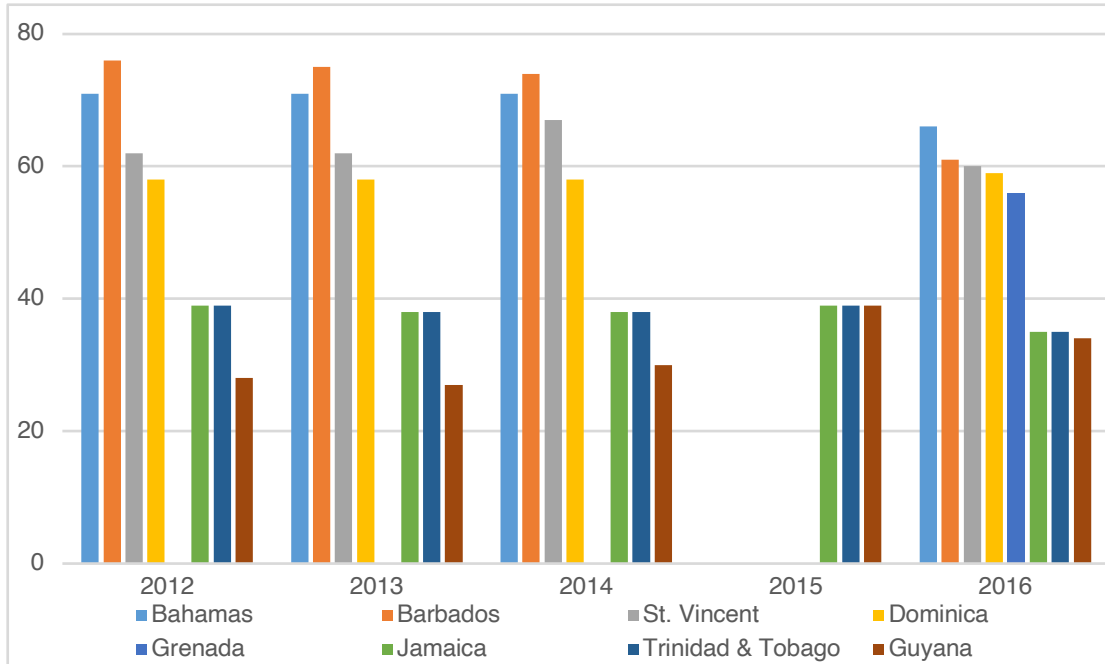


**Parliamentary Oversight and Corruption in the Caribbean:
Trinidad & Tobago and Grenada
Policy Brief, Presenting Key Issues & Lessons Learned**

Introduction

Corruption is a problem throughout the Caribbean, with Trinidad and Tobago and Grenada ranking among most corrupt nations in the region; see Chart.

Transparency International Corruption Perceptions Index (100=extremely low; 0=extremely high corruption)



Source: Transparency International (2016)

Trinidad & Tobago

Reports of corruption in Trinidad and Tobago are common among public sector and Executive level leaders. Legislation to address the corruption of public officials, including the Integrity in Public Life Act, the Prevention of Corruption Act, and the Police Complaints Authority Act, have

not been well implemented. The Office of Procurement Regulation was established in 2015 for matters related to public procurement and the retention and disposal of public property.

Granada

Corruption in Granada has improved in recent years but remains an issue. The Prevention of Corruption Act and the Integrity in Public Life Act of 2007 are the legislative core of Grenada's anticorruption efforts. A decree, passed in 2013 under the Integrity in Public Life Act, mandated all public officials declare their assets by April 3, 2015.

Research Findings

Despite evidence that Parliamentary oversight plays an essential role in the fight against corruption, significant knowledge gaps in parliamentary oversight in Trinidad and Tobago and Grenada were found.¹ Some contextual factors impacting oversight were found to exist already and affect Trinidad and Tobago and Grenada's parliamentary oversight success (Stapenhurst, 2011).

