

PANEL DISCUSSION
ENGAGING EVERYONE IN THE FIGHT AGAINST CORRUPTION – “WALKING THE TALK”
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I will commence with the words of the Austrian satirist Karl Kraus as he was quoted by J. Edgardo Campos and Vinay Bhargava in their contribution, “Tackling a Social Pandemic” to their Compilation, “The Many Faces of Corruption”:

“Corruption is worse than prostitution. The latter might endanger the morals of an individual, the former invariably endangers the morals of the entire country”.

In Trinidad and Tobago there is legislation specifically designed to confront corruption and advance transparency and accountability viz: The Integrity in Public Life Act, the Whistleblowing Act, the Public Procurement and Retention and Disposal of Public Property Act and the Prevention of Corruption Act.

The Integrity in Public Life Act became law in 2000. It is designed to make new provisions for the prevention of corruption of persons in public life by providing for public disclosure; to regulate the conduct of persons exercising public functions; to preserve and promote the integrity of public officials and institutions, and for matters incidental thereto.

With the passage of time, the realization gradually set in that the Act was inadequate in several areas; as a result therefore, in February and March of this year my Commission carried out a general overhaul of the Act and our suggested amendments are now before Cabinet. These amendments would heighten the powers of the Commission in ensuring integrity, transparency and accountability from persons in public life and persons exercising public functions.

The Whistleblowing Act is designed to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector; to protect persons making those disclosures from detrimental action; to regulate the

receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith. The Act is in the Bill stage and is yet to be passed into law.

The Public Procurement and Retention and Disposal of Public Property Act is designed to provide for public procurement and for the retention and disposal of public property, in accordance with the principles of good governance namely accountability, transparency, integrity and value for money. The Act is yet to be proclaimed in its entirety.

Prevention of the Corruption Act was passed into law in 1987 and it provides for the prevention of corruption.

Of these four pieces of legislation, the Integrity in Public Life Act and the Whistleblowing Act directly involve members of the public in the movement against corruption.

The Integrity in Public Life Act empowers any member of the public to allege or make a complaint that a person in public life or exercising a public function is in contravention of the Act, has a conflict of interest or is committing or has committed an offence under the Prevention of Corruption Act.

When the Whistleblowing legislation is passed, an employee of an organization would be able to make a disclosure of improper conduct to a whistleblowing reporting officer or a whistleblowing reports unit.

The involvement of members of the public in these pieces of legislation is personal. They must be encouraged to come forward without fear of reprisal or victimisation; they must be made to cultivate an awareness of the crucial role they can play as we address corruption. And we must do everything in our power to guard against apathy and disinterestedness.

When these laws all come on stream we would have formidable tools at our disposal; they would be adequate laws that would hopefully go a long way in buttressing our efforts to neutralize corruption.

“Good governance is a system of governance which is effective and efficient, transparent and accountable, and follows the rule of law. If these are lacking, then it can be said that the society suffers from bad governance.” Words of Justice Naser Aslam Zahid as quoted by Timothy Hamel-Smith in an article in the Trinidad Guardian of May 14, 2018.

Hamel-Smith then went on to identify a malaise that, as I see it, is so chronic in the society of Trinidad and Tobago that it could easily translate into culture. He considered that a lack of efficient and effective public service in Trinidad and Tobago that delivered goods and services so as to achieve better public value was one important area that suffered from bad governance and cried out to be “reengineered”. He expressed the view that the delays, unnecessary bureaucracy and red tape resulted in significant costs which inhibited the diversification of our economy, and the public suffered.

I endorse and echo these sentiments and I will add that these delays and red tape quite frequently engender corruption – at a low level admittedly, but corruption all the same. Citizens are prepared to pay bribes to avoid the inordinate delays and bureaucratic inaction and to expedite their receipt of goods and services. And when regard is had to the number of members of the public who are prepared to pay such bribes, we realize that cumulatively it would have a deleterious impact on society and the economy.

This species of corruption though well known, does not make headlines. It is as if it is now taken for granted in an atmosphere of abject resignation.

It is beyond the realm of dispute that corruption adversely affects the economy of any country, yet a substantial proportion of Trinidadians and Tobagonians fail to appreciate this crucial point. They cannot conceive that poverty is a spawn of corruption and they experience difficulty in connecting corruption with poverty. When the citizenry can be sensitized to this unholy alliance between corruption and poverty then it is to be hoped that incipient ripples of rejection would with time gather momentum into a tsunami, with the population being on alert and ready to strangle this enemy wherever it appears and in whatever form it appears. This however, would take time

Hamel-Smith pointed out a present incongruity in the public service where all authority and power for the operations of the public service were concentrated in the Public Service Commission, but responsibility for implementation and accountability lay with the Permanent Secretaries. Authority was divorced from accountability.

