

VIRTUAL CONFERENCE

**A Country Paper by Justice Melville Baird,
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presented at the 6th Annual Conference of the
Commonwealth Caribbean Association of Integrity Commissions
and Anti-Corruption Bodies (CCAICACB)
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It is an unqualified pleasure for me to present to this distinguished conference the Country Paper of Trinidad and Tobago for the year 2019.

The year 2019 was an *annus mirabilis* for Trinidad and Tobago in its fight against corruption in that, robust and sustained action was taken against it.

This paper is presented under the following headings:

- Legislation
- Poster Design Competition
- Integrity Art Exhibition and 2020 Calendar
- Speech Band Championships
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- Integrity Commission Website
- Legal
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- Briefing Sessions – Outreach
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Legislation

In 2019 Trinidad and Tobago enacted legislation to counter the march of corruption in the country.

- (a) Miscellaneous Provisions (Proceeds of Crime and Central Bank) Act.

On 7th December 2019 the Miscellaneous Provisions (Proceeds of Crime and Central Bank) Act was passed into law. The long title of the Act is, “An Act to amend the Proceeds of Crime Act, Chap. 11:27 and the Central Bank Act Chap. 79:02.”

Section 27 of the Central Bank Act allows the Bank to demonetize money by giving not less than three (3) months’ notice. The Act under consideration amended this section of the Central Bank Act by allowing *inter alia*, the Minister to direct the Bank to cancel any note issued by giving not less than fourteen days’ notice. Armed with this legislative power, the Central Bank proceeded to demonetize the then current one hundred dollar cotton bill replacing it with a polymer one hundred dollar bill. The old bill had to be redeemed by December 31, 2019.

The Act had a seismic effect on the population and people went in great numbers to the banks to exchange their cotton notes for the new polymer notes. At the banks however, they were obligated to satisfactorily explain the source of their funds for exchange if that sum exceeded ninety thousand dollars (\$90,000.00). Should they fail so to do then their money would not be exchanged and they would be refused the new polymer notes. This requirement sent vibrations of nervousness amongst those with dubious sources of funds which were unsusceptible of proper explanation. Some confronted with this dilemma advanced explanations that positively strained credulity. Their discomfort was further heightened by the presence of police officers of the Financial Investigation Bureau at the banks, monitoring transactions.

Because of the relatively short notice which had been given, coupled with the requirement for satisfactory explanations for the source of funds, it would not be fanciful to assume that quite a substantial number of people possessing tainted money, having been taken *ex improviso*, would have been left holding

their ill-gotten and now useless money. This would have amounted to a well delivered punch to the solar plexus of corruption.

(b) The Civil Asset Recovery and Management and Unexplained Wealth Act.

This Act provides for the establishment of the Civil Asset Recovery and Management Agency for the recovery of criminal property through the use of the remedies of restriction in dealings with civil assets restriction and forfeiture of criminal property and the management of criminal property and unexplained wealth orders and matters incidental thereto.

The Bill was unanimously passed in the House of Representatives on April 8, 2019 and unanimously passed in the Senate on April 6, 2019.

On June 14, 2019 some fourteen sections and one schedule were proclaimed and came into operation.

On August 23, 2019 two further sections were proclaimed and came into operation.

On December 6, 2019 another section was proclaimed and came into being.

(c) The Non-Profit Organization Act.

This Act provides for the registration of non-profit organizations, the establishment and maintenance of a register of non-profit organizations, the obligations of non-profit organizations and for related matters. The Bill was passed in the House of Representatives on March 20, 2019. It places all non-profit organizations under the jurisdiction of the Financial Intelligence Unit. Controllers of non-profit organizations must now apply for registration of their non-profit organizations to the Registrar General. Controllers must state in their applications inter alia, the names and contact details of their non-profit organizations, the declared purposes and activities of the non-profit organizations, the names and contact details of each Controller. They are also required to complete a risk assessment questionnaire on anti-money laundering, countering the financing of terrorism and financing the proliferation of weapons of mass destruction. The bill sought to amend sections of the Anti-Terrorism Act, the Companies Act, the Financial Intelligence Unit Act and the Proceeds of Crime Act. It was subsequently passed in the Senate. Certain sections have been proclaimed and came into operation on June 14, 2019.

Poster Design Competition

In May, the Integrity Commission hosted the prize giving ceremony of its Annual Poster Design Competition. The competition was open to secondary

school students throughout Trinidad and Tobago and was on the theme “Integrity: It Begins with Me.” Several schools participated in the competition and the competition was remarkably successful. The enthusiasm and dedication these children and young people displayed as they sought to expound this theme, was at once inspirational and encouraging.

