

REPORT ON ACTIVITIES FOR PERIOD JULY 2013 - JUNE 2014

(Prepared for the 15th AGM to be held on the 14th of July, 2014)

1. Introduction

This report outlines the activities of the Trinidad and Tobago Transparency Institute (Transparency), the national chapter of Transparency International (TI), undertaken in the twelve- month period between the 14th and 15th Annual General Meetings of the Institute.

These activities were carried out following, for the most part strategic decisions set in the Strategic Frameworks 2010-2013 and 2012-2014 in the fulfilment of Transparency's vision of 'a world in which government, politics, business, civil society and the daily lives of people are free of corruption" and mission to work towards "a country and region that are free of corruption".

2. Promoting Public Sector Integrity

Corruption in the public sector can have disastrous consequences on the entire society. Nepotism, bribery, kickbacks and wanton wastage of public funds undermine citizens' trust and can even destroy a society's institutions. During the period under review, two of our main areas of concentration have been on ensuring integrity in the process of public procurement — including Procurement legislation; as well as regulation of Political Party and Election Campaign Funding -- and in accounting for revenues derived from the energy sector.

2.1 Reform of Public Procurement Legislation

TTTI/Transparency has steadfastly and strongly advocated for the introduction of a new legal and regulatory framework by which all procurement agencies will be governed as first step towards reducing incidences of public corruption. To this end it is a founding member of the Public Sector/Civil Society Group (PSCSG) established by Joint Consultative Council (JCC) in 2010 to promote public procurement reform and to give effect to recommendations such as those of the 29 March 2010 Report of the Uff Commission of Enquiry. Members of the Group were also members of the Government appointed committee which produced the Green and White Papers and the 2006 draft Bill.

In October 2010 the PSCSG submitted a legislative proposal to the Joint Select Committee (JSC) of Parliament responsible for working on public procurement legislation. This was based on a proposal developed in 2006 by the committee which produced the 2005 White Paper. In April 2012 the PSCSG submitted a complete *Draft Public Procurement and Disposal of Property Bill* to the JSC. It was essentially as submitted in October 2010.

In October 2012 the Prime Minister announced that the Bill along with a report prepared by the JSC would be forwarded to the Cabinet's Legislative Review Committee. The PSCS Group was of the view that this JSC report did not reflect the requisite level of experience or detail needed for such critical legislation. Transparency and the PSCS Group accordingly redoubled efforts to educate and sensitize key stakeholders and the wider public on the benefits of improved public procurement reform.

In August 2013 the Minister of Planning invited the PSCS Group to submit comments on the draft Public Procurement and Disposal of Public Property Bill 2013, then

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before the Legislative Review Committee (LRC). The PSCSG was of the view that unless the new draft was extensively revised it could not achieve effective reform. The PSCSG determined that the following were Essential Elements and minimum provisions to ensure effective public procurement legislation:

- use of Public Money as the cornerstone of any public procurement process;
- definition of Procuring Agency encapsulating any organisations responsible for transactions in the use of public money;
- effective independence of mechanisms of regulation and grievance resolution;
- Value for Money linked to performance/efficient use of public money;
- embedded participation of Civil Society in the maintenance of the integrity of the procurement system.

The PSCSG accordingly submitted amendments to the Bill and from February 2014 a series of meetings and consultations were held with the line Minister, members of the LRC, independent Senators and the Opposition.

The Public Procurement and Disposal of Public Property Bill was unanimously passed in the Senate on 11 June 2014 and is before the House of Representatives.

The PSCSG is continuing to emphasize the need to include effective provisions in the Bill on the role of civil society and the acquisition and disposal of public property.

The PSCSG is calling for the Bill to be operationalized within 180 days of its approval by Parliament.

2.2 Trinidad and Tobago Extractive Industries Transparency Initiative (TTEITI)

The Trinidad and Tobago Extractive Industries Transparency Initiative (TTEITI) is a coalition of governments, companies, civil society groups, investors and international organisations formed to encourage transparency and accountability in the exploitation of minerals and other extracted resources (www.eiti.org). It was founded, in part, as a result of TI's lobby with other civil society organisations and other groups to reverse the situation where many countries although rich in natural resources are among the world's poorest. Transparency has been the leading advocate in Trinidad and Tobago of membership of the TTEITI.

