution, viz: "Where any Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department"<sup>102</sup>

This "general direction and control" however does not extend to responsibility for supervision of the Ministry. The constitutions provide that "subject to such direction and control" supervision of "every department of government" shall be the responsibility of a "public officer... a Permanent Secretary"<sup>103</sup>. In each island, the Civil Service manuals, regulations and conventions define more fully the respective duties of the Minister and the Permanent Secretary arising from this constitutionally prescribed distinction between "general direction and control" on the one hand and "supervision" on the other. In general however, the relationship is designed to ensure that the Permanent Secretary and the civil service in the ministry which he supervises is "impartial and responsive and its members non-partisan in attitude and thus ready to serve whoever are, as the result of the democratic process, elected to represent the people"<sup>104</sup>

As such, the recruitment, promotion and discipline of the civil service is to be non-political. On the one hand, the political directorate is debarred from taking a direct part in these processes, which are the province of the Public Service Commission and its administrative arm in the establishment departments/offices. In this regard all the constitutions (with the exception of Barbados) provide that in the fulfilment of its responsibility, the Public Service Commission "shall not be subject to the direction or control of any other person or authority"<sup>105</sup>. In return,

on the other hand, the civil servant is in all cases prohibited from engaging in political activity on behalf of one or another party. Despite some difference of degree with other Orders, the Civil Service Orders of St. Vincent and the Grenadines are typical, viz:

"Officers are expressly forbidden from engaging in party political activity at any time such as:

- o Holding office or taking active part in any political organization.
- o Engaging publicly in political controversy or publicly criticizing the policy of Government or individual Ministries.
- o Writing letters to the press, publishing books or articles, circulating leaflets or pamphlets or participating in radio or television broadcast on political matters.
- o Canvassing in support political parties or in any way publicly supporting or indicating support for any political party or candidate.
- o Speak or vote or take part in a public political meeting.
- o Participate on behalf of any party or candidate, or act as an agent or sub-agent.
- o Participate in the selection process for the nomination of a person to represent a political party as a candidate in any elections to the House of Assembly.
- o Address the electorate at elections to parliament or to a local Government body as a candidate for such elections."<sup>106</sup>

Moreover, whether on duty or on leave, the regulations stipulate that no officer shall:

- o "Contribute to a newspaper, periodical, magazine anonymously or otherwise take part directly or indirectly in the management.
- o Allow themselves to be interviewed on the questions of public policy or speak on broadcasts on matters that may reasonably be regarded as of a political nature or administrative nature.
- o Act as editor to a newspaper, periodical, magazine anonymously or otherwise or take part directly or indirectly in the management.
- o Speak in public or broadcast in any way on matters which may be reasonably regarded as of a political or administrative nature."<sup>107</sup>

While the rationale for prohibiting civil servants from taking part in the partisan politics is clear, the breadth of these exclusions may be regarded as extreme and arguably in breach of the fundamental rights provisions of the Constitutions (cf e.g. the De Freitas case supra).

In any event, the small scale of these micro-states and the all pervasiveness of party political competition in the majoritarian systems, which prevail throughout the region, challenge the political independence of the civil service in special ways. In the first place, even where the civil servant is not an active partisan, his political inclinations are likely to be known as anonymity is next to impossible in small communities. Accordingly, ministers, at best over-zealous in the resolve to ensure the fullest policy-implementation at the administrative level, at worst intent on victimising opposition supporters, are tempted to interfere in matters of appointment, transfer, discipline, etc. where civil servants are perceived as sympathetic to the opposition. Even where this may be neither the perception nor the reality, political interference to favour political sympathizers in the civil service may be motivated by the desire either to avoid sabotage of policy directives by unfriendly bureaucrats or simply, to reward political support from friendly civil servants. No jurisdiction in the region escapes allegations of this nature. In the extreme case of Antigua and Barbuda, it appears that "the rules governing the

appointment of civil servants are routinely and systematically violated... There is the routine appointment of heads of department by Ministers which is supposed to be done by the PSC.<sup>108</sup> Even where rules are not flouted in this manner, "lobbying" from the political directorate on behalf of or against certain civil servants does take place<sup>109</sup>.

On the other hand, while political interference in the civil service is fairly widespread, perhaps only slightly less so, is the violation by civil servants of rules prohibiting participation in political activity. In Dominica for example "more and more civil servants are now seen attending public rallies and wearing political colours of various parties"<sup>110</sup>. In St. Lucia as well civil servants have been known to take part in political organizations and in public criticism of the government. Once again small scale is a contributing factor.

In such a situation where the pool of professional skills is necessarily shallow, the civil service constitutes an important segment of a middleclass called upon to provide informal leadership and guidance on matters of public interest. The civil servant is therefore prone to be drawn into or to involve himself in partisan politics more than in the circumstances of more developed, larger societies where many critical inputs of the policy process derive from established universities, respected think-tanks, developed media commentary, relatively independent lobbies (of labour, business, the church, etc.).

Nevertheless despite these challenges to the political impartiality of the civil service the rules require merit-based recruitment, promotion and discipline. Regulation 12 of the Barbados Service Commissions Regulations of 1978 is in substance, representative of the regional situation. Five factors must be taken into account for promotion within the service, viz: (1) seniority (2) experience (3) educational qualification (4) merit (5) ability "with the latter two being given higher weighting as the degree of responsibility and initiative increases"<sup>111</sup>. Nevertheless credible allegations are made that these provisions are inconsistently followed in practice and consequently representations put forward in many territories "on the need to eliminate political influence and interference in public service matters relating to appointments removal and discipline of public officers"<sup>112</sup>.

Specifically on the issue of corruption, model drafts of a Prevention of Corruption Act and an Integrity in Public Life Act have been drafted for the OECS to bring these territories into compliance with the Inter-American Convention against Corruption<sup>113</sup>. A number of states have already criminalized corruption including Grenada, Dominica, St. Lucia, St. Vincent and Antigua-Barbuda, primarily through Integrity in Public Life Acts<sup>114</sup>. Though allegations of corruption are significant, few successful prosecutions have taken place under these statutes. Nevertheless the remaining territories are in various stages of consideration and of enactment of similar legislation. All territories however prohibit, under the civil service staff orders/regulations, public servants from soliciting or receiving gifts and hospitality of various kinds. The St. Lucia Staff Orders is typical "Public Officers shall not solicit gifts or accept gifts for services rendered in their official capacity"<sup>115</sup>. Despite the universality of this prohibition, there is little monitoring and no enforcement in practice. Gift giving and receiving is regarded as widespread<sup>116</sup>. The departments whose officers are most prone are reportedly the Registrar General, the Customs, Immigration and Road Traffic.

Two observations are worthy of note in conclusion in relation to the civil service. One is that in all the states the civil servant is guaranteed due process by the constitution and the staff orders. Civil servants have in practice sought and won redress in cases alleging unfair treatment<sup>117</sup>. In some instances this has reached the level of the Supreme Court and in celebrated cases the civil servants' protection against being wrongful dismissal has been confirmed and reinforced. In one particularly important case, the High Court found in favour of the Director of Audit in Grenada who had been dismissed in a process initiated by the Prime Minister and ordered, "that the applicant be reinstated without loss of pay or other benefits"<sup>118</sup>. The Eastern Caribbean Supreme Court however subsequently overturned this judgement. Civil Servants also enjoy protection from trade unions and associations of which they are members.

Finally, public sector reform programmes are on the agenda in the region. In some cases these programmes are sector specific, for example, confined to public procurement systems (as in the case of the OECS)<sup>119</sup>; in others, for example, Barbados, the reform is aimed at modernising the service and at improving levels of efficiency across-the-board<sup>120</sup>. In the Bahamas, the Government has not yet undertaken a formal programme but is in consultation with external agencies on the matter<sup>121</sup>.

## Police and Prosecutions

The Police Forces of the region are similar in terms of governing statutes, powers, duties and organisation. Each is under the operational direction of a Commissioner or Chief of Police who is responsible to the Minister in charge of national security. The method of appointment and removal of the Commissioner is designed to ensure a degree of insulation from partisan politics.

In all cases (except that of the Bahamas) the police chief is appointed by the Head of State in accordance with the recommendation of a Police Service Commission, which under the constitution "shall... not be subject to the direction or control of any other person or authority"<sup>122</sup>. Despite this prohibition however, the Prime Minister in all the Eastern Caribbean states (i.e. with the exception of Barbados) exercises a constitutional veto over the appointment of the Commissioner in so far as it is provided that before making the recommendation for appointment to the Head of State, he must be consulted and "if the Prime Minister signifies his objection to the appointment of any person... the Commission shall not advise the Governor General to appoint that person"<sup>123</sup>. In the Bahamas the Governor General on the recommendation of the Prime Minister appoints the Police Chief after consultation with the Leader of the Opposition<sup>124</sup>.

In all the jurisdictions with the exception of the Bahamas and Dominica, the removal of the Chief of Police is in the power of the Police Services Commission subject to appeal to the Public Service Appeal Board. In the Bahamas however, the holder of the office enjoys a greater constitutional protection from removal in so far as removal requires an enquiry and supportive recommendation from a judicial tribunal<sup>125</sup>. At the other extreme, the removal of the Police Chief in Dominica is vested "in the President acting in accordance with the advice of the Prime Minister, given after consultation with the Leader of the Opposition and the Police Service Commission"<sup>126</sup>. Whatever the constitutional provisions, the practical experience suggests two trends. The first is one of political non-interference in the tenure of the Commissioner, a trend most reflected in Barbados where no Commissioner of Police has ever been removed before the age of retirement<sup>127</sup>. The second tendency is one in which the tenure of the Police Chief is dependent on retaining the confidence of the political directorate. When that confidence is lost invariably the chief goes.

Regarding police corruption, there are often allegations, but little substantive evidence.. Hence few police have been disciplined much less dismissed arising from internal enquiry into police corruption by the force. Over the last five years only in Dominica and in the Bahamas have any police officers been disciplined for corrupt behaviour<sup>128</sup>. Beyond the question of corruption, complaints by the public in relation to police conduct are either forwarded to the Parliamentary Commissioner/Ombudsman (e.g. in Barbados) and/or investigated internally by a police department with that responsibility.

**Table 21 Police and Population**

Country	Force/Service Strength	Police: Population (per 100,000)	Specialist Units within the Police Force (dealing with corruption matters)
Antigua & Barbuda	552	812	-
The Bahamas	2,046	686	Commercial Crime Unit
			Central Detective Agency
			Complaints and Corruption Unit
Barbados	1240	496	-
Dominica	442	593	-
Grenada	719	799	Financial Intelligence Unit
			Criminal Investigation Department
St. Kitts-Nevis	384	853	-
St. Lucia	716	459	-
St. Vincent & the Grenadines	789	658	-

**Source:** Figures on Police force strength, Ministry of National Security, Government of Jamaica (personal communication) and data on the existence of specialist units was extracted from NIS country specific questionnaires.

## Director of Public Prosecutions

All the states make provision for the office of the Director of Public Prosecutions (DPP)<sup>129</sup> and in all, save the Bahamas, the independence of the office is provided for in the Constitutions<sup>130</sup>. The formula is very similar throughout the region. The DPP is appointed, by the Head of State "acting in accordance with the advice of the Judicial and Legal Service Commission"<sup>131</sup>. In Dominica the advice comes from the Public Service Commission<sup>132</sup>. The holder of the office has to be specifically qualified and all the constitutions, with the exception of the Bahamas, provide that "the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority"<sup>133</sup>. In the Bahamas, legislation is in train to make the DPP's office constitutionally protected in this manner but as yet he remains in effect subordinate to a politically appointed Attorney General.

The DPP also enjoys security of tenure. He may only be removed on the recommendation of a judicial tribunal set up by the Head of State to consider the question either on the representation of the Judicial and Legal Service or of the Prime Minister. Such a process has never been set in motion much less resulted in the removal of the DPP in any of the states. Nevertheless, as a general rule, two factors militate against the practical independence and effectiveness of the DPP.

In the first place, the office is dependent on the Executive for resources including staffing. Either because of the economic straits of the state concerned or the unwillingness of the political directorate, there is a universal complaint that the office is inadequately resourced<sup>134</sup>. The case of Antigua-Barbuda is extreme but indicative of the other states: "The DPP... does not control the financing of the Department and is very dependent on the central government.

Very often therefore whereas money is on the books since it has been provided for in the annual estimates, it is difficult to draw down... 'It is like pulling a dragon's teeth... that is a fetter...if you have to beg the Attorney General for money... there is no need for greater allocation to cover such items as:

- Access to online legal texts.
- To purchase books. The officer gets 1 book per year.
- Computerisation<sup>135</sup>.

A second constraint on the real independence of the office has been the practise of appointing DPP's on contract subject to renewals or to extensions. In St. Vincent and the Grenadines this practice has recently embroiled the office and the political directorate in considerable public controversy. The contract of two former DPPs was not renewed allegedly because of a number of decisions, which did not find favour with the political directorate. Subsequently, the person appointed to act as DPP attracted credible accusations of being insufficiently impartial and of having "strong political leanings to the governing party which does not hesitate to twist the arm of public servants to do the party's bidding..."<sup>136</sup>

It should be noted that this issue of compatibility of the non-renewal of contracts for holders of the office of DPP with the constitutional provision for the security of tenure of the DPP has been subjected to judicial scrutiny. In 1998 the Supreme Court of Grenada heard an application from the Grenada Bar Association that the refusal of the Grenada Minister of Legal affairs to grant a request for renewal of contract to DPP Malcolm Holdip was inconsistent with the provisions of the Grenada constitution applicable to the removal of the DPP from office and was therefore null and void. The Supreme Court of Grenada ruled in favour of the Bar Association. The case was taken by the Grenada Government on appeal to the Eastern Caribbean Supreme Court, which supported the lower court and ruled against the Grenadian authorities. In his ruling the Chief Justice stated in part: "the holder of the Officer of Director of Public Prosecutions cannot be removed on any ground other than inability or misbehaviour before he attains the prescribed age. This leads inevitably to the ruling that he cannot be removed on the basis of the effluxion of time"<sup>137</sup>

Despite the constraints however, within recent times, holders of the office have initiated important prosecutions demonstrating some degree of political independence and prosecutorial courage. In Antigua and Barbuda for example, the DPP has charged eight persons including two former Ministers of Health arising out of the findings of a Commission of Enquiry into corruption relating to the Bird Government's Medical Benefits Scheme<sup>138</sup>. These prosecutions are now under way. Similarly in Grenada there are currently three cases of fraud now being processed, including against Mr. Michael Baptiste, the former Leader of the Opposition charged with Fraudulent Breach of Trust<sup>139</sup>. These Cases indicate that with fewer constraints, the offices of the DPPs in the region would undoubtedly be more effective.

## Public Procurement

There can be little doubt that both in terms of formal requirements as well as actual practise public procurement systems fall far short of meeting the needs of national integrity<sup>140</sup>. In all cases, Financial Regulations/instructions and the Stores rules/regulations under the Financial Administration and Audit Acts of the various states establish the public procurement regime. As such the regulatory framework may be modified or amended by the Minister of Finance with neither mandatory nor effective Executive or Legislative oversight. Moreover none of

these regimes includes an independent contractor general's office and, as we have seen, the Auditors General function ineffectively to correct irregularities in the systems of public finance. Within these parameters, all eight states have similar public procurement structures.

**Table 22 Procurement Decision-Making in Select Caribbean States<sup>1</sup>**

Country	Existence of a CTB	DTB Approval Required	CTB Approval Required	Remarks
Antigua-Barbuda	Yes. Called the Central Tenders Board, but has displayed high inefficiency in its role.	Not applicable. There is no DTB, the CTB has the sole and exclusive authority to undertake procurement processes.	Yes but in practice there are clear cases of political interference, leading to non-consultation of the CTB as well as disregard of its regulations.	The Medical Benefit Scheme (MBS) is the most recent case showing the inadequacies of the current procurement procedure. The regulations provide for avoiding conflict of interest. The IPL Act also monitors Public procurement officers earning above EC\$4,000 per month and members of the Tenders Board.
Bahamas	Yes. There is a CTB but the Central Purchasing Unit (CPU), Treasury and the Cabinet also share the task of monitoring procurement.	At the Departmental level purchases below \$500 <u>do not</u> require official approval. For purchases valued between \$500 and \$50,000, the CPU and then the Treasury must approve them.	CTB approval is required for purchases in excess of \$50,000 but not exceeding \$250,000. The Board then makes its recommendations to the Minister. For purchases in excess of \$250,000, the approval of the Cabinet is required.	In practice these thresholds are adhered to. However, there have been instances in which conflict of interest concerns have led to questionable outcomes particularly at the level of Cabinet procurement of works. The Code of Ethics for Ministers also prohibits abuse by Cabinet members for personal gain, but this too has been questioned in practice.
Barbados	Yes. There is a CTB	At the departmental level accounting officers can source goods by review of multiple supplier quotations not exceeding \$10,000. Purchases valued between \$20,000 and \$100,000 require a formal contract between the Solicitor General and the supplier.	The CTB reviews the bidding process for purchases exceeding \$100,000 in value.	In practice the rules are not always observed. The Auditor General notes that formal contracts often neglect inclusion of safeguard and performance clauses. This breach was repeatedly seen in the case of the Ministry of Public Works.

