

# *Contemporary Security and Defense Issues in the Caribbean*



Un-Governed and Un-Governable Spaces:  
Threats to Democracy and National Security in  
Jamaica  
*George Benson*

Preventing Violent Extremism in the Caribbean  
*Francesca Caonero and Pernille Rasmussen*

Citizen Insecurity in Trinidad and Tobago and the  
Applicability of the Concept of the Mafia State  
*Dianne Williams*

Warring on Domestic Soil: Military versus Police  
Missions in Jamaica  
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Systemic Challenges in Law Enforcement:  
Examining the Social Context of Misconduct and  
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Trinidad and Tobago  
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Corruption and its Impact on Good Governance in the  
Caribbean  
*Henderson P. Patrick*

The United Nations Law of the Sea Conventions  
(UNCLOS) and its Impact on the Traditional Maritime  
Powers Operations in the Caribbean  
*Wilbert Kirton*

Global Warming and Climate Change in the Caribbean  
*Pat Paterson*

Venezuela's "9-Dash-Line" in the Caribbean  
*R. Evan Ellis.*

***Editors: Pat Paterson and Walter Earle***  
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Front Cover:

A U.S. Army National Guard soldier holds the ensign of the United States alongside standard bearers of other nations during the Tradewinds 2015 exercise. A number of armies from Caribbean nations also participate in the Conference of the American Armies. Photo credit: Wimbish, Michael D CIV USSOUTHCOM/SC-CC (L)



The opinions in this report are of the authors and do not necessarily reflect those of the William J. Perry Center for Hemispheric Defense Studies, the National Defense University, or the U.S. Department of Defense.

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# Foreword

The Caribbean is often overshadowed by other problems in the Western Hemisphere. To some degree, this is understandable. Drug-fueled violence from organized crime and local gangs have made Central America and Mexico some of the most dangerous places in the world. Remnants of communist insurgents continue to plague Colombia and Peru. Corruption charges threaten to unseat the President of Brazil as they have in Guatemala. Warming temperatures threaten the potable water sources for millions in Peru, Colombia, and Bolivia.

But this is not to underestimate the problems in the Caribbean. