

Chapter Thirteen

The Dangers of Corruption

This topic requires the focus of a separate chapter because of its threat to the democracy and the economy of the country. Corruption is a major problem. Certainly all politicians think so because every Opposition Party has accused the Government of the day of widespread corruption and promised to change the law to stop it. The dominant public reaction to corruption is based entirely on politics. Corruption is wrong but the party and politicians they support are not corrupt. The other side is totally corrupt. They get that from the politicians.

The other feature of St. Kitts politics is that a political party that wins does not touch the corrupt politicians it defeated. Defeat at the polls is enough punishment. So there is no real deterrent to corruption. The only risk to a politician is that he may lose power but if that happens he will be able to walk away with his gains and he may even win again in future.

When the Labour Party was rebuilt to contest the 1993 election it railed about corruption by the PAM/NRP Government. By the 1995 election Labour supporters were happily repeating the name of Devil's Island given to St. Kitts by an international publication reflecting the drug trafficking which was rampant in the island. When Douglas won the 1995 election he established a Commission of Inquiry to investigate corruption by his predecessors. The Commission sat extensively at great cost and with great fanfare but not one disciplinary or legal action or prosecution was taken against any of the prior Government. No meaningful legislation was passed by the Douglas Government in its 20 years in office and the Civil Service which Douglas accused as the base of corruption remained in exactly the same form except for his people in place of the PAM/NRP people. Douglas passed two token pieces of legislation. The Procurement and Contract (Administration) Act was passed in 2012

but no subsidiary legislation was passed so the Act had no teeth. The Integrity in Public Life Act was passed in 2013 but that too was not operationalized.

Unity (a coalition of three Opposition parties PAM, CCM and PLP) won the 2015 election because the electorate was persuaded by them that the Douglas Government had become undemocratic, outmoded and corrupt and was in power for too long. They were adamant that the system needed fundamental changes. That was their mantra and theme throughout the campaign. They set out in their manifesto a long list of good governance legislation which they promised. They also promised term limits for the Prime Minister to prevent a repeat of the Douglas regime.

What did they actually do. In 2018 they passed a Freedom of Information Act but had not brought it into force when they left office in 2022. They passed an Integrity in Public Life Act in the same year but never operationalized it and never filed their statements of assets of which they had made a big deal. They had second thoughts on term limits as power became sweet and they abandoned Campaign Finance Reform when they realized they were now on the receiving end of campaign goodies. So like Douglas, Unity did sweet FA about the corruption of which they complained so bitterly. Unity imploded in 2022 with accusations of abuse of office between members and particularly the Prime Minister.

The current Labour government is the first to introduce a co-ordinated legislative agenda to address the threat. I quote from a post from Prime Minister Drew online on April 4, 2024. He began *‘One of the commitments that I made to the people of our beloved Federation was, to as far as possible, institute a good governance agenda.’* He ended *‘There are some who hate good governance but this is the only way we can truly advance.’* In between he touted the good governance legislation introduced by his government which he referred to as *‘the most comprehensive suite of good governance legislation in the Caribbean’*. He also said *‘the whole system led by Team Unity was corrupt.’*

Some obvious questions arise on Drew's statement. Firstly I agree entirely that the good governance way is the only way we can truly advance. But I am concerned about his qualification at the very beginning of his statement that he would introduce the good governance agenda '*as far as possible*'. Is it not fully possible? Are there untouchables or are there political barriers or limitations on how far he can go or was that just a Freudian slip? The clarification is all the more needed when he accused Team Unity of being wholly corrupt but said nothing, positive or negative, about the Labour government which preceded Team Unity for 20 years. If his silence means that there was no corruption in that government then he should be sailing on his new mission because he only has seven years of corruption to unravel. And then one wonders why Team Unity has gotten off scotch free if the whole system was corrupt. Whatever the answers Drew may well be held to a higher standard than his predecessors. Drew wants the country to believe that due to the legislation passed the system will correct itself while remaining exactly the same in structure. That will not happen.

Corruption is in large measure illegal or should be illegal and often threatens the rule of law. As it usually results from dishonesty, abuse of power, greed and the pursuit of easy money corruption has been around for a long time. It exists in the public sector and the private sector. It is by its very nature mostly secretive and therefore difficult to unearth. Before I look at that evil in our context I quote a few famous statements on the subject.

'Corruption is a cancer, a cancer that eats away at a citizen's faith in democracy, diminishes the instinct for innovation and creativity.' - President Joe Biden.

'Corruption is paid by the poor' - Pope Francis.

'Integrity, transparency and the fight against corruption have to be part of the culture. They have to be taught as fundamental values.' - Angel Gurría, OECD Secretary General.

“Without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built. And if impunity is not demolished, all efforts to bring an end to corruption are in vain.” - Rigoberta Menchú, Nobel Prize laureate.

“People’s indifference is the best breeding ground for corruption to grow” - Delia Ferreira, Chair of Transparency International.

A paper published by the IMF in 1997 made these comments:

“Empirical evidence suggests that corruption lowers investment and retards economic growth to a significant extent.” That is still an unchallengeable statement.

Corruption is most dangerous to an economy when it becomes systemic as it is in many countries across the world. Corruption is a financial burden on a country. It offends human rights. It corrodes the morale of a country. It is counterproductive to hard work and creativity. It promotes dishonesty and tax evasion.