Country	Existence of a CTB	DTB Approval Required	CTB Approval Required	Remarks
Dominica	Yes. CTB in Regulations but in reality <u>does not exist.</u>	Not applicable. There is no Departmental Tender Board (DTB). This is a statutory requirement.	The stores regulations require that contracts for goods exceeding the value of EC\$5,000 and for common-user supplies involving more than one ministry the matter must be considered by CTB. <u>Not being done in practice.</u>	Contracts for goods are entered into after obtaining the approval of the MOF. All works exceeding EC\$10,000 processed by MOCW; approvals of PS/MOCW and Minister for Communication and Works required. The Minister refers to Cabinet generally for cases exceeding EC\$50,000.
Grenada	Yes. Called the Public Tenders Board (PTB).	Works contracts exceeding EC\$10,000 but not exceeding EC\$100,000 requires the approval of the DTB.	Contracts for goods and works exceeding EC\$ 10,000 and EC\$100,000 respectively, require the approval of the PTB.	If the contracts value exceeds \$EC\$100,000, the approval of the Cabinet is required.
St. Kitts and Nevis	Yes. Called Tenders Board under the Financial Instructions. <u>Not in existence.</u>	Not Applicable. There is no Departmental Tender Board (DTB), as this is not a statutory requirement.	The Financial instructions and the Stores rules require that contracts for works exceeding EC\$3,000 and goods exceeding EC\$300 (except for stationery) must be considered by the Tenders Board. (This is the CTB). <u>Not being done in practice.</u>	Works contracts exceeding EC\$3,000 require approval of the PS and the MOCW. The approval of the Cabinet is obtained if the value exceeds EC\$50,000. With regard to contracts for goods exceeding the value of EC\$300,000 MOF approval is required. The Office of the Prime Minister procures stationery items.
St. Lucia	Yes called CTB.	Goods and works contracts valued at EC\$20,000 or more, but not exceeding EC\$100,000, require the approval of the Departmental Tender Board. Its decision is final.	For goods and works contracts exceeding EC\$100,000.	CTB decision is final. The Minister of Finance (usually the Prime Minister occupies this portfolio) has the right to issue contracts in cases of emergency without consulting the CTB <sup>2</sup> .
St. Vincent and the Grenadines	Yes. Called Central Supply Tenders Board (CSTB)	Goods and works contracts valued at EC\$20,000 or more but not exceeding EC\$250,000, must be ratified by CSTB.	Goods and works contracts valued at EC\$250,000 or more.	CSTB decision is final.

**Source:** (Adapted)

1. The World Bank. OECS Country Procurement Assessment Report (Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines), Volume I, April 2003, Table 1, p.3. The data for Antigua-Barbuda, Bahamas and Barbados was extracted from Country specific questionnaires and <http://alca-ftaa.iabd.org/eng/gpdoc2/INTRO.htm>
2. Interview with the Prime Minister Dr. the Hon. Kenny Anthony

**Table 23 Statutory Requirements and Practice Followed for Competitive Tendering and Advertising for Procurement Works**

Country	Statutory Requirements—competitive tendering and advertising for works contracts	Actual practice under local funding
Antigua and Barbuda	Requires the CTB to publish by notice in the Gazette, local and/or overseas newspapers. Selective tendering is also allowed with the approval of the Minister (NB. No distinction made between procurement of goods and works).	While the Tenders Board Act clearly stipulates that bidding should be competitive, even in the Selective Tendering process in <u>practice</u> this requirement has been ignored <sup>1</sup> .
Bahamas	Not all public procurements are advertised to the private sector. Additionally public works procurement may be selective based on past experience especially in the area of major development projects. Except in the case of projects funded by international donor agencies. In such cases, standard international competitive bidding rules apply. When published, it is in local newspapers, the government gazette and recognized international technical journals in English only.	Sole sourcing is generally discouraged at all levels. Ministers also have some power of discretion under the selective tendering process. Historically this has been an area of abuse with allegations of nepotism and cronyism.
Barbados	Yes. Two separate notices placed in two daily newspapers for all procurements exceeding \$100,000. The process can also be activated for purchases below \$100,000 in value.	In practice sole sourcing is discouraged except in the case of specific works, which cannot be provided by more than one supplier who has demonstrated reliability. Costing is still a major influence in such an instance.
Dominica	Not required.	Advertisement is <u>not done</u> . Selective tender procedure is followed by soliciting bids from three or more firms.
Grenada	Not required. There is no practice of bulk purchasing by the government despite the mandate to the current Procurement Officer in the MOF to do so. Individual Ministries conduct their own purchases, resulting in the prevalence selective bidding practices <sup>2</sup> .	Advertisement is <u>not done</u> <sup>2</sup> . On occasion the MOCW places the invitation for bid on their notice board. Selective Tender procedure is followed by soliciting bids from three or more firms.
St. Kitts and Nevis	Required for contracts exceeding EC\$3,000 (US\$1,111 equivalent).	Advertisement is <u>not done</u> <sup>3</sup> . Selective tender procedure is followed by soliciting bids from three or more firms.

Country	Statutory Requirements—competitive tendering and advertising for works contracts	Actual practice under local funding
St. Lucia	Required for contracts exceeding EC\$100,000 (US\$ 37,037 equivalent).	Advertisement is <u>not</u> done. Selective tender procedure is followed by soliciting bids from three or more firms.
St. Vincent and the Grenadines	Required for contracts exceeding EC\$250,000 (US\$92,593 equivalent).	Most ministries advertise bidding opportunities for contracts exceeding EC\$250,000 (US\$92,593 equivalent), unless they obtain a waiver from CSTB.

Source:(Adapted)

The World Bank, *OECS Country Procurement Assessment Report (Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines)*, Volume I, April 2003, Table 2, p.8. The data for Antigua-Barbuda, Bahamas and Barbados was extracted from Country specific questionnaires and <http://alca-ftaa.iabd.org/eng/gpdoc2/INTRO.htm>

1. It was noted in an interview with Prime Minister Hon. Lester Bird that the law allows Ministers to grant licences.
2. Practice deduced from interviews and observations under NIS study.
3. Interviews conducted under the study indicate a discrepancy as it was noted that major procurements are widely advertised in newspapers and the official gazette. While in the case of lower level ministerial procurements, advertisements are not generally used.
4. Interviews conducted under the study indicate a discrepancy as it was noted that invitations for tenders are advertised in the official gazette and this may be supplemented by use of the local press. Only the instances in which Cabinet has initiated a selective tendering process or the respective Minister, is the publicity requirement bypassed. However the Chairman of the Tenders Board receives a copy of all invitations for tenders despite the procedure applied.

There are provisions for a central tender authority - variously designated Central Tenders Board, Public Tenders Board or Central Supply Tenders Board. In two countries - Dominica and St. Kitts-Nevis - the authority does not actually exist. Below the Central Tenders Board, departmental/ministry authorities (either in the form of a departmental tenders board or a particular officer) grant approval for contracts below the value of that requiring authorisation from the central Tender Board. On paper, the regulations are clear and extensive. St. Vincent and the Grenadines is typical:

- Where the estimated value of the contract exceeds \$20,000 formal tenders shall be invited through the Central Supply Tenders Board.
- Where the estimated value is \$20,000 or less tenders may be dispensed by the Ministry concerned.
- "(c) Invite members of the public to make offers by tender advertisement (notice)...in the Gazette and in the local or overseas newspapers.
- (d) The ordinance specifically states that the tender notice must indicate the "lowest or any tender will not necessarily be accepted;" where however, the lowest bid is not accepted then the Board must give reasons for its decision (that is for rejecting lower bids).
- (e) All persons making a tender to be given 21 days within which the tender is to reach the board.
- (f) Special tenders can be invited.

- (g) The board can draw up a list of approved contractors it considers fit to do business with government.
- (h) That the Board may remove names from the approved contractors it considers fit to do business with government.
- (i) The Board is also required to publish in the Gazette, the name of the person/body that is awarded the contract, the value of the tender, and the date on which the award was made.
- (j) Unsuccessful tenders must be so informed and furnished with the name of the successful bidder as well as to the amount of the tender.
- (k) The Board must submit all tender application to the relevant Ministry, But the Board makes its own decision. However if the Ministry is dissatisfied then the ministry can refer the matter to the Ministry of Finance after informing the Board of its intent.
- (l) The Board can negotiate with the contractor (successful) after the agreement has been accepted for alterations. These variations must be submitted to the Board."<sup>141</sup>

In so far as competitive tendering and public advertising for the procurement of goods and works is concerned, the formal requirements are similar, though with some variation. In Antigua-Barbuda, Barbados, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines, statutory rules and regulations require that procurements for contracts above a certain amount be put up for competitive tender and published in the gazette or in local/overseas newspapers. In the Bahamas, Dominica and Grenada, advertisement is not required.

Everywhere however, to one degree or another, the practical situation regularly violates even these limited formal requirements governing public procurement. In Barbados, for example, the Report of the Auditor General 2002 summed up concerns regarding the award of contracts: "Financial rules require a written agreement between the Ministries and Departments and suppliers of goods and services. Agreements are expected to contain safeguards for the satisfactory completion of contractual services before work actually commences. There were numerous instances in which this requirement was not complied with at the Ministry of Public Works. In addition, there were a number of variations to contract prices and no signed agreements between the contracting parties were seen ..."<sup>142</sup>

It is in Antigua-Barbuda however that the gross inadequacy of the public procurement system recently manifested itself in the most extreme irregularities. The government established a Medical Benefit Scheme (MBS) in 1978. All employers and employees were required under the Medical Benefits Act setting up the scheme to contribute 3 ½ % of wages paid. The Act also provides for a Board of Control appointed by the Minister of Health and vests it with responsibility for administering the scheme. "Section 3 of the Act defines the purpose of the scheme as being the provision of such financial and other assistance towards the cost of medical benefits to such circumstances and subject to such conditions as may be prescribed by regulations"<sup>143</sup>. Obviously, the Medical Benefit Scheme was required to operate within the public procurement system of Antigua-Barbuda.

In July 2001 however long-standing public disquiet regarding the operation of the MBS led the government to appoint a Commission of Enquiry into the operation of the Scheme. The Commission begun its hearings in December 2001 and handed in its report on 25 July 2002. The Report<sup>144</sup> recited "what may be described as a scandalous state of affairs over the management of the scheme going back many years, from its inception". The Commission found protracted, multiple violations of the public procurement system of Antigua-Barbuda. "The Report [outlines] where the Supervisor of the Medical Benefit Scheme, as well as Ministers of Government were intimately involved in decisions on procurement and contracts and the exclusion of the Tenders Board and its regulations."

- George and George Construction Ltd. received from MBS \$5,659,751.00 for the construction of various health clinics without reference to the requirement neither of the Tenders Board Act nor of the requirement for competitive bidding.
- Carlton Lewis received \$380,719.00 for several jobs allegedly done. Here cheques were endorsed by persons other than Carlton Lewis including Minister of Health at the time, Hilroy Humphreys.

The Royal Commission of Inquiry into the MBS noted that the management structure of the Board resulted in flagrant abuses. Very often the Board was not consulted or bypassed by both the supervisor of the scheme and parliamentarians/ministers. The imprecise management structure of the MBS therefore in the view of the Commission: "...provided openings for the non-observance of even the most elementary accounting procedures....".

Additionally the Commission found that in relation to the MBS, channels of corruption included:

- The award of contracts for construction purposes.
- Land purchases.
- Consultants' contracts.
- Related party transactions.
- Entertainment.
- Procurement of pharmaceuticals and other goods and services.
- The issuing of cheques.
- Overseas medical treatment.

The MBS revealed several irregularities (see above). There were glaring examples of misuse of office, economic crime [and] bribery in the procurement process. For instance Mr. Elmeade Jarvis, the Accountant and Mrs. Cavelle John travelled to Miami, purchased goods costing \$10,444.38 with their travel billed to and paid by the MBS and then resold to the MBS for \$53,392.20, without reference to procedures. Several cheques were also issued to Tropical World owned by Mrs. Cavelle John, then Supervisor of the Medical Benefit Scheme, with little supporting documentation. There were also questionable financial transactions with Antigua Plumbing and Hardware centre, which implicated Mr. Bernard Percival as Minister of Health who benefited from credit discounts to his account from the company. The methods therefore used by the MBS, in particular the by the former supervisor of the Scheme undermined transparency as the preferred approach was through direct purchasing rather than the open tender approach, restricted tender or competitive negotiations. The report noted that with respect to the construction of Mount St. John's Medical Centre the following irregularities arose:

- Contracts were awarded to 5 firms, primarily WCH (architects).
- The contract awarded to Monroe Spencer for demolition purposes.
- The construction contract to COMPLANT.
- Technology and Business Planning - Genesis Health Care International.
- Contract for construction management to OBM.

All without benefit of the competitive bidding system<sup>145</sup>

The case of the Medical Benefit Scheme of Antigua is therefore an extreme example of the ineffectiveness of the system of contract awards in the region but it is not a-typical. The weaknesses in the system when combined with the political culture lend themselves to

cronyism, corruption and fraud. They justify the serious findings of the World Bank Country Procurement Assessment Report into Dominica, Grenada, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines: "The existing procurement regimes... lack the status needed for an effective procurement law... open advertisements, competitive bidding and contract award criteria; for example, depend on the approach taken by the government in power at any given time... The regulations are not enacted by parliament, and so lack adequate legal standing either to command the respect of the public administration officials or inspire the confidence of the private sector... rules are not complied with fully during the procurement process..."<sup>146</sup>

Without a doubt, public procurement rules and practices constitute one of the weakest links - if not the weakest link - in the chain of national integrity institutions.

## Ombudsman

Four of the eight states under review make provision for the office of Ombudsman (termed Parliamentary Commissioner in St. Lucia). In Antigua, Dominica and St. Lucia, the office is provided for in the constitution<sup>147</sup>. However no Ombudsman has ever been appointed in Dominica since Independence in 1978 and the Antiguan Ombudsman was first appointed in 1994, 13 years after the constitution stipulated "There shall be an officer of Parliament who shall be known as the Ombudsman"<sup>148</sup>. In Barbados, the office owes its origin not to the Constitution but to statute, the Ombudsman Act 1981, passed 15 years after independence. In the other four countries, neither the constitutions nor statute provide for the office. Based on this record, it is clear that, in general, the establishment of the important office of the Ombudsman has hitherto attracted only partial endorsement and limited enthusiasm amongst Caribbean states.

**Table 24 The Office of the Ombudsman**

Country	Independence	Staffing	Areas of Influence
Antigua- Barbuda	Yes - Constitutionally established	Ombudsman (1) Investigations Officer (1) Assistant Investigations Officer (1) Administrative Assistant (1) Senior Clerk (1) Petty Officer (1) Cleaner (1) Security (1) Gardener	Investigates complaints against administrative or executive decisions, recommendations and acts of officers of the government and statutory bodies, which have caused grievance to any member of the public. He must however respect the process of the court system and his jurisdiction is restricted in terms of specific offices. The Ombudsman also reserves the right to refuse to investigate at his discretion specific cases lacking merit.
Barbados	Yes. The Ombudsman Act (1981). However the Unit falls within the Office of	The Ombudsman (1) Investigative Officer (2) Executive Officer	The Ombudsman is responsible to the Parliament of Barbados and must submit, to each House of Parliament, a report at the end of each calendar year. All investigations require full disclosure. The

Country	Independence	Staffing	Areas of Influence
	the Prime Minister.	(3) Secretary (4) Clerk Typist (5) Messenger (6) Office Assistant	office primarily deals with complaints against government departments, administrative decisions, acts and omissions which have caused grievance to any member of the public. He must however respect the process of the court system and his jurisdiction is restricted in terms of documents that may prejudice the security, defence or international relations of Barbados. The influence of the office is however limited as less than 50% of the population is aware of its existence.
Dominica	N/A - constitutional provision but no implementation.	N/A	N/A
St. Lucia	Yes - Constitutionally established.	Parliamentary Commissioner (1) Deputy Commissioner (1) Secretary (1) Office Attendant	The Parliamentary Commissioner may initiate investigation at his discretion, if he believes an injustice may have been sustained by an individual or group.. He is not bound to investigate every matter. He must also report his findings to the department of government or authority against which the complaint was lodged and inform the complainant. The Parliamentary Commissioner cannot investigate specific charges of corruption against individuals.

**Source:**

1. Annual Report of the Office of the Ombudsman for Antigua and Barbuda, 2001.
2. Dr. Hayden Thomas "The Role of the Ombudsman in Antigua and Barbuda in Victor Ayeni et al , Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small Island States: The Caribbean Experience, Commonwealth Secretariat, London, 2000.
3. Lawrence M.P. Laurent "The Role and Jurisdiction of the Office of the Parliamentary Commissioner in Saint Lucia" in Victor Ayeni et al , Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small Island States: The Caribbean Experience, Commonwealth Secretariat, London, 2000.
4. The Ombudsman Act (Barbados) Barbados NIS country questionnaire.

In so far as the method of appointment is concerned, St. Lucia and Dominica place this in the exclusive purview of the Executive (i.e. the Head of State acting after consultation with the Prime Minister and the Leader of Opposition). Barbados and Antigua-Barbuda make provision for the involvement of the Legislature, exclusively in the latter case where he is appointed by resolution of each House and jointly with the Executive in the case of Barbados where the Governor General appoints on the recommendation of the Prime Minister after consultation with the Leader of the Opposition but only after the recommendation is approved by each House. In terms of security of tenure however, the Ombudsman in no case can be removed from office prior to retirement except by way of a recommendation from a judicial tribunal appointed specifically into the matter of removal on grounds of "infirmity of body or mind or any other cause or for misbehaviour"<sup>149</sup>.