The first place was taken by Ms. Charissa Payne of Northgate College; her piece was entitled, “Exercising Fair Play in Sports.”

The second place went to Ms. Stacy Ricomas of Saraswati Girl’s College; her piece was entitled, “Keeping the Environment Clean Using Modern Technology.”

The third place went to Ms. Faatimah Mallam of St. Augustine Girls’ High School; her piece was entitled, “Your Body is a Temple.”

Ms. Alyssa Lezama of Goodwood Secondary School, Tobago and Mr. Keshav Seecharan of Naparima College were each given a special award and honorary mention. Ms. Lezama’s piece was entitled, “Keeping the Environment Clean” as was Mr. Seecharan’s contribution. It must be stated however, that the standard of work of all the participating students was extremely high, and the entries were judged by a team of highly professional judges.

The Chairman in his feature address applauded the artistic creativity of the students stating, *inter alia*: “with one glance at these poster designs one can conclude that these artistic creations came from the minds of young people who undoubtedly have a firm command and understanding of, not only the virtue of integrity, but also the evil of corruption. And it is the knowledge of these two opposing qualities that would form the common thread that would bind the lives of these young people, the future Trinidad and Tobago.”

Integrity Art Exhibition and 2020 Calendar

Also in May, but subsequent to the prize giving ceremony the Commission hosted an art exhibition to showcase the poster designs of the students. The exhibition was viewed by members of the public and students from primary and secondary schools. At the exhibition members of the public and students participated in integrity-based pop quizzes designed to apprise the public and the students of the need to do the right thing always – at home, at school, at the workplace.

The art pieces were subsequently digitalized and developed into the 2020 calendar of the Commission.

Speech Band Championships

In partnership with the Tobago House of Assembly and the Ministry of Education, the Commission hosted in Tobago, the championships of its first nationwide Speech Band Competition. The competition, which was open to all school students in Trinidad and Tobago, provided a platform for those students to promote the virtues of integrity and honesty by employing as a vehicle, one aspect of the rich culture of Tobago – the speech band. The theme of the competition was: “Capture a Mind: Change a Life: Impact a Community”. The Chairman delivered the feature address on this theme, in the course of which he invited the students to consider the maxim: “If it is not yours do not take it”. He expressed the view that this saying could be recited by Early Childhood Care Education and primary school children every morning before the commencement of classes. They could then maintain this practice as they progress in school throughout the years. He urged all students to keep this saying ever present in their minds so that as adults in the workplace it would be a guide to honest conduct.

This maxim is recommended to delegates for the possible inclusion in the curricula of the schools of their respective countries.

The winners of the Speech Band Championships were:

- (1) Plymouth Bethesda ECCE School in the Early Childhood Care category
- (2) Whim Anglican Primary School in the Primary School category
- (3) Signal Hill Secondary School in the Secondary School category

Each winner received a challenge trophy, schools supplies and a certificate of participation. The performances were judged by experienced and qualified judges. Not unlike the Poster Design Competition the Speech Band Competition was extremely successful.

International Anti-Corruption Day

As part of its observance of International Anti-Corruption Day, December 9, the Commission broadcast a series of radio skits based on integrity and honesty from December 2 to December 9 on three different radio stations and designed to convey to the listening public the slogan of the Commission: “Do the right thing always”.

Additionally on that very day the Commission hosted an international anti-corruption day sensitization function at the auditorium of the National Library and Information System. The programme included performances of the speech

band by students of one primary and five secondary schools who had participated in the Speech Band Championships mentioned earlier in Tobago. Also on the programme were Mr. Duane O'Connor Jr., Junior Calypso Monarch 2018 and Mr. Majeed Karim, Spoken Word Artist of the Two Cents Movement. Mr. O'Connor rendered his winning calypso "Man of Integrity" and Mr. Karim delivered a spoken word performance on Integrity.

Integrity Commission Website

The Integrity Commission, during the year in review provided in its website educational and well-founded information about the mandate and functions of the Commission for the benefit of the public. This included initiatives taken by the Commission in multifarious spheres, garnished with photo albums. However, with the passage of time it was perceived that the website did not have full capacity for adequate user navigation; amongst other things the visuals were outdated and the process for modifying content was somewhat complicated. The website urgently needed an upgrade. The Commission commenced work on the upgrade of the website in 2019. The upgrade was completed in 2020 and the resources of the website has been vastly and satisfactorily increased.