- ***Size, Population, and Economy.*** Trinidad and Tobago is large (1,981 square miles, 1.3 million people), has significant oil reserves, and a GDP per capita of around US 32,000. Grenada is small (134 square miles, 110,000 people) and poorer (GDP per capita of US 13,600). Trinidad and Tobago is diverse (35% Indian, 34% African), while Grenada is homogenous (89% African). Wealthier *and* smaller countries tend to be less corrupt. While both countries are middle-income, Trinidad and Tobago's GDP jump compared with Grenada's should be conducive to less corruption, while Grenada should be less corrupt based on size.
- ***Colonial Heritage.*** Both countries were under European colonial rule for more than two centuries. Trinidad and Tobago became independent in 1962 and a Republic in 1976, while Grenada became independent in 1974, suspended the constitution and established the People's Revolutionary Government from 1979 to 1983. The United States invaded, and the Constitution was reinstated, and elections were held in December 1984.
- ***Elections, Government.*** Both countries are bicameral. In Trinidad and Tobago, sixteen Senators are appointed on the advice of the Prime Minister, six on the advice of the Leader of the Opposition, and nine to represent other sectors of civil society. In contrast, in Grenada, seven Senators

¹ The study collected 2017 in-country field data, including a public document search and 39 key informant interviews (9 MPs/Senators; 8 journalists; 11 parliamentary staff and eight civil society representatives), which were compared with recent inter-parliamentary union survey findings.

are appointed on the advice of the Prime Minister, three by the Opposition Leader, and three to represent other sectors of society. Parliamentarians who serve as Ministers are full-time; all others are part-time. This results in a significant difference in salaries between Ministers and back-bench and Opposition MPs. Also, legislators may not have sufficient time to fulfill their oversight responsibilities. There is no opposition in the House in Grenada. A proposal to ensure a permanent seat for an Opposition leader in the House was defeated in 2015.

- ***Political Parties.*** Both countries have a two-party system. Grenada's governing party is stronger and less partisan than their Trinidadian counterparts. Grenada had five cabinet resignations in 2008-13, the first demanded by the Prime Minister, sending a positive anti-corruption signal, but leading four subsequent Ministers to resign in protest. There are weak campaign finance limits in both countries, which further allows space for corruption. A proposed bill to establish an independent Elections and Boundaries Commission was rejected in a referendum in Grenada in 2015.
- ***Trust in Parliament.*** Data is not available for social trust in Grenada's parliament. Public trust in the Parliament of Trinidad and Tobago is low.

Institutional Efforts to Strengthen Parliamentary Oversight

The legislatures in Trinidad and Tobago and Grenada have Public Accounts Committees (PAC), question periods, motions of censure, have established procedures for votes of no confidence, Supreme Audit Institutions, and anti-corruption agencies. Only Trinidad and Tobago has an Ombudsman, a significant library, good research facilities, and reliable staff support. The committee system in Trinidad and Tobago is more developed and better equipped to tackle corruption.

While the Parliament of Trinidad and Tobago has taken new steps to strengthen its ex-ante (budget formulation) oversight powers, the lack of an Opposition in Grenada has impacted the already weak position of the House of Representatives in their ex-ante oversight role.

- ***Public Accounts Committees.*** Trinidad & Tobago's PAC meets 7 or 8 times a year, and the research found it to be 'neither effective nor ineffective' in uncovering fraud and corruption. Grenada's PAC meets three times a year and is considered 'ineffective,' with delivery, legislative scrutiny, and recommendations following audit reports to all be inadequate. In both countries, the PAC is chaired by a member of the Opposition, but a more partisan opposition in Grenada.