By and large the Ombudsman has enjoyed fair success though the record appears somewhat mixed. In Antigua-Barbuda for example, the Ombudsman has reviewed "an increasing number of cases annually [and] ... reported that 90 per cent of the cases he pursued were resolved successfully by contact with the concerned ministries"<sup>150</sup>. In St. Lucia, on the other hand, the Ombudsman complained of "inordinate delay by some government officials in responding to correspondence from the office and therefore called for an amendment to the Parliamentary commissioner's Act that would provide for the Parliamentary Commissioner to make a special report on specific cases to Parliament and the Senate"<sup>151</sup>.

One other issue seriously undermines the effectiveness of the office of the ombudsman viz: shortage of staff and other resources. This is particularly acute in St. Lucia and Antigua-Barbuda though there appears to be no similar complaint in Barbados. The St. Lucian office goes further to suggest that dependence "on the government and its officials" for resources, undermines the impartiality of the office in that "it has to routinely depend on these officers [whom it is required to investigate] to carry out its responsibilities and functions..."<sup>152</sup> Nevertheless, the number of complaints received by the offices of the ombudsmen and the proportion of investigations satisfactorily completed suggest that the office justifies its existence.

## Investigative/Watchdog Agencies

While there are a number of special units in the various territories focused specifically on money laundering and financial fraud, the region is particularly lacking in investigative or watchdog agencies dealing with corruption in general. As the table below indicates, of the eight only in St. Lucia and Dominica have such agencies - in each case designated the Integrity Commission - been established under Integrity in Public Life Acts. The Commission in Dominica has however not been set up as the Integrity in Public Life Act was gazetted only in April 2003. In two other states - Antigua-Barbuda and St. Vincent and the Grenadines 'Integrity in Public Life' legislation is being proposed. In December 2002 however the OAS secretariat for legal affairs received model drafts of Prevention of Corruption and Integrity in Public Life Acts<sup>153</sup> applicable to the OECS and incorporating provisions for a special watchdog agency as a part of a report from a Caribbean consultant commissioned to analyse compliance in the region with the Inter-American Convention against Corruption. The establishment of Corruption prevention Commissions is therefore very much on the agenda, though not as a matter of urgency in either Barbados or the Bahamas.

**Table 25 Special Investigative Agencies****Antigua-Barbuda**

<b>Antigua-Barbuda</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	Money Laundering (Prevention) Act (MPLA) 1999 (Amended in 2000, 2001, 2002)	Financial Services Regulatory Commission (FSRC)	Replaced the International Financial Sector Regulatory Authority (IFSRA). It is responsible for the regulation and supervision of the offshore banking sector and internet gaming. The agency issues licenses, maintains the register for international business corporations (IBCs). Bearer shares are prohibited and 'know your customer' (KYC) rules apply for all transactions as well as detailed information on the administrators of all IBCs. It conducts on-site examinations and reviews of both offshore financial entities and some domestic financial entities (insurance companies and trusts). The Eastern Caribbean Bank (ECCB) has jurisdiction over the domestic financial sector.
	The International Business Corporations (Amendment) Act 2000 (IBCA)		
	ONDCP Act 2003	Office of the National Drug Control and Money Laundering Policy (ONDCP)	Is the financial intelligence unit (FIU) with oversight powers over the anti-money laundering efforts in cooperation with the FSRC. It is a department in the Prime Minister's Office but its independence is established under the ONDCP Act. It has 'primary responsibility' for the enforcement of the MLPA. It employs a MOU to guide its cooperation with the Police, Customs, Immigration and Defence Force in its efforts to fulfil its mandate.
	The Prevention of Corruption Act (p)		
	Integrity in Public Life Act 2003 (p)	Integrity Commission (p)	(the mandate remains undefined as proposals have not been implemented)

**Bahamas**

<b>Bahamas</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	The Central Bank of the Bank of the Bahamas Act 2000	Central Bank of the Bahamas	Empowered to respond to requests for information from overseas regulatory authorities. The Governor of the Bank has the right to deny licenses to banks or trusts he deems unfit to transact business in the Bahamas.
	FIU Act 2000 and FIU (Amendment) Act 2001	Financial Intelligence Unit (FIU)	Empowered to freeze a financial account without first obtaining a court order. Receives reports of suspicious transactions, enforce anti-money laundering regulations. It is able to cooperate with and assist any foreign FIU that has similar functions.
	The Financial Transaction Reporting Act 2000	Tracing and Forfeiture, Money Laundering Investigation Unit (Royal	The primary financial law enforcement agency in the Bahamas, with the responsibility for investigating suspicious transaction reports received from the FIU. It must investigate all reports of money laundering received from law enforcement agencies or the public. It must also investigate large cash seizures, local drug traffickers and

<b>Bahamas</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	The International Business Companies Act 2000	Bahamas Police Force)	other serious crime offenders to assess if the benefited from their criminal conduct
	The Prevention of Bribery (of Public Officials) Act	Public Disclosure Commission	Collects declarations on assets and income annually of all parliamentarians and senior government officials. This information is publicly disclosed prior to an election but is otherwise confidential.
	The Financial Regulations and Public Disclosure Act		

### Barbados

<b>Barbados</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	The Money Laundering (Prevention and Control) Act 1988 (MLPCA)	The Barbados Central Bank	Has issued guidelines on Anti-money laundering and 'know your customer' (KYC) guidelines. It conducts on-site examinations of offshore banks and may refer suspicious activity reports (SARs) to the FIU. The Central Bank reviews and recommends to the Minister of Finance applications for banking licenses.
	MLPCA (Amendment) Act 2001	Anti-Money Laundering Authority (AMLA)	Established in 2000 to supervise compliance of financial institutions with the MLPCA. It issues training requirements and regulations for financial institutions
	The International Business Companies Act 1992	Financial Intelligence Unit (FIU)	A unit of the AMLA established in 2000 by an administrative order but later reinforced by legislation (MLPCA (Amendment) Act 2001). Forwards information of 'reasonable suspicion' to the Financial Crimes Investigation Unit of the Police
	The International Business (Miscellaneous Provisions) Act, 2001	Financial Crimes Investigative Unit of the Police	A team of two police officers are assigned to deal with money laundering investigations and coordinates its work with the FIU <sup>1</sup> .
	The International Financial Services Act 2002		

## Dominica

Dominica	Legislation	Agency	Type of Work
	The Offshore Banking (Amendment) Act, No. 16, 2000	Offshore Financial Services Council (OFSC)	Advises the government on policy issues relating to the offshore sector and make recommendations concerning licensing applications.
	The International Business Companies (Amendment) Act, No. 13, 2000 (and additional amendments in 2001)	International Business Unit (IBU)	Established under an agreement between the OFSC and the Eastern Caribbean Bank (ECCB) in December 2000, to regulate Dominica's offshore banks. The ECCB assesses offshore banking license applications, conducts due diligence examinations and makes recommendations to the Minister of Finance. The Minister of Finance is obliged to seek advice from the ECCB before issuing licenses or enforcing his rights in the offshore sector. On-site inspections are facilitated through the IBU as well as review and compliance enforcement. The unit is empowered to 'perform regulatory, investigatory and enforcement functions' as it concerns IBCs.
	The Money Laundering (Prevention) Act (MLPA), No. 20, 2000 (and 2001 amendments)	Money Laundering Supervisory Authority (MLSA)	The Authority is Authorised to inspect and supervise non bank institutions and regulated business for compliance with the MPLA. It is responsible for developing anti-money laundering policies, issuing guidance notes and conducting training and receives SARs.
	Money Laundering (Prevention) Regulations) 2001	Financial Intelligence Unit (FIU)	Began operating in 2001 and analyses SARs and cross border currency transactions, and liases with foreign agencies in financial crime cases.
	Anti-Money Laundering Guidance Notes, 2001	Integrity Commission (p)	Still to be established but proposes to receive declarations of assets, incomes and liabilities of 'every person in public life' and the income of spouses and children traceable to the public official.
	The Integrity in Public Life Act, No. 6, 2003		

## Grenada

Grenada	Legislation	Agency	Type of Work
	Money Laundering Prevention Act (MLPA) 1999	Grenada International Financial Services Authority (GIFSA)	Monitors and regulates offshore banking and issues certificates of incorporation to IBCs. It is able to make written recommendations to the Minister of Finance concerning revocation of licenses of offshore entities.. It is allowed to conduct on-site inspections to ensure record maintenance. It may access records and information kept

<b>Grenada</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	Grenada International Financial Services Authority (GIFSA) Act, No. 13, 2001	(GIFSA)	by registered agents and is allowed to share its findings with regulatory, supervisory and administrative agencies. An MOU between the Minister of Finance and the ECCB is to come into effect in 2004 which gives the ECCB oversight authority for the offshore financial sector as it already does for the domestic financial sector. GIFSA may request information from IBCs and share that customer account information or audit examination reports with other regulatory, supervisory and administrative bodies.
	International Companies Act	Money Laundering Supervisory Authority	Issues anti-money laundering guidelines that direct IBCs on record maintenance, staff training, suspicious activities and designating reporting officers. It is also empowered to conduct inspections and investigations on its own initiative or on behalf of foreign counterpart authorities. Fines are also established for non-compliance. Financial institutions are obligated to make SARs within 14 days of their discovery.
	The International Financial Services (Miscellaneous Amendments) Act 2002		
	The Exchange of Information Act, No. 2, 2003	Financial Intelligence Unit (FIU)	Operates within the police force but is assigned to the Supervisory Authority and is responsible for receiving SARs from the Supervisory Authority and investigating allegations of money laundering.
	The Proceeds of Crime (Amendment) Act 2003		
	FIU Act, No. 1, 2003		

### St. Kitts-Nevis

<b>St. Kitts-Nevis</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	The Financial Intelligence Unit Act, No. 15, 2000	Eastern Caribbean Bank (ECCB)	Has direct responsibility for regulating and supervising the offshore and domestic banking sectors. It is also responsible for making recommendations regarding licensing these entities.
	Proceeds of Crime Act, No. 16, 2000		
	Financial Services Commission Act, No. 17, 2000		

St. Kitts-Nevis	Legislation	Agency	Type of Work
	Nevis Offshore Banking (Amendment) Ordinance, No. 3, 2000	Financial Services Commission	Regulates non-bank financial institutions for anti-money laundering compliance. It also ensures compliance with 'know your customer' regulations. The marketing function has been devolved to the Marketing and Development Department in 2001.
	The Anti-Money Laundering Regulations, No. 15, 2001		
	The Companies (Amendment) Act, No. 14, 2001		
	The Anti-Money Laundering Regulations, No. 36, 2001	Financial Intelligence Unit (FIU)	Began operating in 2001 and receives, collects and investigates SARs. It is also allowed to liaise with foreign FIUs in order to cooperate on financial crime issues.
	The Nevis Business Corporation (Amendment) Ordinance, No. 3, 2001		
	Nevis Offshore Banking (Amendment) Ordinance, No. 4, 2001	Integrity Commission (p)	Expected to receive declarations on income and assets of persons in public life.
	Financial Services (Exchange of Information) Regulations 2002		
	Integrity in Public Life (Draft) Act 1996		

**St. Lucia**

<b>St. Lucia</b>	<b>Legislation</b>	<b>Agency</b>	<b>Type of Work</b>
	Proceeds of Crime Act 1993	Money Laundering (Prevention) Authority	Established in 2000 its functions include receiving SARs, investigations of alleged violations, dissemination of information to both domestic and competent foreign authorities. It may also assist in the execution of search and seize operations and the provision of documents.
	The Money Laundering (Prevention) Act (MLPA) 2003		
	The International Business Companies Act 1999		
	The Registered Agent and Trustee Licensing Act 1999	Financial Intelligence Unit (FIU)	Began operations in 2003. Also receives SARs and may compel the production of information to facilitate anti-money laundering investigations. In 2003 legislation was passed to merge the FIU with the Money Laundering (Prevention) Authority.  This proposed 'Financial Intelligence Authority' would also offer advice the Minister with portfolio responsibility; cooperate with the police and Director of Public Prosecutions and have access to documents of financial institutions for inspection during normal working hours.
	The International Trusts Act 1999		
	The International Insurance Act 1999		
	The Mutual Funds Act 1999	Integrity Commission	Receives declarations of income, assets and liabilities of both elected and non-elected members of Parliament annually, one month prior to the end of the financial year.
	The International Banks Act 1999		
	The Integrity Commission Act 2001	National Crime Commission	Established to offer advice, recommendation and information to the Minister of Home Affairs on issues of crime. It conducts surveys, examines causal, preventative and corrective strategies and promotes police programme initiatives and the community policing strategy.
	The Financial Intelligence Act, No. 17, 2002		
	The Integrity in Public Life Act 2002		

## St. Vincent

St. Vincent	Legislation	Agency	Type of Work
	The International Banks Amendment Act (October) 2000	Offshore Finance Authority	Established under an agreement between the government and the ECCB, to allow the ECCB to review and recommend license applications for offshore banks as it does for the domestic sector. The authority allows the ECCB to be involved in the supervision and inspection (on-site) of offshore entities.
	The International Business Companies Amendment Act, No. 26, 2002		
	The Exchange of Information Act, No. 29, 2002	Financial Intelligence Unit (FIU)	Established in 2002, it is allowed to share information with foreign FIUs even at the investigative or intelligence stage.
	The International Banks (Amendment) Act, No. 30, 2002		
	The Proceeds of Crime and Money Laundering (Prevention) Act 2001	Integrity Commission (p)	Expected to receive annual declarations of assts, income and liabilities of elected, appointed and high level public officials.
	The Proceeds of Crime (Money Laundering) Regulations 2002		
	The Financial Intelligence Unit Act, No. 38, 2001	Police Oversight Committee	Investigates complaints about the police and reports directly to the Prime Minister
	Integrity in Public Life Act 2003 (p)		

**Source:** INCSR 2003, <http://www.state.gov/g/inl/rls/nrcrpt/2003/vol2/html/index.htm> and NIS Country Specific questionnaires. The notation (p) indicates that these laws or institutions are only proposed and not actually in existence.

1. The scope and nature of the function of the Financial Crimes Investigation Unit of the Police is outlined in a FATF country report, [http://www.fatf-gafi.org/Ctry-orgpages/cctry-bb\\_en.htm](http://www.fatf-gafi.org/Ctry-orgpages/cctry-bb_en.htm) .

In relation to the St. Lucian watchdog agency - the only functioning commission - a number of points are worthy of note. In the first place, the 1978 Independence constitution made provision in Chapter X, s. 118 for such a commission but the initial legislation was regarded as inadequate. A new integrity Commission Act of 2001 was therefore passed which considerably widened the powers of the Commission by giving it authority to investigate allegations of corruption and to govern the granting of gifts to persons in public life. Secondly, the three man commission is appointed by the Governor General "acting in accordance with the advice of the Prime Minister" after the Prime Minister has consulted the Leader of the Opposition. Interestingly, the constitution does not indicate the categories of persons from whom the commissioners are to be selected. It does however disqualify certain persons from consideration (for example, any person who was a Supreme Court judge or public officer up to three years prior to appointment) and prohibit ex-commissioners from holding any public office up to three years after appointment.

Finally it should be noted that the St. Lucian Constitution accords a member of the Integrity Commission the same security of Tenure as a Supreme Court judge. Section 118 (12) also stipulates, "The Commission shall, in the exercise of its function under this constitution, not be subject to the direction or control of any other person or authority." It is of some interest to note that while Caribbean states becoming independent after St. Lucia (i.e. St. Vincent and the Grenadines, Antigua-Barbuda, St. Kitts-Nevis) followed closely many of the provisions of that constitution; none chose to incorporate provisions for the Integrity Commission in the Constitution.

With regard to the Integrity Commission provided for in the Model Draft for the OECS proposed by the OAS consultant<sup>154</sup>, a number of observations are in order. In the first place, the draft recommends that in the composition of the Commission, the governor general has unfettered discretion in the appointment of one member but that the four remaining be appointed from designated categories of persons after consultation with the Prime Minister and the Leader of the Opposition. The OECS Commissioners however are not proposed to have the security of tenure of their St. Lucian counterparts. "A member of the Commission may be removed from this office by the Governor-General after consultation with the Prime Minister and the Leader of the opposition for inability to discharge the functions of his office whether arising from infirmity of mind or body or any other cause, or for misbehaviour"<sup>155</sup>. This subordination of security of tenure of Commissioners to the power of the political directorate is clearly inadequate. The more so in so far as the draft also proposes that 'on (sic) the exercise of its powers and performance of its functions under this Act, the Commission shall "(a) not be subject to the direction or control of any person or authority"<sup>156</sup>.

## Media

The constitution of each state guarantees freedom of the press in almost identical terms. "Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference..."<sup>157</sup> In practice, the territories are well served by radio, television and newspapers.