Legal

As the legal representative of the Commission the Legal Unit is responsible, *inter alia*, for filing *ex parte* applications in the High Court for orders against delinquent declarants directing them to file their declarations of income, assets and liabilities and statements of registrable interests under pain of criminal prosecution. In 2019 the Unit filed fifty-eight (58) such *ex parte* applications in the High Court for the year ending December 31, 2018. The names of these persons had been published in the newspapers but notwithstanding this they had persisted in their failure to file their declarations. The orders were all granted.

At first glance this figure of 58 might appear to be miniscule when regard is had to the quantum of names published. Lack of funds and shortage of staff were prominent contributors to this situation. Further, the Commission is reluctant to flood the High Court with a plethora of *ex parte* applications all at one time and so over burden the lists of the courts. The Commission is determined however to file *ex parte* applications at one time or another against ALL those persons who had failed to file their declarations for 2018, whose names had been published and who persisted in their failure to file their declarations.

Speech at the Trinidad and Tobago Transparency Institute Conference (Ipaidabrike.com)

The TTTI held a conference at the Hilton Hotel on the theme: “Crackdown on Corruption – Facing the Reality.” The Chairman made a presentation at this conference. In his presentation he referred to a paper he had read at the CCAICACB Annual Conference in the Turks and Caicos Islands in 2018, where he had expressed the view that citizens must be prepared to trade their experiences of corruption with one another and to share suggestions and ideas as to how their mistakes in falling victims of corruption, could be avoided in the future.

Building on that view, in his paper at the TTTI conference he suggested amongst other things, the setting up of a website in which members of the public could discuss with each other their experiences with corruption; this would include members of the public who managed to avoid paying bribes, sharing the ways in which they overcame that obstacle and refused to be victims of corruption. He referred to the prototype website in India aptly entitled, “Ipaidabrike.com” which focused on crowd sourced reports of retail corruption and bribery. These reports then became the bedrock of a body of valuable and vital data about bribery and corruption. Names were not to be reported; the aim was to change the process, not to target individuals. The concept of “Ipaidabrike” has gone stratospheric and some twenty countries worldwide now have apps that are variations on that main theme. The Chairman urged that we in Trinidad and Tobago should get on board with our own variation of the “Ipaidabrike’ concept. He told delegates that we did not have to slavishly reproduce the original idea atom by atom: we could adopt the concept and adapt it to our circumstances. He suggested the project could be funded by Government but should government decline then NGOs and companies could fill the breach.

He ended the paper with these words: “Ladies and gentleman I put forward this idea and set it afloat as an exploratory step in the crackdown on corruption. It is my sincere hope that it would attract favourable attention and that whatever configuration it eventually assumes, it would go on to serve as a template for the ultimate obliteration of corruption in our society”.

I recommend this concept for the consideration of delegates.

Briefing Sessions – Outreach

During the year in review, the Commission visited statutory bodies, state enterprises and other organizations and held a total of six briefing sessions in which persons in public life were provided with guidance on their responsibilities under the Integrity in Public Life Act; they were also familiarized with the declaration forms and the requirements of those forms. Apart from organizations, a total of five hundred (500) confidential meetings were held to provide guidance to individuals in public life in the filing of their declaration forms and to those who had filed their declaration forms but were required to provide additional information to the Commission.

Conclusion

There are several schools of thought which seek to identify the ancestry and origin of the affliction that is corruption. A popular one holds that corruption is of antediluvian existence. Another one contends that corruption is coeval with life itself. Whatever its pedigree however, that pedigree is an ignoble one and it is indisputable that through the agency of its adherents and acolytes corruption is wreaking havoc throughout the world even as we speak. We are working on an inoculation but inoculations take a long time in development. This does not mean however, that we in Trinidad and Tobago are accepting defeat. We in Trinidad and Tobago refuse to turn to the wall in abject submission and go foetal in the face of this execration. I think my paper today is pregnant evidence of this resolve. It cannot be controverted that on the world stage Trinidad and Tobago is a small country. Corruption on the other hand, is not a small antagonist. It is noteworthy though, that David was able to persuade Goliath that smallness in size is considered a drawback only in the thinking of a small-minded person. I suggest that you observe Trinidad and Tobago as we go along. We are animated and driven by a determination that is embedded in the words of that great British writer and scholar C S Lewis: "You cannot go back and change the beginning but you can start where you are and change the ending". The war continues.