Oversight Capacity – Oversight Tools and Facilitating Conditions

	Trinidad & Tobago	Grenada
Oversight Tools – Internal		
Audit Committees	Public Accounts Committee	Public Accounts Committee
Other Committees	Relatively strong; well resourced	Tend to be weak; poorly resourced
Question Period	Yes	Yes
Cabinet Formation/Dismissal	No	No
Censure/Impeach		
Vote of No Confidence	Yes	Yes
Oversight Tools – External		
Supreme Audit Institution	Auditor General	Audit Department
Ombuds Office	YES	NO
Anti-Corruption Agencies	Integrity Commission Anti-Corruption Investigation Bureau	Integrity Commission Financial Intelligence Unit
Facilitating Conditions		
Staff + Research Facilities	Good	Poor
Access To Information Law	Yes	Pending

The parliamentary committee system and the establishment of a PAC-like Committee on Public Enterprises, suggests the potential for improvement in the oversight of public finance in

Trinidad and Tobago. Their Joint Select Committees (JSCs) is empowered to inquire and report to both Houses of Parliament regarding government ministries, Municipal Corporations, Statutory Authorities, State Enterprises, and Service Commissions. The Parliament has taken steps to remove discrepancies between Senate and House Standing Orders and the JSCs. It has also established new JSCs: Government Assurances, Public Appropriation and Administration, National Security, Energy Affairs, Foreign Affairs, and Human Rights, Diversity and Environment, and Sustainable Development. They are becoming more effective in bringing corruption issues to the agenda, independent Senators chair the JSCs, and there has been an increase in inquiries and reports.

- ***Other Committees of Inquiry.*** Both countries have established special committees or commissions of inquiry, with the Trinidadian committees more effective than the Grenadian ones in uncovering incidents of fraud and corruption. However, Grenada's Commission of Inquiry is newer, with more room to prove its potential.
- ***Auditor General.*** In Trinidad and Tobago, the Auditor General is appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The AG is independent of the government and reports directly to Parliament. In Grenada, the Director of Audit is appointed by the Governor-General on the advice of the Public Service Commission (who is appointed by the Governor-General, on the advice of the Prime Minister). In both countries, the critical constraint to audit effectiveness is the lack of action by Parliament on government recommendations. The Grenadian Director of Audit is required to submit reports to the Minister of Finance, who forwards to the House of Representatives. In Trinidad and Tobago, the Auditor General reports directly to Parliament. Both audit offices rely on the Public Service Commissions for hiring and, as a result, are often under-staffed, under-funded and lack qualified auditors. In Grenada, audit reports are not addressed by Parliament promptly. In both countries, Audit Office *access* is problematic. In Trinidad and Tobago, AG Reports are not adequately probing. *Financial* reports must be submitted to the AG, but the resulting small fine does not deter, and there may not be effective enforcement. In June 2015, Parliament began to improve its Standing Orders, and a Government Assurances committee has also been established to scrutinize Ministerial commitments.

- ***Question Period.*** Both countries have balanced Question Periods, but Grenada questions are sometimes left unanswered or delayed, compared with an 84% response rate in Trinidad and Tobago.
- ***Censure and No Confidence.*** The legislature in Trinidad and Tobago has the power to censure Ministers and the Prime Minister, though it rarely does. In both countries, the government requires the confidence of the lower house. With the government's majority, it is unlikely to administer the no-confidence rule, though it does sometimes work. The Parliament of Grenada must sit at least once per year with no more than six months passing between sittings. Any government can sideline Parliament and delay parliamentary business, including votes of confidence, as did the Prime Minister in 2012 to avoid a no-confidence vote.
- ***Ombudsman.*** Both Trinidad and Tobago and Grenada have Ombudsman offices designed to assist individuals who believe that they suffered maladministration within the public service. Since 1976 in Trinidad and Tobago, this Officer of Parliament has had extensive investigatory powers, with the ability to enter and inspect any jurisdictional premises, to call for, examine and retain any document there and pursue investigations with High Court judicial powers. It submits annual performance and results reports to Parliament. Grenada's Ombudsman office was established in 2007, does *not* report to Parliament, but its statements may be laid in Parliament by the appropriate Minister. In 2017 Grenada's Ombudsman office will become the National Human Rights Office. Despite good intentions, however, study results indicate that neither country is especially effective at carrying out its Ombudsman mission. Indeed, in Trinidad and Tobago, there is a general lack of awareness of the Ombudsman's role and existence. This is being resolved with a new mandate requiring the Ombudsman's report to be submitted to the Speaker and considered by the House on motion.
- ***Integrity Commissions.*** Grenada's 2007 Integrity Commission upholds public officials to high standards of integrity through declarations of assets, liabilities, income, and interests, and it investigates impropriety, corruption, and misconduct by public officials, prosecuting guilty people. There is an overlapping mandate between the Integrity Commission, the Public Service Commission, and the Police, which has demonstrated good intergroup information sharing between authorities and the public. However, the Commission needs to strengthen its work plan. Trinidad and Tobago's Integrity Commission has a broader mandate, including prevention and