**Table 26 Media Profile**

Country	Radio Stations	Newspapers	Television	Cable
Antigua & Barbuda	3 (439)	5	1 (409)	1
The Bahamas	6 (735)	3	1 <sup>a</sup> (233)	-
Barbados	10 (900)	2	1 <sup>a</sup> (287)	2
Dominica	3 <sup>b</sup> (634)	3	2 <sup>c</sup> (141)	N/A
Grenada	10 (598)	4	4 (158)	2
St. Kitts-Nevis	3 <sup>b</sup> (668)	5	1	1
St. Lucia	2 <sup>b</sup> (765)	5	3 (301)	2
St. Vincent & the Grenadines	5 (670)	3 <sup>b</sup>	2 (234)	1
CARICOM (Selected Average)	(676)		(252)	
All Developing Countries (Average)	(185)		(145)	
Industrialised Countries (Average)	(1005)		(524)	
World (Average)	(364)		(226)	

**Source:** Trevor Munroe An Introduction to Politics: Lectures for First Year Students, Canoe Press, Mona, Jamaica, 2002, p. 21 and NIS Country specific questionnaires

- a. Government-owned Television stations
- b. The figure stated represents the major media outlets, but it should be noted that several newspapers exist. For example in the case of Dominica, only one of the three mentioned is licensed. There are also two new stations that have been granted licences that have not started broadcasting.
- c. The television stations provide access to cable channels as an integrated feature of their broadcast.

No island has seen less than 2 radio stations and 4 of the 8 have five or more stations each. There are forty-two in all, an average of 5 per country. Not surprisingly therefore the access to radios at approximately 676 per 1000 people is relatively high, more than three times greater than the developing countries average and well above the global average.

Newspaper and Television coverage of the region is also substantial. All territories save St. Vincent have two or more newspapers and the average is about three per country. Similarly, at least one Television station exists in each territory and St. Lucia has three. The ownership of television sets is far above what is typical for developing countries and also above the global average. Cable TV is also available in all states with the exception of the Bahamas and Dominica.

Over and above the access to a variety of media is the issue of the freedom and independence of the media. Save for Antigua-Barbuda, the media in each of the states operate in a legally hospitable environment, experience relatively low political influence and negligible economic pressure. In fact Freedom House, on these criteria, places the media in all countries except Antigua in the category "free" and ranks them in the top quartile of 193 states rated in the 2003 Freedom House Survey (See Table 2 supra). Consistent with this assessment, most of

the media in the region are privately owned, with low concentration of ownership and negligible government interference in the content of even state-owned media.

As such, there is, as a general rule, no censorship formal or informal. Journalists suffer no persecution or harassment. Allegations and stories of corruption are regularly carried in the print media and, in many states, often dominate the discussion on the talk shows, which are a prominent feature of the media landscape. In recent times, it has been pressure from the people through the media that have led to the establishment of the more significant enquiries into corruption and, ultimately, to sanctions against officials tainted by corruption<sup>158</sup>.

A word needs to be said about the exceptional case of Antigua and Barbuda. Here the media is only partly free. Traditionally they have been owned, controlled or dominated by the Bird family which have ruled Antigua-Barbuda, with one brief break, for 40 years "... television and radio continue to be dominated by the ruling Antigua Labour Party (ALP) and the Bird family... at state-controlled broadcast media outlets, the government frequently sets the editorial policy... The government limits the opposition's access to broadcast media and has in the past interfered with attempts by individuals to establish independent media. The country's first independent radio station, Observer Radio, began broadcasting in 2001 after a five year struggle with the government to gain a licence"<sup>159</sup> With the clear exception of Antigua and Barbuda it can be said that the media constitute one of the more important and effective pillars of the region's integrity system.

## Civil Society

In recent times, there has been an effusion of general non-governmental organisations in all the territories.

**Table 27 NGO Presence and Human Development**

Country	HDI Rank	No of NGOs	NGO: Population	Regional Rank <sup>3</sup> (NGO: Population)
Antigua-Barbuda	52	171	1:443	3 <sup>rd</sup>
The Bahamas	41	269	1:1003	8 <sup>th</sup>
Barbados	31	346	1:888	7 <sup>th</sup>
Dominica	61	167	1:426	2 <sup>nd</sup>
Grenada	83	150	1:684	4 <sup>th</sup>
St. Kitts-Nevis	44	130	1:355	1 <sup>st</sup>
St. Lucia	66	186	1:848	6 <sup>th</sup>
St. Vincent & the Grenadines	91	153	1:732	5 <sup>th</sup>

**Sources:**

1. Human Development Report 2002, Appendix 1.2
2. [Caribbean Development Bank Annual Report 2002](#), p. 13

3. Note that CARICOM, a group of 15 states is used to assess regional rank

These however are primarily concerned with human rights, the environment, community, youth and women's issues. The more traditional civil society groups such as the church and trade unions have not as a general rule, departed from narrowly defined mandates except in times of national crisis and demonstrated no consistent preoccupation with anti-corruption matters. Further, The situation regarding civil society in the region presents something of a contradiction. On the one hand, in all the states the Official Secrets Acts, passed during pre-independence days, remain in force. None of the countries have access to information legislation. There are no groups in any of the islands specifically focused on anti-corruption issues despite the fact that matters relating to national integrity are clearly in need of attention.

There can be little doubt however that in this connection latent potential exists in these groups and amongst the population, a potential, which has tended to manifest itself primarily in extreme situations. The Antigua-Barbuda experience is instructive here. During the 1990s, popular preoccupation with allegations of corruption in relation to the Medical Benefits Scheme grew. This in turn impacted the agenda of the NGO community and in particular, encouraged the Professional Organisation for Women in Antigua-Barbuda (POWER) to join in mobilising public opinion on the Medical Benefits Scheme issue. The result was the coming together of a coalition of NGOs not normally centred on anti-corruption matters but which collected over 12,000 signatures and presented them to the government. This and public pressure through the media resulted in the appointment of the McIntyre Commission of Enquiry, the exposure of massive corruption and the prosecution of prominent figures involved in the medical benefit scheme. Similarly in St. Lucia, in early 1995, media exposure of alleged corruption in misappropriation of UN funds by a St. Lucian diplomat led to the establishment of a Commission of Inquiry<sup>160</sup>.

Another positive in recent times has been the openness of some governments to representations from civil society groups despite the absence of a legal framework. This willingness to partner with civil society has reached its highest level in St. Vincent and the Grenadines<sup>161</sup>.

"Here the government's policy of collaboration has produced many illustrations of joint consultation. For example,

- o The involvement of Trade Unions in the National Tripartite Committee on the Economy (TCE)
- o The National Economic and Social Development Committee - representation on practically all non-governmental organisations. The Committee has a specific budgetary allocation to allow it to carry out its work.
- o The inclusion of Trade union and non-governmental representation on select committees charged with the mandate of examining legislation before going to parliament.
- o Trade Unions have been invited by the PM to meet with him to discuss the state of the economy.
- o The representation of Civil Society Groups with the exception of the Human Rights group on the Constitution Review Commission.
- o Structured consultation on Public Policy issues, such as crime, Agriculture, etc.

- o The consultations with all major stakeholders in separate meetings and with the general public in six town hall/village hall meetings live on radio on the presentation of the 2003 Estimates and Budget.”

According to the president of the National Workers Union, Noel Jackson, “I have been around for 25 years, and I have never seen this before”<sup>162</sup> In most other territories, in particular Barbados and Grenada, the governments have facilitated cooperation with civil society though to not so developed a degree.

## Local Government

All states are in formal terms unitary with the exception of St Kitts-Nevis<sup>163</sup>. In only two - Grenada and Antigua-Barbuda<sup>164</sup> - of the eight island constitutions is there any mention of, much less provision for, local government. In St. Kitts-Nevis, the constitution provides for a federal relationship between the two islands St Kitts and Nevis and therefore Nevis enjoys a modicum of self-government (as distinct from local government). In all cases (including Grenada and Antigua-Barbuda) there are statutes dealing with local government even though there are significant variations in terms of levels of activism.

At one end of the spectrum are the over 40 councils of Dominica, variously styled city, town, urban and village, which are relatively active. In contrast, are the dormant local authorities in St. Lucia, the Kingstown and other Local Boards in St. Vincent and the village councils in Antigua-Barbuda. Grenada and Barbados both abolished their city corporation/distinct boards and local councils respectively in 1969. Local councils do however function in Barbuda (part of the state of Antigua-Barbuda), Carriacou (part of Grenada) and in the main islands, which form part of the Bahamas chain. Whether functioning or inactive, the statutory and constitutional provisions allow for limited autonomy and effective subordination of local authorities to the central governments.

**Table 28 Local Government**

Country	Local Government Units	Functions	Representatives	
			Elected	Appointed
Antigua-Barbuda <sup>1</sup>	Council of Barbuda	The Council has jurisdictional responsibility and may ask for cooperation and assistance of the relevant authorities to perform its general functions	10	1

Country	Local Government Units	Functions	Representatives	
			Elected	Appointed
The Bahamas <sup>2</sup>	District Councils  Town Committees	Varies with divisions, general sanitation, public health and project	Varies	Minister empowered to appoint an interim committee (Committee of Management) in the absence of any nominated candidates to contest elections at the town level. In the case of insufficient nominees, the minister has the right to declare those nominated as the elected council and appoint the complementary number members
Barbados	N/A	N/A	N/A	N/A
Dominica <sup>3</sup>	37 village  1 city council  1 town council  1 indigenous population reserve council (Carib Council)  1 urban Council (Canefield Council)	Varies with divisions, general sanitation, public health and project	Varies	In every instance the Minister of Local Government is empowered to nominate and/or appoint councillors to ensure the full complement of councillors is met. Council clerks are appointed by the Minister.
Grenada <sup>4</sup>	N/A	N/A	N/A	N/A
St. Kitts-Nevis	Nevis Island Assembly	Under the federal system of government structure Nevis is highly autonomous, dependent mainly on financial assistance.	Number corresponding to electoral districts set by the Boundaries Commission	3 or more - not exceeding two-thirds of the elected members

Country	Local Government Units	Functions	Representatives	
			Elected	Appointed
St. Lucia <sup>5</sup>	3 town councils 6 village councils	Weak functional and financial system (under review)	-	All members of town and village councils
St. Vincent & the Grenadines <sup>6</sup>	N/A	N/A	N/A	N/A

**Source:** NIS Country questionnaires.

1. NIS country Antigua and Barbuda questionnaire responses.
2. The Minister also has the power to determine the date of the election of a new town committee or even solely for his appointees by advising the Parliamentary Commissioner.
3. The Minister also has the right to remove the Carib Chief for reasons of dishonesty, bankruptcy and a no-confidence vote of a two-thirds majority of the council, NIS country Dominica questionnaire responses.
4. While there is a Permanent Secretary with responsibility for local government the term is used loosely to describe central government control of domestic functions, NIS country Grenada questionnaire responses.
5. The central government has since 1998 created a task force comprising of government and civil society organisations, NIS country St. Lucia questionnaire responses.
6. No local government system, but in 2002 the government committed itself to forming a commission to "examine the issue of the re-introduction of local government in the country", NIS country St. Vincent and the Grenadines questionnaire responses.

## Anti-Corruption Activities

None of the governments have announced an anti-corruption strategy but there have been activities related to strengthening the national integrity framework. Chief among these has been the impact of external drivers relating to the reinforcement of anti-money laundering regimes and the passage of Integrity in Public Life legislation in some states designed in part to give domestic effect to ratification of the Inter-American Convention against Corruption. Those countries that have not yet passed such legislation are in various stages of considering draft proposals. These proposals include the establishment of anti-corruption commissions but none of the states now have an effective investigative, watchdog agency with an overarching mandate to combat corruption in general.

In the area of money-laundering and financial crimes there has been significant activity<sup>165</sup>. The multi-lateral Financial Action Task Force had in June 2000 listed the Bahamas, Dominica, Grenada, St. Kitts-Nevis and St. Vincent and the Grenadines among 15 non-cooperating countries and territories because of inadequacies in anti-money laundering regimes of these states. Between June 2001 and February 2003, all had passed legislation or engaged in activities, which remedied the deficiencies and allowed their removal from the NCCT list (See Table - Offshore Centres list, supra). In addition, all states engaged in activities to give effect to Mutual Legal Assistance Treaties in force with the United States and continued to participate in the Caribbean Anti-Money Laundering Programme (CALP) established in March 1999 by the United States Government in partnership with the European Union and the United Kingdom government. This programme, under the theme "Taking the Profits out of crime", engaged

regional states in building institutional capacity at the Legal/Judicial, Financial Sector and Law Enforcement levels. Overall, two states - Grenada and St. Vincent and the Grenadines - by virtue of anti-money laundering activity were reclassified to a lower level of concern in the United States State Department's International Narcotics Control Strategy Report.

All states have during the last five years engaged in activity designed to bring the off-shore banking sector into line with international requirements. These include, among other conditions, the prohibition of anonymous accounts and the stipulation that all such banks should have an actual physical presence. As a result of these new requirements significant numbers of licences have been revoked, 26 in Antigua-Barbuda, 55 in the Bahamas, 7 in Dominica, 18 in St. Vincent to name four examples. Regulations governing international business companies (IBCs) have also been tightened, resulting in a significant decline in the number of these entities. Whilst these activities have contributed to bringing these territories into compliance with international norms and facilitated their removal from the FATF's list of NCCTs, it should also be noted that they have resulted in serious set back to efforts at economic diversification, decline in the financial sectors and substantial loss of revenues to these island states.

## Discussion of the Key Issues

### The NIS

Undoubtedly, the over arching issue raised by the national integrity systems of the Caribbean island states is the question of small size. How far are obvious strengths, such as press freedom and media penetration and critical weaknesses, such as political patronage and corruption facilitated by the micro-scale of the island communities? What are the implications for corruption and anti-corruption of any constraints and advantages derived from small size?

### Small Size

In the first place, on the positive side, in these micro-states it is more difficult for sections of the community to suffer isolation and exclusion particularly with modern means of communication, transportation and information transmission. Urban-rural cleavages, regional disparities and geographical differences, which retard the development of national community and social cohesion in larger states, have less impact. All other things being equal, civic engagement, community involvement and, particularly, democratic governance is facilitated by small size. More specifically, programmes of public education and the management of cultural change on issues like corruption require relatively insignificant resources in these contexts. With appropriate leadership, popular mobilisation and mass involvement in anti-corruption initiatives should be easier across an island of a few hundred square miles and a hundred and fifty thousand people.

On the other hand, the constraints of small island states are many and substantial. High vulnerability - economic and social - is obviously a major challenge as borders come down rapidly and openness to the 'bads' as well as the 'goods' of globalisation increases at a growing pace. High among the adversities facing the states under consideration are the erosion of preferential trading arrangements, particularly in the banana and sugar sectors, the consequential loss of market share, stagnating export prices, volatility in tourist travel, difficulty in cutting costs in the face of more intense competition, and the widening options of foreign direct investment in a liberalising global environment<sup>166</sup>. Clearly the adversities to the small open economies under consideration have so far significantly outstripped the opportunities presented by liberalisation. This reality could hardly escape the IMF: "After growing at an average annual rate of 3 ½ percent in the 1990s, real GDP in the region grew by 2 ½ percent in 2000 but fell by 1 ½ percent in 2001, an unprecedented decline since 1976... unemployment appears to be high...Economic activity in 2002 remained depressed...The combined central government deficit widened from 5 ½ percent of GDP in 2000 to around 7 percent of GDP in 2001 and is estimated to have remained broadly unchanged in 2002... the debt stock of countries in the region ranged between 40-135 percent of GDP at end-2001"<sup>167</sup>

The consequences are economic decline, systematic pressure on ethical conduct and rapid penetration of the drug culture. In this context, critical institutions of national integrity like the police and political parties become more prone to narcotics-related corruption.

Connected to this constraint are the resource limitations of the formal economy in small island states in transition from protectionism to liberalisation. As the World Bank Country Brief on the OECS put it "With a total population of about eight hundred thousand, institutional capacity is limited and per capita costs of basic social and infrastructure services are high"<sup>168</sup>. This places serious limits on funds available for proper staffing, adequate training, appropriate compensation, equipment modernisation, etc. for critical anti-corruption agencies in the region such as the Auditor General, the Director of Public Prosecutions and the Judiciary. The more

meagre the resources available, the more likely are provisions for formal independence and insulation from political interference to be subordinated to real dependence on the executive as a source of funding.

This leads to what is perhaps the major difference between small island states and even larger islands much more so bigger countries. This is the real possibility of executive dominance and Prime Ministerial government, now fairly typical of Westminster Parliamentary Democracies, mutating in micro-states into what can only be described as "personal government". In this type of governance, small size and close proximity allows, relatively speaking, everybody to know everybody else. In constituencies of a few thousand people, how a few dozen electors vote determines electoral victories or defeats in a confined geographical area, and strengthens the temptation to reward supporters and to punish opponents. As Selwyn Ryan puts it "one of the distinctive features which Eastern Caribbean political systems share with other small scale systems is the tendency to be excessively partisan and vindictive in their allocation of the spoils of the political war"<sup>169</sup>.

### **Executive-Legislative Relations**

Personal government and small size combine to complicate executive-legislative relations. In the first place, leader-centrism, even though diluted survives to a considerable degree in the political cultures and political parties established in anti-colonial milieus. Internal party democracy and diversity in both the executive and Legislature is subordinate to the Prime Minister and to the Prime Minister-in-waiting, the Leader of the Opposition. This traditional culture and institutional heritage severely constrain internal cabinet checks on the Prime Minister and any semblance of effective Parliamentary oversight of the Executive. In this last regard legislative impotence vis-à-vis the Prime Minister is further assured by the miniscule sizes of the Legislatures and consequently the absence, in effect, of a 'back bench' in circumstances where there are no limits on the number of MPs a Prime Minister may appoint to his Cabinet. Moreover, an effective committee system is hardly possible with so few elected members and even smaller oppositions, invariably weakened by under representation form disproportionalities of the first-past-the-post electoral system.