He then suggested a radical reorientation in thinking. He was of the opinion that the Public Service Commission could design a modern management system for the Public Service through effective delegation. He recommended that power and authority be vested in Permanent Secretaries, who in turn would be accountable to the Public Service Commission for the performance of the individual Ministries.

Although he was not dealing with corruption *per se* I took some time with Hamel-Smith because I firmly believed that his suggestions and recommendations would directly impact corruption at ground level and would constitute part of the remedy for this malignancy with which the public is inflicted.

Members of the public must also be prepared to stand up and be counted. They would be adopting a principled position and this would call for resolve, determination and cooperation. If a citizen firmly holds his ground and refuses to pay a bribe for certain goods or services then that citizen must be supported by the rest of the community. Everyone must take a stand and refuse to pay a similar bribe for those goods and services. There must be solidarity in this effort. There must be no backsliding. There must be no viper in the nest, because if there is, then this would severely defeat the purpose of the exercise and the last stage might become worse than the first.

At a breakfast seminar in March of this year in Port of Spain Professor Paul Moxey in addressing the topic “Bribery, Corruption and Incentives” identified what he described as good practices to be adopted by the business community. One of them was:

“Establish a strong moral compass led from the top, demonstrate commitment to the tone from the top through actions and ensure that there are no actions that deviate from the tone”.

I consider this practice to be of capital importance. Paradigmatic conduct must come from the top rung of the ladder. And this exemplary conduct must be consistent and undeviating. When the occupants of the lower levels see the high moral stance taken by those in the upper echelons, the former without any real doubt, would fall in line.

Those in authority must “walk the talk”. They must maintain and be seen to maintain, the lofty ideals and principles that they urge on their subordinates. The maxim “Do what I say but don’t do what I do” should have no applicability here. Breaches of this cardinal principle on the part of their superiors would not be lost on the subordinates. And they in turn would be emboldened to follow the bad example using rationalizations such as were identified by Moxey, with some of my additions:

1. Denial of responsibility – I had no choice; I was up a gumtree; I was in between Scylla and Charybdis.
2. Denial of injury – No one was harmed; the insurance covered it.

3. Denial of victim – They deserved it; they gave me a rough deal; pay-back time.
4. Social weighting – Everyone is doing it; I just follow the crowd. In Trinidad there is a certain saying born of a very popular calypso: “If the Priest could play who is me?”

To date as far as I am aware, no “prize catch” has been netted under the Prevention of Corruption Act. A possible fall out from this unfortunate state of affairs is that when the “small fry” see the “luck” of the Olympians, this could serve as an incentive for the “small fry” to have a go. Sad to say, there might be no guarantee that they might be that lucky.

Such a scenario could result in a credibility crisis leading to a credibility haemorrhage; and this would bode ill for the country.

What can we do to deal with this hydra-like problem of corruption?

We need a nationwide anti-corruption drive in which all citizens would be galvanized and involved in varying degrees and varying roles; a nationwide education programme dealing with the courses and consequences of corruption. And we can enlist the aid of various entities in this campaign.

- **The Press**

The Press can keep the theme of anti-corruption alive in the public mind with an unrelenting flow of articles, interviews and investigative journalism.

- **Radio**

Radio could be involved by setting up talk shows, interviews, call-in programmes and discussions, all targeting integrity, transparency, accountability and anti-corruption.

- **The Electronic Media**

Television can play its part by arranging talk shows, interviews, discussion panels, documentaries all on the dangers of corruption and the need for its eradication.

- **Social Media**

Citizens must be prepared to trade their experiences of corruption with one another and to share suggestions and ideas as to how their mistakes could be avoided in the future.

- NGOs and Church Groups

NGOs and church groups could be brought on board. Schools could also be involved. There must be unrestrained anti-corruption activism. The list is not exhaustive.

There must be a blitzkrieg of information and education on the perniciousness of corruption; corruption must be kept viable in the national consciousness; it must be on the lips of everyone. It must be seen for what it is, a parasitic abomination.

In concluding I will refer to the Paper of Cobus de Swardt and Michael Wiehen entitled “Islands of Integrity” in the Mark Pieth’s Compilation, “Collective Action: Innovative Strategies to Prevent Corruption”:

“The end of corruption around the world is necessary and inevitable. It is similar to the end of Apartheid in South Africa”.

Ladies and Gentlemen, we must think positively and observe as this prophecy is fulfilled.