investigation of corruption, enforcement, and public education. It receives declarations of income, assets, and liabilities, and is responsible for examining the practices and procedures of public bodies to facilitate the discovery of corrupt practices. Trinidad and Tobago has adopted measures to strengthen its work, but a large backlog remains due to a lack of human and financial resources. Neither country's integrity commission is judged to be very effective.

- ***Anti-corruption agencies.*** Trinidad and Tobago's Anti-Corruption Investigation Bureau (AICB) and Grenada's Financial Intelligence Unit are also not considered effective. In Grenada, the FIU is concerned with money laundering and counter-terrorist financing, not anti-corruption *per se*, and the work is undermined by the time it takes to investigate and enforce sanctions through the courts.

Facilitating Factors

Additional facilitating factors are essential to parliamentary oversight.

- ***Library and Research Facilities.*** The Parliament of Trinidad and Tobago has library facilities, but it has limited resources and is underused. Grenada does not have a parliamentary library.
- ***Access to Information (ATI).*** Most Caribbean countries have not enacted ATI laws to provide citizens with the right to access government documents without having to justify a need legally. Grenada has a draft law, yet to be passed by Parliament. Trinidad and Tobago enacted a Freedom of Information (FOI) Act in 1999, overseen by the Ombudsman's office. It includes a broad scope and somewhat effective promotional mechanism, though the Ombudsman is structurally weak, has vague fee rules, and FOI request responses are uneven.
- ***Other Oversight Mechanisms.*** The Senate in both countries plays an important oversight role, especially in Grenada, without a lower chamber opposition Member. Grenada has launched a successful Committee of Social Partners (CSP) through which the Prime Minister can solicit advice and feedback from different elements of society on policies and draft laws. The CSP meets monthly and is comprised of representatives of the private sector, trade unions, NGOs, religious organizations, and youth. The CSP presents an Annual Report to Parliament for debate.

Recommendations

Public trust in Trinidad and Tobago's Parliament is low. To remedy this, Parliament is becoming more efficient and effective in citizen communication. There is a code of conduct and requirement for the public declaration of assets by MPs, greater transparency in parliamentary deliberations, including committee meetings, and budget oversight is improving. No matter how well-entrenched, support from the Presiding Officers is difficult to officially facilitate when legislatures do not have control over recruitment, particularly the Clerk of Parliament. High turnover among parliamentary service people is common, but in Trinidad and Tobago, the clerk, a champion in parliamentary strengthening, has been in post for over 15 years.

Both Trinidad and Tobago and Grenada have full oversight tools, but they are not adequately effective. Committees in Trinidad and Tobago have been strengthened, but with MPs only part-time, effectiveness is limited.

In Grenada, the committee system is under-developed, and certain traditions should be relaxed:

- Membership should comprise MPs and Senators *and* be open to unelected members;
- Ministers should be allowed to sit on and chair Committees– but not those overseeing their departments;
- Clerks and researchers should support Committees.

The Prime Minister chairs the CSP in Grenada with no official opposition representative and neither aims to generate economic growth and employment, nor corruption. The CSP should be better linked with Parliament.

The Chair of Grenada's PAC is the ranking Opposition Senator, which makes committee operations difficult. A bipartisan approach in the Committee may be challenging to obtain. Since Grenada is such a small country, it may want to establish a 'regional PAC' with other countries in the region.