### **Legislative and Institutional Gaps**

A major issue in the region relates to the gaps in the legislative framework and in the institutions of the national integrity systems. There are Integrity in Public Life laws and integrity commissions in some states. More importantly, in recent years legislation, regulations and institutions dealing with money laundering and financial crimes have been significantly strengthened. Nevertheless there remain significant deficiencies. Most significantly political parties - fundamental pillars of democratic governance performing public functions - retain the legal status, in effect, of little more than private clubs. There is near complete absence of regulatory framework, no requirement of registration, no obligations of transparency, neither to membership nor to the public, no limits on donations nor expenditure and, most of all, no effectively enforced duty to disclose sources of funding. This lack of regulation is a potentially fatal flaw in systems inundated with illicit narcotics, awash with drug money and flooded with narco-traffickers intent on neutralising, even capturing the state.

Closely linked to this gap is the absence of any investigative agency adequately resourced and appropriately empowered not only to deal with money laundering, nor only to monitor lifestyles of both high and lower level officials but also to combat corruption in general. Income, asset and liability declarations by public officials are of little significance in the fight against corruption unless they are accompanied by the institutional capacity to detect and prosecute "illicit enrichment". In a related issue, where important offices have been established - such as the ombudsman - adequate resources have not been provided to make the office more fully independent and effective as a watchdog of the people.

## **Guaranteeing Independence, Efficiency and Accountability**

A critical set of issues relating to the civil service, the police, the prosecutors and the judiciary is how to achieve the sometimes, contradictory objectives of independence, efficiency and accountability. Here again small size complicates the matter. One dimension of this complexity lies in the relatively large size of the public sector and the even larger public sector density in these micro-states (calculated as a ratio of public servants per square kilometre (See Table 5 above)). The civil servant and government worker is, compared to larger states, literally everywhere. He is a critical element of the middle class and therefore inclined to political engagement, particularly in keenly fought electoral contests. On the other hand, the political directorate is prone to interfere, especially when stakes are as high as they are in winner-takes-all systems, to favour supporters and disadvantage opponents in the public sector.

This tendency on the part of the political directorate is particularly evident and especially damaging to the national integrity system in relation to public procurement. There can be little doubt that this is the weakest link in the anti-corruption mechanisms in the region. Formal rules, arrangements and institutions designed to insulate the award of contracts, the sourcing of goods and services from partisan political interference are everywhere honoured in the breach. More often than not there is no timely and effective audit; public accounts committees function sporadically and inadequately, if at all. Credible evidence of corruption is sometimes uncovered; rarely however are there prosecutions, even more rarely convictions of offenders in high office. Clearly, a major priority must be to fix the public procurement system and the auditing function as an indispensable pre-condition for raising levels of national integrity.

All is far from last however. One institution, which seems to work relatively well and produce good results, is the Eastern Caribbean Supreme Court. This body is by no means free from public perception of improper political interference. It does however, from time to time, display high levels of judicial independence and, on significant occasions, "judicial valour" in ruling against political directorates, generally prone to resent any display of autonomy in the confined space of the micro-state. Perhaps one reason for this success, with much significance for the appropriate direction of regional development, is the pooling of resources, the sharing of expertise and the consolidation of a common service, rather than the duplication of the service at the island level, in this institution.

## **The Media, Public Information and Education**

The high levels of press freedom and the relative independence of the media constitute one of the stronger pillars in the struggle against corruption. The ready access of the public to the media is a major asset. Clearly however public tolerance of and involvement in petty corruption militates against strengthening national integrity. This is a serious deficiency; the media can and needs to play a more substantial role in helping to change public attitudes and to encourage civil society to play a more active and sustained role in the struggle against corruption.

## **Constitutional and Political Reform**

Fortunately in almost every single state, the issue of reforming governance is on the public agenda. Within the last 5 years, constitutional commissions have either been established, reported or had their recommendations reviewed in St. Kitts-Nevis, Dominica, St. Vincent and the Grenadines, Antigua-Barbuda, St. Lucia and Barbados. While the issue of corruption has not been a central theme of this process, uniformly questions, concerns and recommendations have been raised which impact the quality of national integrity systems. Prominent amongst these have been the following questions:

- How to reduce Executive and, in particular, Prime Ministerial Dominance;
- How to make legislatures more inclusive and more effective;

- How to strengthen the protection of fundamental rights and freedoms of the citizen;
- How to make the audit and oversight of public finances more efficient;
- How to strengthen the independence of, accountability and efficiency of the public service and the criminal justice system.

Consensus needs to be developed, consolidated and implemented through participatory processes on the resolution of these questions in directions, which have the best chance of strengthening anti-corruption systems.

## Effectiveness of Government and Donor Supported Activities

As is apparent from this study, there is great unevenness in the effectiveness of government and donor-supported activities. On the positive side, the quality of the superior courts is high and, more recently, the actions taken to counter money-laundering and financial crime are helping to stem the tide of organised transnational crime. In both these areas donor support has been helpful. In the latter there has been some justification to public complaint that donor countries are squeezing these micro-states at both ends by eliminating preferential trading arrangements thereby contributing to the demise of traditional agriculture, whilst at the same time insisting on controls, which hamper the development of the more diversified, Internet based financial services economy.

On the negative side, government activities in the area of public procurement and of public finance have contributed to high levels of political corruption whilst under-resourcing of critical institutions like the offices of the Directors of Public Prosecution have compounded the malady. In this context donor activity, primarily through the organisation of American States and the World Bank, has hitherto been too confined to useful but limited diagnostic studies of the deficiencies in the national integrity framework.

Nevertheless, a reform agenda is gathering momentum. It is driven by electorates significantly alienated from the status quo and by elements of leadership with modernising orientations and participatory democratic perspectives. As well, reform initiatives have derived from external agencies. The Caribbean Financial Task Force (in concert with the Financial Action Task Force) along with OECD states like the US and the UK has been a major source of pressure to tighten up legislation and regulations dealing with money laundering financial crime as well as drug related corruption. The Organisation of American States has provided a framework as well as technical capacity to strengthen anti-corruption regimes through the Inter-American Convention against Corruption. The World Bank is providing technical expertise as well as some aid in strengthening procurement systems.

The OAS and FATF exercise special influence and enjoy particular leverage in encouraging the anti-corruption reform agenda. In the case of the OAS, all CARICOM territories are members and therefore expected to accede to the Inter-American Convention against Corruption adopted by the General Assembly in March 1996 (see ANNEX). All the states under consideration, with the exception of Dominica and St. Kitts-Nevis have signed, ratified, accepted or acceded to the Convention. The Convention in turn requires the adoption of national legislation to give effect to its provisions. Amongst these are the establishment of national integrity and anti-corruption commissions in each territory. Moreover, the OAS established a mechanism for follow-up of implementation of the convention. In this regard, Article 30 of the Rules of Procedure of the committee of experts monitoring implementation requires each of the state parties to report periodically on progress in fulfilling the conventions provisions<sup>170</sup>.

Similarly, each CARICOM state is a member of the Caribbean Financial Action Task Force (CFATF) an inter-governmental organisation of 30 Caribbean Basin states established in the early 1990s to implement counter-measures against money laundering as the regional counterpart to the financial Action Task Force (FATF) set up by the Group of Seven at the 1989 Paris Summit. In this context, the CFATF developed 19 recommendations reflecting a common approach of Caribbean and Central American countries to the laundering of the proceeds of crime and complementary to forty recommendations of the FATF. Both the FATF and the CFATF exercise particular leverage over the island states not only because of the self assessment and mutual evaluation mechanisms to monitor and to encourage progress on an ongoing basis. In addition, the industrialised states and donor countries with a special interest and presence in the region - Canada, the Netherlands, France, the United Kingdom, the United States, and Spain are designated "Cooperating and Supporting Nations" of the CFATF and constitute an institutional link to the FATF. As such the "cooperating and supporting nations" provide assistance to the CFATF's programme of work, and where necessary, powerful sources of pressure in reversing non-cooperation and securing compliance from island states which may hesitate or deviate from the agreed anti-money laundering measures.

## Priorities and Recommendations

Priorities and recommendations need to be framed in the context of the clear and pressing danger posed to the very viability of these small island states. This as we have seen derives from the mutually reinforcing phenomena of narcotics-related crime and corruption on the other hand and deep dislocations brought on by too slow an adjustment to a globalisation as yet insufficiently responsive to the special needs of the vulnerable. Urgent and comprehensive action is therefore required, almost simultaneously on a number of fronts.

**Firstly** - the development and passage of legislation to plug serious loopholes in the legal framework. The priority in this area would undoubtedly be integrity in Public Life acts in these states which now lack these and, more importantly, legislation regulating political party funding and election campaign financing. Whistle Blower protection and Freedom of Information laws would complement the clutch of urgently needed legislation.

**Secondly** - the rapid strengthening of institutional capacity in key pillars of the national integrity system. The clear priorities here are the public procurement bodies, the supreme audit institutions, the directors of public prosecutions and the units dealing with money - as well as the investigation of financial crimes. Given the small size of these states, this may well require the development of shared institutions and common services in the manner of the Eastern Caribbean Supreme Court and the Eastern Caribbean Central Bank, both of which have worked comparatively well. In this context consultations and recommendations towards forms of closer sub-regional political union need to be given every encouragement.

**Thirdly** - constitutional and governance reform should be supported. This should facilitate less executive dominance (e.g. limits on Cabinet sizes, prime ministerial term limits), more independent legislative oversight (e.g. larger legislatures, activated Public Accounts Committees), fairer electoral systems (e.g. by way of mixing proportional representation with first-past-the-post), institutionalised partnership with civil society (e.g. constitutionally mandated consultative arrangements) and revitalised community participation through local councils.

**Fourthly** - in collaboration with the private media a programme of public education and managed cultural change to demonstrate the harm of all forms of corruption, reduce public tolerance of and involvement in petty corruption and systematically involve the citizenry in reporting on acts of corruption.

**Finally** - and perhaps most critical in the context of the resource shortfalls and declining economic fortunes of those micro-states is a qualitative upgrading of donor support on two fronts, viz:

First and foremost, at the level of the hemispheric and global trade talks - special and differential treatment for small island states and vulnerable economies in the processes of liberalisation are a sine qua non if these countries are to enjoy any realistic chance of avoiding state capture or collapse, staving off social catastrophe and promoting sustainable development.

Enhanced resource flows - in terms of diagnostic studies, ongoing training, technological upgrading, low interest loans and substantial grants - are urgently required from the donor community. Priority areas of focus should be:

- The development of model legislation to fill gaps in the legal framework;
- Public Sector modernisation and capacity building in the key areas already mentioned;
- The strengthening of capacity in civil society groups.

## Endnotes

<sup>1</sup> For a general discussion of this phenomenon see Selwyn Ryan, Winner Takes all: The Westminster Experience in the Caribbean, ISER, The University of the West Indies, St. Augustine, Trinidad and Tobago, 1999.

<sup>2</sup> There is a growing body of analysis of the special vulnerabilities and challenges of small island states and weaker economies, for example, Globalization a Calculus of Inequality- Perspectives from the South, Denis Benn and Kenneth Hall (Eds.), Ian Randle Publishers, Kingston 2000.

<sup>3</sup> The Anglophone Caribbean stands out and has enjoyed a degree of continuous, uninterrupted, constitutional democratic rule unequalled in any other region of the Third World. For interesting exploration of this exceptionalism see Democracy in the Caribbean: Myths and Realities, Carlene J. Edie (Ed.), Praeger, USA, 1994.

<sup>4</sup> Currently, there is a transition to the establishment of the Caribbean Court of Justice, which under the Revised Treaty of Chaguaramas will replace the United Kingdom Privy Council as the highest court of appeal for the CARICOM states.

<sup>5</sup> Unfortunately, the Transparency International annual Corruption Perception Index could not have been one of these sources as none of the islands are rated or ranked.

<sup>6</sup> Cited from methodological note appended to graphical representations of governance indicators in Governance Matters III: 1996-2002, [http://info.worldbank.org/governance/kkz2002/mc\\_chart.asp](http://info.worldbank.org/governance/kkz2002/mc_chart.asp)

<sup>7</sup> Grenada questionnaire, *infra*.

<sup>8</sup> For a comprehensive exploration of this issue, see Ivelaw Lloyd Griffith Drugs and Security in the Caribbean: Sovereignty under Siege Pennsylvania State University Press USA 1997. Also, Ivelaw L. Griffith and Trevor Munroe "Drugs and democratic Governance in the Caribbean" in Democracy and Human Rights in the Caribbean p. 74- 94, Ivelaw L. Griffith and Betty N. Sedoc-Dahlberg (Eds.). Westview Press, USA, 1997.

<sup>9</sup> United States Department of State International Narcotics Control Strategy Report 2003 (Released by the Bureau for International Narcotics and Law Enforcement Affairs, March 2004 (Hereinafter referred to as INCSR 2003))

<sup>10</sup> United Nations Office on Drugs and Crime Caribbean Drug Trends 2001- 02, p. 4, 5.

<sup>11</sup> *Ibid*, p. 6.

<sup>12</sup> INCSR 2003, "Major Money Laundering Countries", p. 1, <http://www.state.gov/g/inl/rls/nrcrpt/2003/vol2/html/29919.htm>

<sup>13</sup> *Ibid*, p. 15.

<sup>14</sup> Blom-Cooper, Louis Guns for Antigua: Report of the Commission of Inquiry into the Circumstances Surrounding the Shipment of Arms from Israel to Antigua and Transshipment on 24 April 1989 en route to Colombia. London: Duckworth 1990; U.S Senate Committee on Governmental Affairs. "Arms Trafficking, Mercenaries and Drug Cartels" Hearing, Permanent Sub-Committee on Investigations. 102<sup>nd</sup> Congress, 1<sup>st</sup> session, February 27 and 28, 1991.

<sup>15</sup> Griffith, *op. cit.*, p. 156.

<sup>16</sup> Blom-Cooper cited in *ibid*, p. 157.

<sup>17</sup> Bahamas questionnaire, *infra*.

<sup>18</sup> Bahamas Ministry of Foreign Affairs. Report of the Commission of Inquiry into the Illegal use of the Bahamas for the transshipment of Dangerous Drugs Destined for the United States. Nassau, The Bahamas, 1984; Also see Griffiths (1997) *op. cit.*, p. 160-161.

<sup>19</sup> This absence of party finance regulation is increasingly peculiar to the CARICOM states. See Michael Pinto- Duchensky "Political Financing in the Commonwealth" Workshop on Money and Democratic Politics New Dehli. 21- 24 November 2001. Also by the same author "Financing Politics: A Global View" Journal of Democracy October 2002, Volume 13, Number 4, p. 69- 86.

<sup>20</sup> Selwyn Ryan, *op. cit.*, p. 79- 80.

<sup>21</sup> St. Vincent and the Grenadines questionnaire, *infra*.

<sup>22</sup> Interim Report of the Regional Task Force on Crime and Security, Unpublished mimeo, January 2002, p. 1 (quotations which follow are also taken from this Report).

<sup>23</sup> See St. Lucia and St. Vincent and the Grenadines questionnaires, *infra*.

<sup>24</sup> International Monetary Fund, Offshore Financial Centers The Assessment Program: A progress report and the future of the Program July 31, 2003, p. 7. For a defence of offshore financial services, see Rosemarie Antoine " The Offshore Financial Services Sector: Legal Policy issues on the Path to Development: A Legal Defence" Journal of Eastern Caribbean Studies. Vol. 26, No. 4, December 2001, p. 1-27.

<sup>25</sup> The Antigua and Barbuda Constitution Order (1981), Chapter V, Part I, S. 68 (1)- (3); The Bahamas Independence Order (1973), Chapter VI, s. 71 (1)- (3). The Barbados Independence Order (1966), Chapter VI, s. 63 (1)- (3); The Grenada Termination of Association Order (1973), Chapter IV, s. 57, (1)- (3); The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), no. 881, s. 51, (1)- (4); The St. Lucia Constitution Order (1978), Chapter IV, s. 59 (1)- (3); The St. Vincent Constitution Order (1979), Chapter IV, s. 50 (1)- (3).

<sup>26</sup> The Commonwealth of Dominica Constitution Order (1978), Chapter IV, s. 58 (1)- (3).

<sup>27</sup> The Antigua and Barbuda Constitution Order (1981), s. 80 (1).

<sup>28</sup> The Bahamas Independence Order (1973), s. 94 (1); The Barbados Independence Order (1966), s. 81 (1).

<sup>29</sup> The St. Lucia Constitution Order (1978), s. 87 (1).

<sup>30</sup> St. Lucia Constitution Order (1978), Chapter III, Pt. 3, s. 48 (5); The St. Vincent Constitution Order (1979), Chapter III, Pt. 3, s. 55.

<sup>31</sup> Dr. the Hon. Ralph Gonsalves, Westminster in the Caribbean: viability, past and present prospect for reform or radical departure Office of the Prime Minister, Government of Saint Vincent and the Grenadines, January 21, 2002, p. 8.

