

Reaffirming Commonwealth values

By THE HON DR KEITH ROWLEY

PRIME MINISTER OF THE REPUBLIC OF TRINIDAD AND TOBAGO



KEITH ROWLEY

graduated with a BSc in Geology and Geography from UWI in Mona, Jamaica, and also holds an MSc in Volcanic Stratigraphy and a Doctorate in Geology. He is the Member of Parliament for Diego Martin West, a seat which he has held since 1991, and has held a number of Cabinet level portfolios, including Minister of Agriculture, Lands & Marine Resources, Minister of Planning & Development, Minister of Housing, and Minister of Trade & Industry. He led the PNM to victory in the general election of 7 September 2015 to become the 7th Prime Minister of Trinidad and Tobago.

When the People of Trinidad and Tobago elected a new Government on 7th September, 2015, they voted to reclaim their confidence in the Government of Trinidad and Tobago and in the public institutions that govern them. The political party forming the new Administration, the People's National Movement, under my leadership, had campaigned heavily on a platform of integrity in public life, the urgency of rebuilding public confidence in the country's major institutions, and the adherence by the Government to transparency and accountability in all aspects of the operations and activity of the state. While the new Government has been in Office for a mere two months, it has lost no time in launching a broad programme to reshape and recast the Government to reflect its historic compact with the citizenry as a Government of the People, with the People and by the People.

The Government recognises the importance of promoting law and order in the society in order, among other things, to counter the incidence of criminality and lawlessness, including the commission of serious crime in the society, and as a means of re-creating safe and secure communities to support wholesome family life across the nation. Uppermost in the thinking of the Government is that as the custodian of the trust of the People, the Government must itself lead by example, in ensuring that a clear, transparent, relevant framework of laws and regulations is developed and implemented, in the public interest, to promote and ensure the good governance of Trinidad and Tobago. This change of approach in the style of governance is not to be misconstrued simply as campaign rhetoric, but rather encapsulates a fundamental shift in philosophy and indeed, in substance, in the way the Government operates in the day-to-day discharge of its responsibilities and functions. Paramount, in this regard, is the recognition by the new Executive that it is the servant of the People of Trinidad and Tobago, not vice versa, and that it is duty-bound, legally and ethically, to honour and uphold the Constitution and the Law.

It is a strongly held view of the present Government that at the very core of governance is the special character of the relationship between the Executive and the People, the broad parameters of which are enunciated in the Constitution of the Republic and in the Laws and regulations enacted to balance and regulate the respective rights and responsibilities of the State and of the People.

While this is so, the fact remains that even with the most expertly drafted law, it is not possible to anticipate every situation or dimension of national life for which the need will arise to guard against possible excesses of conduct, outright misconduct or, in fact, the infringement of the rights of others in society. As such, one must accept the fact that as a society, legislation in and of itself is not a panacea for every problem that confronts us and threatens to disrupt the natural order of things. Legislation provides the framework and defines the outer limits of acceptable behaviour shaped by community values, but the fact that legislation might not yet exist to address a particular situation or concern in national life ought not to be interpreted or manipulated permissively by the State to take unprecedented measures that offend the limits and indeed the sensibilities of acceptable ethical conduct in discharging the business of the People.

Where gaps in the law exist or where for whatever reason no law exists, there is perhaps an even greater need for the state to exercise caution and pragmatism in decision-making on the course of action it will take. Established convention can help to inform and/or guide state action in such circumstances. It is, however, entirely unacceptable for the Government to adopt unprecedented and controversial measures or decisions, the moral and ethical bases of which are questionable. This undermines the trust of the People in their Government, breeds suspicion and eventually engenders undesirable shifts in citizens' values and behaviour as individuals re-position themselves as beneficiaries of inappropriateness and perhaps illegitimate state conduct.

If such an approach to governance was ever possible in Trinidad and Tobago in the past, as a Government and indeed, as a society that cherishes democratic values and morality in public affairs, we repudiate such paternalistic arrogance today. This is why, immediately upon taking office, the Government has set a course to repair the broken relationship between the State and the People, which is an absolute necessity if we are to succeed as a country in the face of the varied challenges, domestic and international that confront us; to restore the country's faith in its own institutions, built, as it were, to serve its people; and in those privileged to occupy the authority of Government, on behalf of the People.