The TTEITI released its first report on 30 September 2013 at a launch event presided by the Minister of Energy, the Honourable Kevin Ramnarine. The report provides a detailed account of more than 50% of Trinidad and Tobago's total government fiscal revenue that originates from the extraction of its natural resources. It disclosed that the Government received a total of US\$3.6 billion in payments from oil and gas companies of which 5.4% represented corporate tax. The country's oil and gas revenues came primarily from the BP Group, BG Group, Repsol and BHP Billiton as well from two state owned oil companies, Petrotrin and the National Gas Company.

It identified a number of areas in which further improvements must be made to strengthen the management of the extractive industries sector. These include auditing practices, automation of government systems, more complex production figures and clearer categorisation of payments. TTEITI Steering Committee

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Chairman Mr Victor Hart referred to this report as “a huge step forward in government accountability to citizens of Trinidad and Tobago”.

On 5th February 2014 TTEITI hosted a workshop on Contract Transparency, facilitated by independent Oil & Gas consultant, Dr. Susan Maples, at the Trinidad and Tobago Energy Conference

The Chairman of the EITI Steering Committee is Victor Hart, a former chairman of Transparency. TTTI member Ms. Melanie Richards, former member of the TTEITI Steering Committee, who has joined the TTEITI Secretariat as Interim Head and replaces another member of Transparency, Mr. Mark Regis, who established the Secretariat in September 2011. Transparency is represented on this committee by Dr Debbie Mohammed.

3. Civil Society Strengthening

In 2010, Transparency collaborated with the Commonwealth Foundation to prepare a Civil Society Organization (CSO) Accountability Toolkit aimed at developing principles on accountability and transparency which local CSOs can follow. This was part of a larger project where the Commonwealth Foundation worked with One World Trust to develop similar accountability toolkits for CSOs in Belize, India, Uganda and the Pacific Islands.

Since the CSO Toolkit launch at the Arthur Lok Jack Graduate School of Business on 18 July 2012 some fourteen (14) workshops have been held throughout Trinidad and Tobago hosting over 300 participants of various Civil Society Organisations.

The last three workshops were held between July – December 2013, one CSO Toolkit sensitization workshops were conducted in Point Fortin Trinidad (August 14, South Western Court), Tobago (September 18, Kariwak Hotel) and Port-of-Spain Trinidad (October 16, Hotel Normandie). These workshops were well attended, feedback was extremely positive and there were several requests for additional training workshops in the following year.

4. Anti-Corruption Outreach Activities

4.1 Anti-Corruption Conference

Participants in ACC 2014 on 14 March 2014 were privileged to enjoy a rich and varied programme provided by distinguished presenters who were thoughtful, pointed and candid in their presentations and provided clear recommendations on how to improve the anti-corruption package.

Key observations and recommendations:

- There has been a deliberate strategy to undermine Trinidad and Tobago's integrity framework and to peel away institutionalised checks and balances. Three key court decisions found that state enterprises are not subject to Judicial Review, to the Integrity in Public Life Act (IPLA) or to the Freedom of Information Act (FOIA). The gates were opened to provide a clear track for corruption to run on. All public enterprises must once again be subject to the IPLA, the FOIA, the Auditor General and judicial review.

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- Corruption = Monopoly Power – Accountability.
- The battle against corruption is a battle against mind sets. Thus education is critically important to inculcate ethical awareness and teach the ethical aspects of governance and management.
- The culture of dependency is fostering crime.
- Political will and robust, enforced legislation are the keys to combating corruption.
- Asset publication and seizure, naming and shaming are effective. Put the onus on private companies for failure to prevent bribery, with stiff penalties for bribing a government official - for example a fine to the value of 20% of the company's annual revenue.
- Changes are needed in the approach to the prosecution of corruption cases, lengthy prosecutions do not foster public confidence - replacement of juries by expert panels as the volume and complexity of evidence is onerous for jury members; enhanced collaboration and sharing of information between agencies.
- The perception of the power of the perpetrator undermines the will to investigate and prosecute – hence the importance of the Rule of Law. Added to this is the impact of our cultural approach to transparency and process. Personal relationship networks have replaced process. If processes are made simple and transparent power is taken away from someone; vampires do not thrive in the sunlight hence the value of leaks and whistle blowing – and I would venture to add, newspaper exposés.
- The Integrity Commission is inundated with information but lacks analytical capacity. There are legal mechanisms to compel compliance/cooperation.
- The three hallmarks of corruption: happens in haste, amidst tremendous publicity and a company with no experience in the area is selected.
- Funding/donor agencies should reconsider the criteria for funding and distinguish between development and anti-corruption objectives. Anti-corruption activities are an investment strategy which will improve the climate for doing business and benefit both investor and recipient.