<sup>32</sup> The Antigua and Barbuda Constitution Order (1981), Chapter VII, s. 99 and s. 104; The Bahamas Independence Order (1973), Chapter VIII, s. 107, s. 116 and s. 118; The Barbados Independence Order (1966), Chapter VIII, s. 89- s. 91; The Commonwealth of Dominica Constitution Order (1978), Chapter VI, s. 84 and s. 91; The Grenada Termination of Association Order (1973), Chapter V, s. 83; The Saint

Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter VII, s. 77 and s. 84; The St. Lucia Constitution Order (1978), Chapter VI, s. 85 and s. 92; The St. Vincent Constitution Order (1979), Chapter VI, s. 77 and s. 84.

<sup>33</sup> West Indies Associated States Supreme Court Order, No. 223 (1967), establishing the Eastern Caribbean Court of Justice, National Legislation confers rule making authority on the Chief Justice. The Judicial and Legal Services Commission make judicial appointments, except that of the Chief Justice, who is appointed by Her Majesty. [http://www.ecsupremecourts.org.lc/comtents/About\\_the\\_ECSC.htm](http://www.ecsupremecourts.org.lc/comtents/About_the_ECSC.htm)

<sup>34</sup> Sir Fred Phillips Commonwealth Caribbean Constitutional Law Cavendish Publishing London; Sydney, 2002, p. 316- 317.

<sup>35</sup> The Antigua and Barbuda Constitution Order (1981), Chapter II, s. 3-21; The Bahamas Independence Order (1973), Chapter III, s. 15- 31; The Barbados Independence Order (1966), Chapter III, s. 11- 27; The Commonwealth of Dominica Constitution Order (1978), Chapter I, s. 11- 27; The Grenada Termination of Association Order (1973), Chapter I, s. 1- 18; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter II, s. 3- 20; St. Lucia Constitution Order (1978), Chapter 1, s. 1- 18; The St. Vincent Constitution Order (1979), Chapter I, s. 1- 18.

<sup>36</sup> "Many of our citizens feel that... there is too much centralization of government and too great a concentration of power in the hands of the Prime Minister; too little accountability, both by public officials and parliamentarians; a pressing need to shore up the citizen's basic rights, to strengthen the independence of the judiciary and to isolate the public service from political interference." Report of the Constitution Review Commission, Barbados, 1998, p. 11, paragraph 1.4. Similar sentiments are shared in the publications of constitutional review bodies in the Bahamas and St. Vincent and the Grenadines.

<sup>37</sup> Hamilton et al v Morrison et al (1975) ICCCBR 308/308, Grenada: Suit 403 in Phillips, op. cit., p. 39.

<sup>38</sup> Ibid. , p. 53-60.

<sup>39</sup> Ibid. , p. 110.

<sup>40</sup> (1994) 50 WIR 13 in Ibid. , p. 105-106.

<sup>41</sup> Victor Ayeni et al Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States, Commonwealth Secretariat London, 2000, p. 33.

<sup>42</sup> Office of the Ombudsman. Annual Report of the Ombudsman for Antigua and Barbuda for the year 2001, p. 5.

<sup>43</sup> Dr. Hayden Thomas, "The Role of the Ombudsman in Antigua and Barbuda" in ibid. , p. 69.

<sup>44</sup> The Commonwealth of Dominica Constitution Order (1978), Chapter III, Pt. 1, s. 32 (f); The Grenada Termination of Association Order (1973), Chapter III, Pt. 1 s. 26 (c); The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter IV, Pt. 1, s. 28 (5) (d) ; St. Lucia Constitution Order (1978), Chapter III, s. 26 (f); The St. Vincent Constitution Order (1979), Chapter III, Pt. 1, 26 (h).

<sup>45</sup> The Bahamas Independence Order (1973), Chapter V, Pt. 3, s. 49 (f).

<sup>46</sup> Code of Ethics Communication, p. 3 Tabled in the House of Assembly on 26/06/02 by the Hon. P.G. Christie, Prime Minister and Minister of Finance (mimeo).

<sup>47</sup> Ibid. , p. 9-10.

<sup>48</sup> The Torch. Official Publication of the Free National Movement September 2003, p. 1.

<sup>49</sup> See Dominica questionnaire, *infra*; see also Anthony Astaphan, First Preliminary Report (11 August 2000), p. 7-19.

<sup>50</sup> Judge Monica Theresa Joseph Analysis on the Adjustment of Criminal Legislation to Inter- American Convention Against Corruption and Regional Draft Model Legislation General Secretariat Organisation of American States, December 2002, p. 5.

<sup>51</sup> The Antigua and Barbuda Constitution Order (1981), Chapter IV, Pt. 2, s. 46; The Bahamas Independence Order (1973), Chapter V, Pt. 4, s. 52; The Barbados Independence Order (1966), Chapter V, Pt. 2, s. 48; The Commonwealth of Dominica Constitution Order (1978), Chapter II, Pt. 2, s. 41; The Grenada Termination of Association Order (1973), Chapter III, Pt. 2, s. 38; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter IV, Pt. 2, s. 37 (St. Kitts) and Chapter 10, s. 103 (Nevis); St. Lucia Constitution Order (1978), Chapter III, Pt. 2, s. 40; The St. Vincent Constitution Order (1979), Chapter III, Pt. 2, s. 37.

<sup>52</sup> The Antigua and Barbuda Constitution Order (1981), Chapter IV, Pt. 1, s. 28; The Bahamas Independence Order (1973), Chapter IV, Pt. 2, s. 39; The Barbados Independence Order (1966), Chapter IV, Pt. 1, s. 36; The Commonwealth of Dominica Constitution Order (1978), Chapter III, Pt. 1, s. 34; The Grenada Termination of Association Order (1973), Chapter III, Pt. 1, s. 24; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter 4, Pt 1, s. 30; St. Lucia Constitution Order (1978), Chapter III, s. 24; The St. Vincent Constitution Order (1979), Chapter III, Pt. 1, s. 28.

<sup>53</sup> Selwyn Ryan, The Judiciary and Governance in the Caribbean Sir Arthur Lewis Institute of Social and Economic Studies, University of the West Indies, St. Augustine, Trinidad and Tobago, 2001, p. 200.

<sup>54</sup> The issue of modifying the pure first-past-the- post plurality electoral system has been raised in Constitutional reform processes in Dominica, Antigua-Barbuda, The Bahamas, Barbados and St. Vincent and the Grenadines. See Phillips *op. cit.* p. 206-207, 240-241; The Bahamas Constitutional Commission The Bahamas Constitution: options for change Government of the Bahamas, Nassau, Bahamas, 2003, p. 28-29, 32; St. Vincent and the Grenadines Constitution Review Commission (CRC) Information Booklet on the Constitution of St. Vincent and the Grenadines July 2003, p. 11; Report of the Constitution Review Commission 1998 Government Printing Department, Bridgetown, Barbados, p. 49-50.

<sup>55</sup> The Antigua and Barbuda Constitution Order (1981), s. 41 (1) (e).

<sup>56</sup> The Antigua and Barbuda Constitution Order (1981), Chapter V, Pt. 1, s. 79; The Bahamas Independence Order (1973), Chapter VI, s. 82; The Barbados Independence Order (1966), Chapter VI, s. 74; The Commonwealth of Dominica Constitution Order (1978), Chapter IV, s. 66; The Grenada Termination of Association Order (1973), Chapter IV, s. 66; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter V, s. 58; St. Lucia Constitution Order (1978), Chapter IV, s. 67; The St. Vincent Constitution Order (1979), Chapter IV, s. 59.

<sup>57</sup> The Antigua and Barbuda Constitution Order (1981), Chapter V, Pt. 1, s. 70; The Bahamas Independence Order (1973), Chapter VI, s. 72; The Barbados Independence Order (1966), Chapter VI, s. 64; The Commonwealth of Dominica Constitution Order (1978), Chapter IV, s. 60; The Grenada Termination of Association Order (1973), Chapter IV, s. 59; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter V, s. 53; St. Lucia Constitution Order (1978), Chapter IV, s. 61; The St. Vincent Constitution Order (1979), Chapter IV, s. 52.

<sup>58</sup> The Grenada Termination of Association Order (1973), s. 58 (6) (a).

<sup>59</sup> See, for example, Bahamas Constitutional Commission *op. cit.*, p. 45.

<sup>60</sup> The Commonwealth of Dominica Constitution Order (1978), s. 76.

<sup>61</sup> Ibid. , s. 70 (1).

<sup>62</sup> See The Report of the Commission of Inquiry established 14 July 1999, chaired by Sir Louis Blom-Cooper on the "Tale of the Three Hydrofoils and other Acts of Financial Management in St. Kitts-Nevis 1980-1999", 3 February 2000, p. 52 and 107, cited in St. Kitts-Nevis questionnaire, *infra*.

<sup>63</sup> Report on the 1999 General Elections in Antigua and Barbuda *passim*. Also Antigua and Barbuda questionnaire, *infra*.

<sup>64</sup> In the general election of March 2004, the Antigua Labour Party suffered its first defeat in 28 years. It is nevertheless too early to say, on the basis of a single election, that Antigua's one party dominant system is in the process of transformation.

<sup>65</sup> See Patrick Emmanuel, Elections and Party Systems in the Commonwealth Caribbean, Caribbean Development Research Services (CADRES), St. Michael, Barbados, 1992.

<sup>66</sup> Selwyn Ryan, op. cit., (1999).

<sup>67</sup> Antigua-Barbuda questionnaire, *infra*.

<sup>68</sup> St. Kitts-Nevis Constitution, s. 82 (3).

<sup>69</sup> Ibid. , s. 76 (2) (a).

<sup>70</sup> The Grenada Termination of Association Order (1973), s. 82 (6).

<sup>71</sup> The Commonwealth of Dominica Constitution Order (1978), s. 89 (6).

<sup>72</sup> High Court of Grenada (Civil Suit No 153 of 2000, unreported), On appeal to the OECS Supreme Court (August 2001), Sir Fred Phillips Commonwealth Caribbean Constitutional Law Cavendish Publishing London; Sydney, 2002, p. 314, footnote 36.

<sup>73</sup> See Grenada questionnaire, *infra*.

<sup>74</sup> Organisation of Eastern Caribbean States Country Procurement Assessment Report World Bank 2003, p. 23.

<sup>75</sup> Barbados Report of the Constitution Review Commission op. cit., p. 84.

<sup>76</sup> Barbados questionnaire, *infra*.

<sup>77</sup> Audit Department, Audit Report no. 1 1999 Report of the Director of Audit, Grenada on the statement of Accounts of the Government of Grenada for 1994, p. 16.

<sup>78</sup> Ibid. , p. 5.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> The Bahamas Independence Order (1973), Chapter VII; The Barbados Independence Order (1966), Chapter VII.

<sup>82</sup> For an authoritative description of the Eastern Caribbean Supreme Court, its functions and powers, composition and activity- See the Eastern Caribbean Supreme Court, [http://www.oecs.org/inst\\_ecsc.htm](http://www.oecs.org/inst_ecsc.htm)

<sup>83</sup> The Bahamas Independence Order (1973), s. 94 (1); The Barbados Independence Order (1966), s. 81 (1).

<sup>84</sup> Barbados Report of the Constitutional Review Commission 1998, p. 60-61.

<sup>85</sup> The Bahamas Independence Order (1973), s. 99 (1).

<sup>86</sup> The Bahamas Independence Order (1973), Chapter VII, s. 96; The Barbados Independence Order (1966), Chapter VII, s. 84.

<sup>87</sup> Phillips *op. cit.*, p. 284.

<sup>88</sup> See St. Lucia questionnaire, *infra*.

<sup>89</sup> Civil Suit no. 734 of 1981 (Barbados) cited and discussed in *ibid.*, p. 60-62.

<sup>90</sup> Grand Anse Estates Ltd v Governor General and others (unreported) in *ibid.*, p. 69-71.

<sup>91</sup> Smith v Commissioner of Police (1994) 50 WIR 13 in *ibid.*, p. 105-106.

<sup>92</sup> *Ibid.*, p. 298.

<sup>93</sup> Selwyn Ryan (2001) *op. cit.*, p. 13-16.

<sup>94</sup> See Reginald Dumas Report of the Task of the Task Force appointed by the Hon. Chief Justice to Enquire into the Structure and Functioning of the Judicial and Legal Services Commission February 2000 cited in Ryan *ibid.*, p. 14.

<sup>95</sup> *Ibid.*, p. 16.

<sup>96</sup> Phillips *op. cit.*, p. 280.

<sup>97</sup> *Ibid.*, p. 282.

<sup>98</sup> Inter-American Development Bank. Caribbean Group for Cooperation in Economic Development Challenges of Capacity Development: Towards Sustainable Reforms of Caribbean Justice Sectors Volume II, May 2000, p. 5.

<sup>99</sup> Phillips *op. cit.*, p. 280.

<sup>100</sup> *Ibid.*, p. 279.

<sup>101</sup> The Antigua and Barbuda Constitution Order (1981), Chapter VII, Pt. 1; The Bahamas Independence Order (1973), Chapter VIII, Pt. 1-3; The Barbados Independence Order (1966), Chapter VIII, Pt. 1; The Commonwealth of Dominica Constitution Order (1978), Chapter VI; The Grenada Termination of Association Order (1973), Chapter VI; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter VII; St. Lucia Constitution Order (1978), Chapter VI; The St. Vincent Constitution Order (1979), Chapter VI.

<sup>102</sup> The Commonwealth of Dominica Constitution Order (1978), s. 68.

- <sup>103</sup> Ibid. , p. 279.
- <sup>104</sup> Bahamas Manual of Cabinet and Ministry Procedure paragraph 2.
- <sup>105</sup> The Grenada Termination of Association Order (1973), s. 83 (12).
- <sup>106</sup> Cited from the St. Vincent and the Grenadines questionnaire, *infra*.
- <sup>107</sup> Ibid.
- <sup>108</sup> Cited from Antigua and Barbuda questionnaire, *infra*.
- <sup>109</sup> Cited from St. Vincent and the Grenadines questionnaire, *infra*.
- <sup>110</sup> Cited from Dominica questionnaire, *infra*.
- <sup>111</sup> Report of the Service Commission for the Period 1998-2002, p. 9.
- <sup>112</sup> Barbados Report of the Constitutional Commission, 1998, p. 68.
- <sup>113</sup> Monica Josephs op. cit., p. 8-42.
- <sup>114</sup> Ibid. , p. 1-7.
- <sup>115</sup> Ryan (2001) op. cit., p. 136.
- <sup>116</sup> See questionnaires, *infra*.
- <sup>117</sup> Ryan (2001) op. cit. , p. 136. As noted above however the Eastern Caribbean Supreme Court reversed the judgement on appeal.
- <sup>118</sup> Phillips op. cit., p. 215.
- <sup>119</sup> For an assessment of this programme, see OECS Country Procurement Assessment Report (Dominica, Grenada, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines) Volume I. Findings and Recommendations Volume II Data Analysis April 2003 (mimeo).
- <sup>120</sup> Barbados Report of the Constitution Reform Commission, 1998, p. 68.
- <sup>121</sup> See Bahamas questionnaire, *infra*.
- <sup>122</sup> The St. Vincent Constitution Order (1979), s. 84 (6).
- <sup>123</sup> The Grenada Termination of Association Order (1973), s. 89 (1).
- <sup>124</sup> The Bahamas Independence Order (1973), Chapter VIII, Pt. 5, s. 119.
- <sup>125</sup> The Bahamas Independence Order (1973), Chapter VIII, Pt. 5, s. 120.
- <sup>126</sup> The Commonwealth of Dominica Constitution Order (1978), Chapter VI, Pt. 3, s. 92 (1).
- <sup>127</sup> Barbados questionnaire, *infra*.

<sup>128</sup> Personal communication from Mr. Reginald Ferguson, Deputy Commissioner (Acting), Police Headquarters, Nassau, Bahamas, 3 October; Dominica questionnaire, *infra*.

<sup>129</sup> The Antigua and Barbuda Constitution Order (1981), Chapter V, Pt. 2; The Barbados Independence Order (1966), Chapter VIII, Pt. 2; The Commonwealth of Dominica Constitution Order (1978), Chapter VI, Pt. 2; The Grenada Termination of Association Order (1973), Chapter VI, Pt. 2; The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), Chapter VII, Pt. 2; St. Lucia Constitution Order (1978), Chapter VI, Pt. 2; The St. Vincent Constitution Order (1979), Chapter VI, Pt. 2.

<sup>130</sup> In the Bahamas, under s. 78 (1) the Attorney General, a Minister in the political executive appointed by the Prime Minister has the power to institute, undertake and/or discontinue criminal proceedings. The DPP is a public officer in the Attorney General's Department.

<sup>131</sup> The St. Vincent Constitution Order (1979), s. 81 (1).

<sup>132</sup> The Commonwealth of Dominica Constitution Order (1978), s. 88 (1).

<sup>133</sup> The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), s. 65 (6).

<sup>134</sup> See questionnaires, *infra*.

<sup>135</sup> Antigua-Barbuda questionnaire, *infra*.

<sup>136</sup> "Colin Williams' appointment as Acting DPP" Kenneth John, The Vincentian, September 26, 2003, p. 6.

<sup>137</sup> Phillips op. cit., p. 313.