Trinidad and Tobago's Auditor-General should be empowered to impose administrative sanctions on government departments, agencies, and statutory bodies that do not submit timely financial reports and publish a list of those who are non-compliant. The office needs independence in all staffing, without the Public Service Commission (PSC). Parliament should better legislate the

Extractive Industries Transparency Initiative (EITI) to legally assess the revenues and payments declared by the government and the extractive companies.

Grenada's Audit Department reports should be sent directly to Parliament, not through the Department of Finance. Working with the PAC, the Department should better inform the public of their work, activities, and outcomes, especially as they relate to corruption. Grenada's Audit Office should also be able to hire staff independently. Social audits should be established through the Audit Department and the CSP.

Public servants and the general public are generally unaware of Ombudsman offices, a problem that could be remedied by outreach and public education activities. While ombuds offices are financially limited, both countries' Parliaments could help ensure their financial independence, a vital autonomy measure to aid in ombud's work. HR management autonomy would also benefit each country. Ombuds offices should establish public agency responses for requests for information timeframes with appropriate noncompliance enforcement mechanisms.

Likewise, the Integrity Commissions of Trinidad and Tobago and Grenada would benefit from the strengthening and creation of public outreach and communications strategies. Results found them to be rather ineffective. Public official training on their Code of Conduct responsibilities should be developed. Better communication between Trinidad and Tobago's Commission and Parliament, the Board or other Authority, and to the Director of Public Prosecution for action on breaches of Codes of Conduct in the form of formal information exchange should be established. Collaborative arrangements in Grenada are also needed between the Commission and the Financial Intelligence Unit, the Audit Department, and the Director of Public Prosecutions. The Integrity Commissions need more access for quick judgments, and Whistleblower legislation to curb corruption and provide protection. Parliament should help the Commission to be adequately resourced with financial autonomy and enabled to offer administrative sanctions. Grenada's Parliament should more seriously appoint heads of constitutional watchdogs. Without an opposition voice in the House, the Senate should review and approve such appointments. A non-citizen could be appointed as head of the Integrity Commission in both jurisdictions.

Both Parliaments should enact stricter codes of conduct, ethics committees, and CPA benchmarks on Codes of Conduct. MPs and integrity commissions should fully and regularly disclose financial assets and business interests. Campaign financing and political party registration should be modeled after the OAS Model Law's transparency and accountability guidance. Finally, Trinidad and

Tobago's constituency office users, which are paid by the Parliament and under the control of members, should publish reports on how they have spent their money.

Conclusions

The issues and weaknesses in parliamentary oversight are fundamentally different in small countries than in large, and cannot be generalized. In both countries, the government dominates oversight institutions. These institutions should, instead, be and be *perceived* to be constitutionally independent. Reporting to parliament, as in the AG in Trinidad, providing financial autonomy and freedom to manage human resources to oversight institutions, and providing *more* resources are all essential steps to strengthening oversight institutions. The Parliament of Trinidad and Tobago sets an excellent example of how public awareness can be raised to a generally unaware public of the institutions currently in place.

Both countries have oversight tools and mechanisms to hold governments to account, and thereby reduce corruption, with limited success. Unless citizens demand that elected governments ensure that oversight and anticorruption mechanisms are free of political influence and are adequately resourced, the institutions will be ineffective, and corrupt actions will continue undeterred and unpunished.

Reference

Transparency International (2016). https://www.transparency.org/news/feature/corruption_perceptions_index_2016 Accessed December 15, 2016.

This Briefing Note was written by Rick Stapenhurst and Anthony Staddon, with Louis Imbeau and Rasheed Draman. The authors wish to acknowledge the research assistance and support provided by Thomas Eric Eboutou and Brooke Larson. Full research results on the Caribbean can be found in Rick Stapenhurst and Anthony Staddon (forthcoming) "Policy Oversight and Corruption in the Caribbean," *Journal of Commonwealth and Comparative Politics*. Additional research results can be found at Rick Stapenhurst, Anthony Staddon, Rasheed Draman, and Brooke Larson (2020) "Anti-Corruption Evidence: The Role of National Parliaments in Curbing Corruption" New York: Springer.