If corruption is widespread why should young people aim to become educated. Why should those who benefit from corruption work hard when they don’t have to. Why should the rest of the community work hard when contracts are corruptly or unfairly awarded. Why should people pay taxes to be handed out to corrupt beneficiaries of government contracts and largesse.

That is all the more relevant in our country where Government owns most of the land and has excessive influence on the means of production; where Government controls the largest bank; where government is the biggest employer; where the culture is one of handouts to vote and to live; where the Prime Minister has enormous powers; where politicians rely on gifts from undisclosed sources to run campaigns and become beholden to those who pay them and therefore call the tune.

The temptation is all the greater to join the corruption bandwagon instead of relying on education, creativity and productivity.

The real prohibition of corruption is a key step to creating accountable and transparent governance.

The Singapore model

Singapore is the size of St. Lucia with no natural resources. It grew from a veritable backwater thrown out by Malaysia to one of the most successful economies in the world based on meritocracy, creative industrialization, government effectiveness, productivity, education, keeping corruption at bay and competitive compensation.

Corruption is strongly investigated and prosecuted in Singapore and success rates with jail terms are high. We have seen recently a Minister of government charged criminally with corruption.

The pay of top Government officials in Singapore is among the highest in the world to limit the temptation for Ministers to become corrupt.

The successful economic model of Singapore is however based on much more than high executive salaries and strong anti corruption legislation. Singapore has high productivity in every sector, a well organized, efficient and responsive public sector, an attractive investment climate, an outstanding education system, responsible attitudes. It is a meritocracy and it is one of the safest countries in the world. We would do well to look closely at Singapore model.

Ministerial pay

Our government has quoted the Singapore model for its good governance agenda and for the recent increase in the pay of the Prime Minister, Ministers and Parliamentarians.

Let's look at the good governance agenda.

Anti-Corruption Legislation

The following legislation has been passed in the National Assembly as part of the agenda. The Anti-Corruption Act, 2023; the Integrity in Public Life Act, 2013 (amended in

2023); the Freedom of Information Act, 2018 (amended in 2023); the Whistleblower Protection Act, 2023; the Unauthorized Disclosure of Official Information Act, 2023; The Procurement and Contracts (Administration) Act 2012 (amended in 2024).

Let's look at what this legislation is intended to do.

Anti-Corruption Act

I begin with the Anti-Corruption Act the purpose of which is stated as '*to define and create criminal offences of corrupt conduct and to create the office of a Special Prosecutor to receive complaints, investigate and prosecute acts of corrupt conduct of persons in public life in St. Kitts and Nevis*'.

The Act establishes the office of Special Prosecutor but it is to be noted that the Special Prosecutor requires the consent of the Director of Public Prosecution and the Integrity Commission to institute or withdraw a prosecution against the higher ranking officials from Prime Minister to Assistant Secretary in the Civil Service. In contrast only the DPP need consent to the prosecution by the Special Prosecutor of lower ranking Civil Servants and employees of Government corporations. I have not heard a tenable explanation for the extra hoop to prosecute the big boys.

The Act sets out and defines the crime of corrupt conduct for which officials and officers may be prosecuted.

Integrity in Public Life Act

This Act establishes a Code of Conduct for Public Officials. It provides for the criminal offences of abuse of office, misconduct and neglect of duty. It provides for the filing of Declarations of Interest by specified Public Officials with the Integrity Commission which it establishes. It gives additional oversight duties to the Integrity Commission which is the key body in its operation.

Unauthorised Disclosure of Official Information Act

This Act has the purpose of deterring and creating penalties for unauthorized disclosure of official government information by persons in public life. Some argue this Act frustrates the effect of the more important Whistleblowers Protection Act. Potential whistleblowers have to think twice about making disclosures of illegal activity when they could be charged with unauthorized disclosure.

Whistleblower Protection Act

This Act has the purpose of deterring and combating corruption and other improper conduct by encouraging and facilitating bona fide disclosure of such conduct and protecting the persons who make such disclosures. The persons to whom a whistleblower may make a protected disclosure are the Chairperson of the Integrity Commission, the Special Prosecutor, the Director of Public Prosecutions, the Ombudsman, the Chief Medical Officer or any other person designated by the Minister provided that a whistleblower who wishes to disclose a matter that would prejudice the national security, defence, international relations or the physical environment of the country may make the disclosure to the Prime Minister.

Freedom of Information Act

The legislation listed above enhance substantially the accountability of public officials. Now we will see if the political leadership changes the centuries old Civil Service and the deeply embedded political culture of winner take all to compliment these new measures or if they will remain as ever. And if they remain as ever whether those charged with enforcing the new legislation will take the bull by the horns and exercise their statutory powers to address the corrupt conduct and abuse of office inherent in them.

Missing legislation

But the most important piece of legislation is missing. That is to regulate campaign finance which involves millions paid by people many of whom want their pound of flesh in return. Some of that money is used to pay for election charters which in my view is election

bribery and at least corruption of our electoral system. Some of it is handed out privately and even openly in public to pay voters to vote for a particular candidate. That is election bribery. If that culture is not changed widespread corruption will not be eradicated from the system.

All of the legislation was revised or passed for the first time in 2023 or 2024. The most noticeable implementation of the legislation has been the filing by the public officials required by the Integrity in Public Life Act to do so of their annual statements of income, assets, liabilities and private interests. This was done with great fanfare including publicized extensions and threats of prosecution by the Director of Public Prosecutions. It seems that most people complied or resigned. We will see if this good start continues or if this was just a one off.