<sup>138</sup> Antigua-Barbuda questionnaire, *infra*.

<sup>139</sup> Grenada questionnaire, *infra*.

<sup>140</sup> See OECS assessment op. cit., *passim*.

<sup>141</sup> Cited from St. Vincent and the Grenadines questionnaire, *infra*.

<sup>142</sup> Barbados Audit Office Report of the Auditor General for the year 2002, p. 29-30.

<sup>143</sup> Antigua and Barbuda. In the High Court of Justice-Civil Suit-Judgement, p. 2.

<sup>144</sup> Ibid., p. 5.

<sup>145</sup> Antigua-Barbuda questionnaire, *infra*.

<sup>146</sup> OECS assessment, op. cit., p. 4.

<sup>147</sup> The Antigua and Barbuda Constitution Order (1981), Chapter IV, Pt. 5; The Commonwealth of Dominica Constitution Order (1978), Chapter IX and St. Lucia Constitution Order (1978), Chapter IX. Barbados has an established post for the Ombudsman under the Office of the Prime Minister but does not recognise the office as independent.

<sup>148</sup> The Antigua and Barbuda Constitution Order (1981), s. 66 (1).

<sup>149</sup> The Commonwealth of Dominica Constitution Order (1978), s. 108 (6).

<sup>150</sup> United States Department of State Antigua and Barbuda: Country Reports on Human Rights Practices 2002, p. 6.

<sup>151</sup> St. Lucia questionnaire, *infra*.

<sup>152</sup> Ibid.

<sup>153</sup> Monica Josephs op. cit., *supra*.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid., s. 7 (2).

<sup>156</sup> Ibid., s. 11 (2).

<sup>157</sup> The St. Vincent Constitution Order (1979), s. 10 (1).

<sup>158</sup> See, for example, the Commission of enquiry into the Antigua-Barbuda Medical Benefits scheme, *supra*.

<sup>159</sup> Freedom House 2003.

<sup>160</sup> See St. Lucia questionnaire, *infra*.

<sup>161</sup> See Dr. the Hon. Ralph E. Gonsalves Prime Minister of St. Vincent and the Grenadines Good Governance and Constitutional Reform in Saint Vincent and the Grenadines Monday February 10<sup>th</sup> 2003, Office of the Prime Minister, St. Vincent and the Grenadines Feb 10, 2003 (mimeo).

<sup>162</sup> Quoted in St. Vincent and the Grenadines questionnaire, *infra*.

<sup>163</sup> The Saint Christopher and Nevis (also known as St. Kitts and Nevis) Constitution Order (1983), s. (1).

<sup>164</sup> The Grenada Termination of Association Order (1973), s. 107; The Antigua and Barbuda Constitution Order (1981), s. 123.

<sup>165</sup> Much of the following summary is derived from the United States Department of State International Narcotics Central Strategy Report 2003- Part 2 Money Laundering and Anti-Money laundering.

<sup>166</sup> For authoritative reviews of the impact of these sectors on development see Caribbean Development Bank Annual Report 2002 St. Michael Barbados, p. 22-24; CARICOM Secretariat Caribbean Economic Performance Report 2003, p. 7.

<sup>167</sup> International Monetary Fund, "IMF Concludes Discussion on the Eastern Caribbean Currency Union Public Information Notice (PIN) No03/40 March 28, 2003, p. 1-2.  
<http://www.imf.org/external/np/sec/pn/2003/pn0340.htm>

<sup>168</sup> The World Bank Group Organisation of Eastern Caribbean States- Country- Brief,  
<http://lnweb18.worldbank.org/External/lac/lac.nsf/Countries/OECS>

<sup>169</sup> Ryan (1999) op. cit., p. 50.

<sup>169</sup> <http://www.oas.org/main/main.asp?sLang=E&sLink=../documents/eng/oasinbrief.asp>

## References

"Arms Trafficking, Mercenaries and Drug Cartels" Hearing, Permanent Sub-Committee on Investigations, 102<sup>nd</sup> Congress, 1<sup>st</sup> session, February 27 and 28, 1991, US Senate Committee on Governmental Affairs

Antoine, Rosemarie. "The Offshore Financial Services Sector: Legal Policy Issues on the Path to Development: A Legal Defence". Journal of Eastern Caribbean Studies, Vol. 26, No. 4, December, 2001, p. 1-27

Audit Department, Grenada. Audit Report No. 1, 1999. Report of the Director of Audit

Ayeni, Victor et al. Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States. Commonwealth Secretariat: London, 2000

Bahamas Constitutional Commission. The Bahamas Constitution: options for change. Government of the Bahamas: Nassau, Bahamas, 2003

Bahamas Manual of Cabinet and Ministry Procedure

Bahamas Ministry of Foreign Affairs. Report of the Commission of Inquiry into the Illegal use of the Bahamas for the transshipment of Dangerous Drugs Destined for the United States. Nassau, The Bahamas, 1984

Barbados Audit Office. Report of the Auditor General for the year 2002

Benn, Denis and Kenneth Hall (Eds.) Globalization a Calculus of Inequality - Perspectives from the South. Ian Randle Publishers: Kingston, 2000

Blom-Cooper, Louis. Guns for Antigua: Report of the Commission of Inquiry into the Circumstances Surrounding the Shipment of Arms from Israel to Antigua and Transshipment on 24 April 1989 en route to Colombia. London: Duckworth, 1990

Caribbean Development Bank. Annual Report 2002. St. Michael, Barbados

CARICOM Secretariat. Caribbean Economic Performance Report 2003

Code of Ethics Communication. Tabled in the House of Assembly on 26/06/02 by the Hon. P.G. Christie, Prime Minister and Minister of Finance (mimeo)

Edie, Carlene J. (Ed.) Democracy in the Caribbean: Myths and Realities. Praeger, USA, 1994

Extraordinary Publication of the Official Bahamas Gazette. Nassau, 21<sup>st</sup> January, 2004

Gonsalves, Dr. the Hon. Ralph E., Prime Minister of St. Vincent and the Grenadines. Good Governance and Constitutional Reform in Saint Vincent and the Grenadines, Monday, February 10<sup>th</sup> 2003, Office of the Prime Minister, St. Vincent and the Grenadines Feb 10, 2003 (mimeo)

Gonsalves, Dr. the Hon. Ralph. Westminster in the Caribbean: viability, past and present prospect for reform or radical departure. Office of the Prime Minister, January 21, 2002

Griffith, Ivelaw L. and Trevor Munroe. "Drugs and democratic Governance in the Caribbean" in Griffith, Ivelaw L. and Betty N. Sedoc-Dahlberg (Eds.) Democracy and Human Rights in the Caribbean. Westview Press: USA, 1997, p. 74-94

Griffith, Ivelaw Lloyd. Drugs and Security in the Caribbean: Sovereignty under Siege. Pennsylvania State University Press: USA, 1997

Inter-American Development Bank. Caribbean Group for Cooperation in Economic Development. Challenges of Capacity Development: Towards Sustainable Reforms of Caribbean Justice Sectors. Volume II, May, 2000

International Monetary Fund. IMF Concludes Discussion on the Eastern Caribbean Currency Union. Public Information Notice (PIN) No 03/40, March 28, 2003, <http://www.imf.org/external/np/sec/pn/2003/pn0340.htm>

International Monetary Fund. Offshore Financial Centers The Assessment Program: A progress report and the future of the program. July 31, 2003

John, Kenneth. "Colin Williams' appointment as Acting DPP". The Vincentian, September 26, 2003

Joseph, Judge Monica Theresa. Analysis on the Adjustment of Criminal Legislation to Inter-American Convention Against Corruption and Regional Draft Model Legislation. General Secretariat, Organisation of American States, December, 2002

Laurent, Lawrence M.P. "The Role and Jurisdiction of the Office of the Parliamentary Commissioner in Saint Lucia" in Victor Ayeni et al, Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small Island States: The Caribbean Experience. Commonwealth Secretariat: London, 2000

Munroe, Trevor. An Introduction to Politics: Lectures for First Year Students. Canoe Press: Mona, Jamaica, 2002

OECS Country Procurement Assessment Report (Dominica, Grenada, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines) (Volume I. Findings and Recommendations Volume II Data Analysis), April, 2003 (mimeo)

Office of the Ombudsman. Annual Report of the Ombudsman for Antigua and Barbuda for the Year 2001

Phillips, Sir Fred. Commonwealth Caribbean Constitutional Law. Cavendish Publishing: London; Sydney, 2002

Pinto-Duchensky, Michael. "Financing Politics: A Global View". Journal of Democracy, October, 2002, Volume 13, Number 4, p. 69-86.

Pinto-Duchensky, Michael. "Political Financing in the Commonwealth" Workshop on Money and Democratic Politics, New Dehli. 21-24 November 2001

Public Notice of Appointment of Commission of Inquiry under the Commissions of Inquiry Act Chapter 184, Statute Law of the Bahamas, 2000 (revised edition)

Report of the Constitution Review Commission 1998. Government Printing Department: Bridgetown, Barbados

Report of the Constitution Review Commission. Barbados, 1998

Report of the Service Commission for the Period 1998-2002

Ryan, Selwyn. The Judiciary and Governance in the Caribbean. Sir Arthur Lewis Institute of Social and Economic Studies, University of the West Indies: St. Augustine, Trinidad and Tobago, 2001

Ryan, Selwyn. Winner Takes all: The Westminster Experience in the Caribbean. ISER, The University of the West Indies: St. Augustine, Trinidad and Tobago, 1999

St. Vincent and the Grenadines Constitution Review Commission (CRC). Information Booklet on the Constitution of St. Vincent and the Grenadines. July, 2003

"Tale of the Three Hydrofoils and other Acts of Financial Management in St. Kitts-Nevis 1980-1999". The Report of the Commission of Inquiry established 14 July 1999, chaired by Sir Louis Blom-Cooper on the 3 February 2000

The Torch. Official Publication of the Free National Movement, September, 2003

Thomas, Dr. Hayden. "The Role of the Ombudsman in Antigua and Barbuda", in Victor Ayeni et al Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States. Commonwealth Secretariat: London, 2000

United Nations Office on Drugs and Crime. Caribbean Drug Trends 2001-02.

United States Department of State. International Narcotics Central Strategy Report 2003 - Part 2 Money Laundering and Anti-Money Laundering.  
<http://www.state.gov/g/inl/rls/nrcrpt/2003/vol2/html/29919.htm>

United States Department of State. Antigua and Barbuda: Country Reports on Human Rights Practices. 2002

World Bank. Organisation of Eastern Caribbean States Country Procurement Assessment Report. 2003

World Bank Group Organisation of Eastern Caribbean States. Country-Brief.  
<http://lnweb18.worldbank.org/External/lac/lac.nsf/Countries/OECS>

## Internet

<http://alca-ftaa.iabd.org/eng/gpdoc2/INTRO.htm>

<http://www1.oecd.org/fatf/>

<http://freedomhouse.org/pfs2003.pdf>

<http://freedomhouse.org/research/freeworld/table2004.pdf>

[http://info.worldbank.org/governance/kkz2002/mc\\_chart.asp](http://info.worldbank.org/governance/kkz2002/mc_chart.asp)

<http://www.cnn.com/2004/world/americas/03/24/antigua.elections.ap/>

<http://www.interpol.int/Public/Statistics/ICS/downloadList.asp>

[http://www.ecsupremecourts.org.lc/comtents/About\\_the\\_ECSC.htm](http://www.ecsupremecourts.org.lc/comtents/About_the_ECSC.htm)

[http://www.oecs.org/inst\\_ecsc.htm](http://www.oecs.org/inst_ecsc.htm)

<http://www.georgetown.edu/pdba/Elecdata/electdata.html#data>

<http://www1.worldbank.org/publicsector/civilservice/countries/Antigua/surquesres.htm>

[www.antigua-barbuda.com/busnss-politics/body\\_budget\\_speech\\_2002.html](http://www.antigua-barbuda.com/busnss-politics/body_budget_speech_2002.html)

<http://www.avirtualdominica.com/government.htm>

[www.caribbean-search.com/fastfacts.cfm](http://www.caribbean-search.com/fastfacts.cfm)

[www.cia.gov/cia/publications/chiefs](http://www.cia.gov/cia/publications/chiefs)

[www.electionworld.org](http://www.electionworld.org)

## Legislation

### Constitutions

- Antigua and Barbuda Constitution Order (1981)
- Bahamas Independence Order (1973)
- Barbados Independence Order (1966)
- Commonwealth of Dominica Constitution Order (1978)
- Grenada Termination of Association Order (1973)
- St. Christopher and Nevis Constitution Order (1983)
- St. Lucia Constitution Order (1978)
- St. Vincent Constitution Order (1979)

### Regional Agreements

- CARICOM Charter on Civil Society
- The Inter-American Convention Against Terrorism
- The West Indies Associated States Supreme Court Order 1967 no. 223

### Antigua-Barbuda

- Integrity in Public Life Act 2003 (proposed)
- Money Laundering (Prevention) Act (MPLA) 1999 (Amended in 2000, 2001, 2002)
- ONDCP Act 2003
- Representation of People (Amendment) Act 2001
- Tenders Board Act
- The Antigua and Barbuda Civil service Regulations, 1993, No. 1
- The Barbuda Local Government Act
- The International Business Corporations (Amendment) Act 2000 (IBCA)
- The Libel and Slander Act of 1876
- The Money laundering (Prevention) Act 1996
- The Ombudsman Act of 1994
- The Prevention of Corruption Act 2003 (proposed)
- The Public Order Acts of Antigua and Barbuda
- The Sedition and Undesirable Publications Act of 1938
- The Sexual Offences Act

## **The Bahamas**

Code of Ethics, June 26, 2002  
FIU Act 2000 and FIU (Amendment) Act 2001  
The Central Bank of the Bank of the Bahamas Act 2000  
The Commissions of Inquiry Act  
The Financial Regulations and Public Disclosure Act  
The Financial Transaction Reporting Act 2000  
The General Orders of the Public Service and  
The International Business Companies Act 2000  
The Local Government Act, 1996  
The Prevention of Bribery (of Public Officials) Act  
The Proceeds of Crime Act 2000  
The Public Disclosure Act, no. 12, 1976  
The Public Servants Act

## **Barbados**

MLPCA (Amendment) Act 2001  
The 1998 Constitution Review Commission Report  
The Administrative Justice Act (1985)  
The Civil Establishment (Qualification) Order, 2001  
The Civil Establishment Act of 1949  
The Financial Administration and Audit Act  
The General Orders for the Civil Service of Barbados 1970 (Revised Edition 1997)  
The International Business (Miscellaneous Provisions) Act, 2001  
The International Business Companies Act 1992  
The International Financial Services Act 2002  
The Management Board Act  
The Money Laundering (Prevention and Control) Act 1988 (MLPCA)  
The Ombudsman Act 1981  
The Public Accounts Committee Act, 2003  
The Representation of the Peoples (Amendment) Act 1997  
The Service Commissions (Public Service) Regulations, 1978

## **Dominica**

Anti-Money Laundering Guidance Notes, 2001  
Money Laundering (Prevention) Regulations) 2001  
Portsmouth Town Council Act  
Roseau Town Council Act

The Criminal Code of Dominica  
The Education Act  
The Integrity in Public Life Act, No. 6, 2003  
The International Business Companies (Amendment) Act, No. 13, 2000 (and additional amendments in 2001)  
The Money Laundering (Prevention) Act (MLPA), No. 20, 2000 (and 2001 amendments)  
The Offshore Banking (Amendment) Act, No. 16, 2000  
The Proceeds of Crime Act (Act 4 of 1993)  
The Public Service Act  
The Representation of the Peoples Act  
The Revised Laws of Dominica under the State Proceedings Act  
The Staff Orders of the Dominica Civil Service  
Village Council Ordinance (CAP 190)

## **Grenada**

Draft Grenada Broadcasting Act  
FIU Act, No. 1, 2003  
Grenada House of Representatives Standing Rules and Orders (No. 39 of 1993)  
Grenada International Financial Services Authority (GIFSA) Act, No. 13, 2001  
Grenada Media Standards Commission Act  
Grenada Standing Order of the Senate  
International Companies Act  
Money Laundering Prevention Act (MLPA) 1999  
Revised Draft Grenada Media Guidelines: A Code of Professional Practice  
The Exchange of Information Act, No. 2, 2003  
The Finance and Audit Act  
The International Financial Services (Miscellaneous Amendments) Act 2002  
The Proceeds of Crime (Amendment) Act 2003  
The Statutory Rules and Orders (The Public Service rules)

## **St. Kitts-Nevis**

Financial Services (Exchange of Information) Regulations 2002  
Financial Services Commission Act, No. 17, 2000  
Integrity in Public Life (Draft) Act 1996  
Nevis Offshore Banking (Amendment) Ordinance, No. 3, 2000  
Nevis Offshore Banking (Amendment) Ordinance, No. 4, 2001  
Proceeds of Crime Act, No. 16, 2000  
The Anti-Corruption (Draft) Act  
The Anti-Money Laundering Regulations, No. 15, 2001

The Anti-Money Laundering Regulations, No. 36, 2001  
The Civil Service Regulations  
The Companies (Amendment) Act, No. 14, 2001  
The Financial Instructions of St. Christopher-Nevis 1983  
The Financial Intelligence Unit Act, No. 15, 2000  
The Nevis Business Corporation (Amendment) Ordinance, No. 3, 2001  
The Pensions Variations Act of 1994  
The Stores Rules of St. Christopher and Nevis of 1983