4.2 UN Anti-Corruption Day

TTTI joined forces once again with the United Nations Development Programme (UNDP) to mark International Anti-Corruption Day 2013 (ACD 2013) on 9 December 2013.

The actress Cecilia Salazar reprised the role of Gene Miles, the heroine who denounced the gas station racket in the 1960's and died on 9 December 1972 at the age of 42. On Monday 9 December for ACD 2013, on the 41st anniversary of her death, Gene Miles returned to Woodford Square from 3.30 pm to 5.30 pm.

This was the third year of collaboration between Trinidad and Tobago Transparency Institute and the United Nations Development Programme (UNDP) in marking International Anti-Corruption Day (ACD) on Monday 9 December. Once again an interactive popular event affirmed the power of each person to resist and fight corruption via the message YOU Can Make A Difference and public attention was directed to the corrosive effects of corruption which can destroy societies and quality of life; promote inequality, injustice and violence; undermine development efforts, the

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rule of law and democracy itself as it can lead to violations of human rights and situations in which organized crime, transnational crime, terrorism and other threats to human security flourish.

4.3 Release of 2013 Corruption Perceptions Index (CPI)

The release of TI's Corruption Perceptions Index is a major event on the annual news calendar in Trinidad and Tobago. It attracts the attention not only of media houses but also of the Government, political analysts and business entities, and the wider public. TTTI launched the CCPI index at a media briefing on 3 December, 2013 at TTTI's office.

The CPI is an index which measures perceptions of public sector corruption. It is a survey of a number of reputable surveys undertaken by international institutions in which countries are numerically ranked based on perceptions of public sector corruption held by business leaders and other analysts.

For 2013 Trinidad & Tobago's rank dropped, to 83 from 80. The country's score dropped by one, from 39 to 38, to lie level with Jamaica. The new methodology of compiling the Index, introduced last year, means that it is now valid to compare scores and rankings with the previous year.

The day's event included a press conference followed by interviews and commentary from the media and members.

4.4 Collaboration with Republic Bank – Power to Make a Difference

RBL has provided TTTI a grant for three youth activities to promote the objectives of TTTI's youth development programme: a performance of the schools version of the play *Miss Miles –Woman of the world*, about our most famous whistleblower, and an essay and a poster competition for young people aged 13 to 25 on the overall theme of *Youth against corruption*. The performance took place in May 2013.

Collaboration with the Ministry of Education's Curriculum Division is being pursued to effect the competitions.

5. International Meetings**5.1 Annual Membership Meeting**

Transparency's Chairman Deryck Murray travelled to Berlin in November 2013 to attend TI's Annual Meeting of Members (AMM) as they celebrated their 20th anniversary 7-11 November 2013.

Plenary sessions at the meeting included reports of the various committees and working groups with specific emphasis on the theme of "No Impunity". The Movement was committed to focus on this in the immediate future to ensure that those who were guilty of acts of corruption actually do face the consequences.

TTTI Chair Mr Murray was a panellist on the Corruption in Sport workshop which served as a prelude to the forthcoming 2015 Global Corruption Report: Sport.

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The Closing Dinner was another celebration of the 20th Anniversary as well as a wonderful display of international bonding of all the Chapters and members in a show of solidarity around a common cause.

5.2 Global ALAC Speak UP! Conference

Vice Chairman Dion Abdool attended this conference which was the catalyst for the launch of the ALAC in December 2013. We received funding from the Canadian High Commission to enable the establishment of the centre. We have also been supported in this by the Hugh Wooding Law School, many senior attorneys in the community to support the work of the interns who are the major recourses of ALAC.

ALAC has established contacts with many of the investigative agencies within Trinidad and Tobago such as the Ombudsman's Office, The Integrity Commission, Fraud Squad and many others. These relationships will enable feasible complaints to be channelled to the relevant organisations.

5.3 Caribbean Outreach

Transparency continues to support TI's thrust to encourage other groups in the Caribbean to take up the anti-corruption mantle. We participated in workshops and conferences in Curacao, Antigua and Cayman Islands, in addition to continuing to work with the "Chapters in formation" in Jamaica and Guyana.