The Manifesto of the People's National Movement, which has now been adopted as the official policy of the Government of Trinidad and Tobago and will therefore

The Government has set a course to repair the broken relationship between the State and the People, which is an absolute necessity if we are to succeed as a country

guide Government action over the next five years, advocates observance of the following principles by all Members of Parliament in the conduct of the People's business, namely: selflessness, integrity, objectivity, accountability, honesty and leadership. To that end, it is proposed to have a Code of Conduct for Parliamentarians, who in their personal and political dealings must be ever mindful of the responsibilities of leadership and of the legitimate expectations the citizenry have of those holding high public office.

Though Integrity in Public Life Legislation has been in existence in Trinidad and Tobago since the year 2000, the country's recent experience has demonstrated the need to review the institutional arrangements and mechanisms to discourage and indeed, to punish misconduct by high public officials. The current Administration attaches the greatest importance to the belief that the resources and economic benefits of the country must benefit all its citizens, through the use of those resources to improve the general standard of living and well-being of the people. The Government is therefore adamant that individuals and groups in society ought not to enjoy an unfair advantage in the assignment of public resources or benefits whether in education, housing, health care or any other area of national life on the basis of privileged access to those having decision-making authority over the distribution of those resources and/or benefits.

In order to give practical effect to its philosophy, the Government has accordingly outlined a set of reforms to strengthen the system, including the expansion of the investigative powers of the Integrity Commission through an amendment to the law. In addition, the Government proposes to institute a new offence of "unjust enrichment," requiring any person in public life having a lifestyle well beyond his or her declared income or known means of support, to satisfactorily explain to the relevant authorities their ability to sustain such lifestyle or be prosecuted. Another area of reform is the introduction, as a matter of priority, of whistleblower protection legislation, in order to encourage the exposure of corrupt practices or activities, including influence-peddling in government and to dis-incentivise vindictiveness and victimisation. In the interest of full transparency, and with a view to ensuring maximum objectivity and independence in decision-making in the award of contracts and in all areas of public expenditure, all Members of Boards of State Enterprises and Statutory Authorities who provide services to the Public Sector, will be required to declare all their interests, and such declarations are to be made available for public scrutiny.

An area of continuing public concern has been a lack of transparency and openness in the awarding of government contracts in all areas, but especially those related to public works and infrastructure involving especially large volumes of public expenditure. Though it was a welcome

move in the right direction that the last Parliament passed the Public Procurement and Disposal of Public Property Act, which the current Administration supported in Opposition, albeit with expressed reservations on certain issues, it has recently renewed its commitment to prioritising the re-examination of this important piece of legislation, with a view to creating a more modern, fair, transparent, equitable and efficient procurement system. The review will entail removing such loopholes, limitations and weaknesses as exist in the legislation, including most aptly, addressing a major shortcoming in that, in its present form, the Act does not protect the Procurement Regulator from political interference. Accordingly, the Government recently announced that it had sent the existing law to a Joint Select Committee of Parliament for scrutiny and expects the Committee to report in January, 2016.

Over the course of the last three parliamentary elections held in Trinidad and Tobago, the non-existence of campaign finance regulations has been the object of widespread comment by various branches of Civil Society, the Private Sector, academia and the society at large, as the budgets of political parties for funding electoral campaigns have grown exponentially. Recognising the potential to exploit the linkages between the absence of rules for campaign finance on the one hand and weak procurement legislation on the other, which could give rise to "political investors", the Government has committed to draft, enact and implement appropriate campaign finance legislation, based on reputable international models, before the next parliamentary elections are due in 2020.

As much as good governance and the rule of law are defining Commonwealth values, they have also very much been traditional Trinidad and Tobago values. Over the fifty-three years in the life of this Republic, the People of Trinidad and Tobago had become accustomed to, and grown to expect, objective and fair governance and the practice of morality in public affairs. Quite simply, people expect and deserve to be treated fairly. They are now demanding such treatment from their leaders and this government has pledged to provide it.

We are proud of our record as a country in which the People are governed by consent, every Government of this country since 1956, having come to office through free and fair elections. The Government must keep faith with the People who have authorised it to make decisions in their interest, the public interest, and as we set about to re-engineer national strategies for wealth creation in the context of sustainable development, it is critical that such plans and programmes be anchored on a solid sub-structure of good governance and the rule of law to take Trinidad and Tobago confidently and securely through the twenty-first century.