### **St. Lucia**

Administrative Justice (Improvement) Act 1998  
Proceeds of Crime Act 1993  
The Audit Act no. 36 of 1988  
The Finance Act of 1997  
The Financial Intelligence Act, No. 17, 2002  
The Foreign Nationals and Commonwealth Citizens (Employment) Act  
The Integrity Commission Act 2001  
The Integrity in Public Life Act 2002  
The International Banks Act 1999  
The International Business Companies Act 1999  
The International Insurance Act 1999  
The International Trusts Act 1999  
The Money Laundering (Prevention Act) of 2003  
The Money Laundering (Prevention) Act (MLPA) 2003  
The Mutual Funds Act 1999  
The Parliamentary Commissioner's Act  
The Proceeds of Crime Act No. 10 of 1993  
The Procurement and Stores Regulations No. 37 of the Finance Act of 1997 (Second Schedule)  
The Public Services Commission (Remuneration Privileges and Offences) Act  
The Registered Agent and Trustee Licensing Act 1999  
The Staff Orders for the Public Service of St. Lucia  
The Undesirables Aliens Expulsion Ordinance

### **St. Vincent and the Grenadines**

Integrity in Public Life Act 2003(proposed)  
The Civil Service Regulations  
The Exchange of Information Act, No. 29, 2002  
The Finance and Audit Act 1964

The Financial Intelligence Unit Act, No. 38, 2001  
The International Banks (Amendment) Act, No. 30, 2002  
The International Banks Amendment Act (October) 2000  
The International Business Companies Amendment Act, No. 26, 2002  
The Kingstown Board (Termination of Dissolution) Act  
The Kingstown Board Ordinance in 1897  
The Proceeds of Crime (Money Laundering) Regulations 2002  
The Proceeds of Crime and Money Laundering (Prevention) Act 2001  
The Purchases and Tenders Procedure, Ordinance 32 of 1967

## Annex - Inter-American Convention Against Corruption

### INTER-AMERICAN CONVENTION AGAINST CORRUPTION

(Adopted at the third plenary session, held on March 29, 1996)

#### Preamble

THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES,  
CONVINCED that corruption undermines the legitimacy of public institutions and strikes at society, moral order and justice, as well as at the comprehensive development of peoples;

CONSIDERING that representative democracy, an essential condition for stability, peace and development of the region, requires, by its nature, the combating of every form of corruption in the performance of public functions, as well as acts of corruption specifically related to such performance;

PERSUADED that fighting corruption strengthens democratic institutions and prevents distortions in the economy, improprieties in public administration and damage to a society's moral fiber;

RECOGNIZING that corruption is often a tool used by organized crime for the accomplishment of its purposes;

CONVINCED of the importance of making people in the countries of the region aware of this problem and its gravity, and of the need to strengthen participation by civil society in preventing and fighting corruption;

RECOGNIZING that, in some cases, corruption has international dimensions, which requires coordinated action by States to fight it effectively;

CONVINCED of the need for prompt adoption of an international instrument to promote and facilitate international cooperation in fighting corruption and, especially, in taking appropriate action against persons who commit acts of corruption in the performance of public functions, or acts specifically related to such performance, as well as appropriate measures with respect to the proceeds of such acts;

DEEPLY CONCERNED by the steadily increasing links between corruption and the proceeds generated by illicit narcotics trafficking which undermine and threaten legitimate commercial and financial activities, and society, at all levels;

BEARING IN MIND the responsibility of States to hold corrupt persons accountable in order to combat corruption and to cooperate with one another for their efforts in this area to be effective; and

DETERMINED to make every effort to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance,

HAVE AGREED

to adopt the following

## **INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

### **Article I** Definitions

For the purposes of this Convention:

"Public function" means any temporary or permanent, paid or honorary activity, performed by a natural person in the name of the State or in the service of the State or its institutions, at any level of its hierarchy.

"Public official", "government official", or "public servant" means any official or employee of the State or its agencies, including those who have been selected, appointed, or elected to perform activities or functions in the name of the State or in the service of the State, at any level of its hierarchy.

"Property" means assets of any kind, whether movable or immovable, tangible or intangible, and any document or legal instrument demonstrating, purporting to demonstrate, or relating to ownership or other rights pertaining to such assets.

### **Article II** Purposes

The purposes of this Convention are:

1. To promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption; and
2. To promote, facilitate and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

### **Article III** Preventive Measures

For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen:

1. Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions. These standards shall also establish measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions. Such measures should help preserve the public's confidence in the integrity of public servants and government processes.
2. Mechanisms to enforce these standards of conduct.

3. Instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities.
4. Systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public.
5. Systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems.
6. Government revenue collection and control systems that deter corruption.
7. Laws that deny favorable tax treatment for any individual or corporation for expenditures made in violation of the anticorruption laws of the States Parties.
8. Systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems.
9. Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts.
10. Deterrents to the bribery of domestic and foreign government officials, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts.
11. Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption.
12. The study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.

#### **Article IV**

##### Scope

This Convention is applicable provided that the alleged act of corruption has been committed or has effects in a State Party.

#### **Article V**

##### Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense in question is committed in its territory.
2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense is committed by one of its nationals or by a person who habitually resides in its territory.
3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

**Article VI**  
Acts of Corruption

1. This Convention is applicable to the following acts of corruption:

- a. The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- c. Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;
- d. The fraudulent use or concealment of property derived from any of the acts referred to in this article; and
- e. Participation as a principal, coprincipal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any collaboration or conspiracy to commit, any of the acts referred to in this article.

2. This Convention shall also be applicable by mutual agreement between or among two or more States Parties with respect to any other act of corruption not described herein.

**Article VII**  
Domestic Law

The States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish as criminal offenses under their domestic law the acts of corruption described in Article VI(1) and to facilitate cooperation among themselves pursuant to this Convention.

**Article VIII**  
Transnational Bribery

Subject to its Constitution and the fundamental principles of its legal system, each State Party shall prohibit and punish the offering or granting, directly or indirectly, by its nationals, persons having their habitual residence in its territory, and businesses domiciled there, to a government official of another State, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage, in connection with any economic or commercial transaction in exchange for any act or omission in the performance of that official's public functions.

Among those States Parties that have established transnational bribery as an offense, such offense shall be considered an act of corruption for the purposes of this Convention.

Any State Party that has not established transnational bribery as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention.

**Article IX**  
Illicit Enrichment

Subject to its Constitution and the fundamental principles of its legal system, each State Party that has not yet done so shall take the necessary measures to establish under its laws as an offense a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions.

Among those States Parties that have established illicit enrichment as an offense, such offense shall be considered an act of corruption for the purposes of this Convention.

Any State Party that has not established illicit enrichment as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention.

**Article X**  
Notification

When a State Party adopts the legislation referred to in paragraph 1 of articles VIII and IX, it shall notify the Secretary General of the Organization of American States, who shall in turn notify the other States Parties. For the purposes of this Convention, the crimes of transnational bribery and illicit enrichment shall be considered acts of corruption for that State Party thirty days following the date of such notification.

**Article XI**  
Progressive Development

1. In order to foster the development and harmonization of their domestic legislation and the attainment of the purposes of this Convention, the States Parties view as desirable, and undertake to consider, establishing as offenses under their laws the following acts:

a. The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of classified or confidential information which that official or person who performs public functions has obtained because of, or in the performance of, his functions;

b. The improper use by a government official or a person who performs public functions, for his own benefit or that of a third party, of any kind of property belonging to the State or to any firm or institution in which the State has a proprietary interest, to which that official or person who performs public functions has access because of, or in the performance of, his functions;

c. Any act or omission by any person who, personally or through a third party, or acting as an intermediary, seeks to obtain a decision from a public authority whereby he illicitly obtains for himself or for another person any benefit or gain, whether or not such act or omission harms State property; and

d. The diversion by a government official, for purposes unrelated to those for which they were intended, for his own benefit or that of a third party, of any movable or immovable property, monies or securities belonging to the State, to an independent agency, or to an individual, that such official has received by virtue of his position for purposes of administration, custody or for other reasons.

2. Among those States Parties that have established these offenses, such offenses shall be considered acts of corruption for the purposes of this Convention.

3. Any State Party that has not established these offenses shall, insofar as its laws permit, provide assistance and cooperation with respect to these offenses as provided in this Convention.

#### **Article XII**

##### Effect on State Property

For application of this Convention, it shall not be necessary that the acts of corruption harm State property.

#### **Article XIII**

##### Extradition

1. This article shall apply to the offenses established by the States Parties in accordance with this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offense to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offenses to which this article applies as extraditable offenses between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offense to which this article applies is refused solely on the basis of the nationality of the person sought, or because the Requested State deems that it has jurisdiction over the offense, the Requested State shall submit the case to its competent authorities for the purpose of prosecution unless otherwise agreed with the Requesting State, and shall report the final outcome to the Requesting State in due course.

7. Subject to the provisions of its domestic law and its extradition treaties, the Requested State may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the Requesting State, take into custody a person whose extradition is sought and who is present in its territory, or take other appropriate measures to ensure his presence at extradition proceedings.

#### **Article XIV**

##### Assistance and Cooperation

1. In accordance with their domestic laws and applicable treaties, the States Parties shall afford one another the widest measure of mutual assistance by processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute the acts of corruption described in this Convention, to obtain evidence and take

other necessary action to facilitate legal proceedings and measures regarding the investigation or prosecution of acts of corruption.

2. The States Parties shall also provide each other with the widest measure of mutual technical cooperation on the most effective ways and means of preventing, detecting, investigating and punishing acts of corruption. To that end, they shall foster exchanges of experiences by way of agreements and meetings between competent bodies and institutions, and shall pay special attention to methods and procedures of citizen participation in the fight against corruption.

#### **Article XV**

##### Measures Regarding Property

1. In accordance with their applicable domestic laws and relevant treaties or other agreements that may be in force between or among them, the States Parties shall provide each other the broadest possible measure of assistance in the identification, tracing, freezing, seizure and forfeiture of property or proceeds obtained, derived from or used in the commission of offenses established in accordance with this Convention.

2. A State Party that enforces its own or another State Party's forfeiture judgment against property or proceeds described in paragraph 1 of this article shall dispose of the property or proceeds in accordance with its laws. To the extent permitted by a State Party's laws and upon such terms as it deems appropriate, it may transfer all or part of such property or proceeds to another State Party that assisted in the underlying investigation or proceedings.

#### **Article XVI**

##### Bank Secrecy

1. The Requested State shall not invoke bank secrecy as a basis for refusal to provide the assistance sought by the Requesting State. The Requested State shall apply this article in accordance with its domestic law, its procedural provisions, or bilateral or multilateral agreements with the Requesting State.

2. The Requesting State shall be obligated not to use any information received that is protected by bank secrecy for any purpose other than the proceeding for which that information was requested, unless authorized by the Requested State.

#### **ARTICLE XVII**

##### Nature of the Act

For the purposes of articles XIII, XIV, XV and XVI of this Convention, the fact that the property obtained or derived from an act of corruption was intended for political purposes, or that it is alleged that an act of corruption was committed for political motives or purposes, shall not suffice in and of itself to qualify the act as a political offense or as a common offense related to a political offense.

#### **Article XVIII**

##### Central Authorities

1. For the purposes of international assistance and cooperation provided under this Convention, each State Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements.
2. The central authorities shall be responsible for making and receiving the requests for assistance and cooperation referred to in this Convention.
3. The central authorities shall communicate with each other directly for the purposes of this Convention.

#### **Article XIX**

##### Temporal Application

Subject to the constitutional principles and the domestic laws of each State and existing treaties between the States Parties, the fact that the alleged act of corruption was committed before this Convention entered into force shall not preclude procedural cooperation in criminal matters between the States Parties. This provision shall in no case affect the principle of non-retroactivity in criminal law, nor shall application of this provision interrupt existing statutes of limitations relating to crimes committed prior to the date of the entry into force of this Convention.

#### **Article XX**

##### Other Agreements or Practices

No provision of this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other international agreements, bilateral or multilateral, currently in force or concluded in the future, or pursuant to any other applicable arrangement or practice.

#### **Article XXI**

##### Signature

This Convention is open for signature by the Member States of the Organization of American States.

#### **Article XXII**

##### Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

#### **Article XXIII**

##### Accession

This Convention shall remain open for accession by any other State. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

#### **Article XXIV**

##### Reservations

The States Parties may, at the time of adoption, signature, ratification, or accession, make reservations to this Convention, provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purpose of the Convention.

**Article XXV**  
Entry Into Force

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification. For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

**Article XXVI**  
Denunciation

This Convention shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. One year from the date of deposit of the instrument of denunciation, the Convention shall cease to be in force for the denouncing State, but shall remain in force for the other States Parties.

**Article XXVII**  
Additional Protocols

Any State Party may submit for the consideration of other States Parties meeting at a General Assembly of the Organization of American States draft additional protocols to this Convention to contribute to the attainment of the purposes set forth in Article II thereof.

Each additional protocol shall establish the terms for its entry into force and shall apply only to those States that become Parties to it.

**Article XXVIII**  
Deposit of Original Instrument

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify its Member States and the States that have acceded to the Convention of signatures, of the deposit of instruments of ratification, accession, or denunciation, and of reservations, if any.

ADOPTED AT: CARACAS, VENEZUELA

DATE: 03/29/96

CONF/ASSEM/MEETING: SPECIALIZED CONFERENCE ON THE DRAFT INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION

ENTRY INTO FORCE: 03/06/97 IN ACCORDANCE WITH ARTICLE XXV OF THE TREATY, THE  
THIRTIETH DAY FOLLOWING THE DATE OF DEPOSIT OF THE

SECOND INSTRUMENT OF RATIFICATION  
DEPOSITORY: GENERAL SECRETARIAT, ORGANIZATION OF AMERICAN STATES  
(ORIGINAL INSTRUMENT AND RATIFICATIONS)

TEXT:

UN REGISTRATION: / / No. Vol.

OBSERVATIONS: Article XXV.-Entry Into Force- This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification. For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

## GENERAL INFORMATION OF THE TREATY: B-58

SIGNATORY COUNTRIES	SIGNATURE REF	RA/AC/AD REF	DEPOSIT INST	INFORMA REF
Argentina .....	03/29/96	08/04/97	10/09/97 RA	01/11/00 4
Antigua & Barbuda....	/ /	01/13/04	02/23/04 RA	/ /
Bahamas(Commonwealth)	06/02/98	03/09/00	03/14/00 RA	/ /
Barbados.....	04/06/01	/ /	/ /	/ /
Belize.....	06/05/01	08/02/02	09/06/02 RA	/ /
Bolivia .....	03/29/96	01/23/97	02/04/97 RA	/ /
Brazil .....	03/29/96	07/10/02	07/24/02 RA	/ / 9
Canada .....	06/07/99	06/01/00	06/06/00 RA	06/06/00 5
Chile .....	03/29/96	09/22/98	10/27/98 RA	/ /
Colombia .....	03/29/96	11/25/98	01/19/99 RA	/ /
Costa Rica .....	03/29/96	05/09/97	06/03/97 RA	/ /
Dominican Republic ..	03/29/96	06/02/99	06/08/99 RA	/ /
Ecuador .....	03/29/96	05/26/97	06/02/97 RA	02/27/03 2
El Salvador .....	03/29/96	10/26/98	03/18/99 RA	/ /
Grenada.....	/ /	11/15/01	01/16/02 RA	/ /
Guatemala .....	06/04/96	06/12/01	07/03/01 RA	02/23/04 13
Guyana .....	03/29/96	12/11/00	02/15/01 RA	02/15/01 7
Haiti .....	03/29/96	/ /	/ /	/ /
Honduras .....	03/29/96	05/25/98	06/02/98 RA	/ / 11
Jamaica .....	03/29/96	03/16/01	03/30/01 RA	/ /
Mexico .....	03/29/96	05/27/97	06/02/97 RA	/ /
Nicaragua .....	03/29/96	03/17/99	05/06/99 RA	07/21/03 10
Panama .....	03/29/96	07/20/98	10/08/98 RA	07/20/98 3
Paraguay .....	03/29/96	11/29/96	01/28/97 RA	04/21/97 1
Peru .....	03/29/96	04/04/97	06/04/97 RA	06/10/03 12
St. Lucia.....	/ /	01/23/03	04/30/03 AD	/ /
St.Vincent & Grenadines	/ /	05/28/01	06/05/01 AD	/ /
Suriname .....	03/29/96	03/27/02	06/04/02 AD	/ /
Trinidad and Tobago .	04/15/98	04/15/98	04/15/98 RA	/ /
United States .....	06/02/96	09/15/00	09/29/00 RA	09/29/00 6
Uruguay .....	03/29/96	10/28/98	12/07/98 RA	12/08/03 8
Venezuela .....	03/29/96	05/22/97	06/02/97 RA	02/06/04 14

REF = REFERENCE

INST = TYPE OF INSTRUMENT

D = DECLARATION  
R = RESERVATION  
INFORMA = INFORMATION REQUIRED BY THE TREATY

RA = RATIFICATION  
AC = ACCEPTANCE  
AD = ACCESSION

Source: <http://www.oas.org/juridico/english/Treaties/b-58.html>