6. Collaboration with Government Agencies and CSOs

TTTI partnered with the Elections and Boundaries (EBC) and the High Commission of Canada to Trinidad and Tobago and UNDP to host a symposium on the "Registration and Funding of Major Political Parties" on 4 December 2013 at the Century Ballroom of the Queens Park Oval, Port-of-Spain.

The symposium aimed at addressing issues surrounding the process of campaign financing, reform of the electoral process, the need for legislation governing the registration of political parties, party financing and campaign financing.

Presenters Included Jean-Pierre Kingsley, former president/CEO of the International Foundation for Electoral Systems (IFES)/former chief electoral officer (Canada), Jamaica's Errol Miller, former chairman (EBC), Alejandro Urizar, Chief of the Electoral Section, Department for Electoral Cooperation and Observation, Organisation of American States (OAS) and Fern Narcis, Senior Legal Officer (EBC).

Vice-Chairman, Dion Abdool acted as Master of Ceremonies at this event

7. Outreach Activities

7.1 Town Hall Meetings

Transparency continued this year with its ever popular series of Town Hall Meetings entitled "Plenty Pepper". The objective of these meetings is to engage the residents of selected communities throughout Trinidad and Tobago in discussion on various current corruption-related issues.

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The first for 2014 took place on 25 March and featured Transparency's Chairman, Mr. Deryck Murray who delivered a piece entitled 'Let's Make Our Voices Heard'. He was accompanied by Youth speaker Amilcar Sanatan a member of the Transparency Youth Arm at the St James Amphitheatre, Port-of-Spain Trinidad.

Transparency received significant support from Mr. Earl Crosby the President of the St James Improvement Committee in hosting this event and, as a result some fifty individuals were in attendance. The event was well received and there have been several calls to the secretariat enquiring about the next date and location of the "Plenty Pepper" series.

Transparency is in the process of planning the other final Town Hall meetings in other communities throughout Trinidad and Tobago. We are hopeful that as previous meetings these will be successful.

7.2 Newspaper Article Series

During the period under review, Transparency has continued to engage the public by treating with issues relating to corruption, transparency, ethics and integrity in its ongoing series of articles in the daily newspapers.

8. Secretariat**8.1 Grants and Donations**

Transparency's strategy of obtaining funding to carry out projects continued in 2013. Our main source of funding is the JB Fernandes Memorial Trust which enabled us to continue our capacity building activities and community outreach programmes. Funding from the Canadian High Commission allowed us to successfully start and operate our Advocacy and Legal Advice Centre (ALAC).

8.2 Staffing

Transparency advertised to replace the Programme Manager (who had emigrated) and for a new position of Project/Research Officer. Closing date for applications was April 11th and after suitable applicants are acknowledged the Board is in the final stages of concluding interviews to fill these positions. The new staff members are expected to be in place by August 2014. Transparency acknowledges the contribution of Zatopek Solutions Inc in that they conducted the entire recruitment process (in their capacity as HR Consultants).

8.3 Board of Directors

At the 14th AGM on 25th July 2013 **Rishi Dass, Dr Kamla Mungal and Jason Steadman** were nominated and elected to fill vacancies on the Board of Directors created following the resignations of Frederick Du Coudray, Gerry Pemberton and Annette des Iles. Those elected joined Deryck Murray (Chair), Dion Abdool (Vice Chair), Michael Alleyne, Susan Gordon, Ronald Ramcharan, Josh Drayton and Lorraine Rostant as the new Board.

January 2014 Mr Richard Jones joined the membership and subsequently the Board of TTTI.

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Since the last AGM the Board has held 11 meetings with an average attendance of 7 Directors per meeting.

9. Conclusion

Transparency continues to enjoy the respect of a wide cross section of the national community that looks forward with great interest to our contribution on various issues. We maintain a solid working relationship with the Government and we have consolidated and strengthened our relationship with other Civil Society Organizations.

Our additional human resource capacity has enabled us to increase the level of our programme delivery particularly in the case of CSO Toolkit workshops and the community outreach meetings.

There is more than sufficient activity on the national agenda which offers an organization such as ours the opportunity to make a significant contribution. In this context, Transparency needs greater involvement and commitment from a wide range of its members in order to develop positions, programmes and initiatives surrounding the myriad of matters confronting our society. With such support, we are confident that the organization will continue to represent a force for positive change in Trinidad and Tobago.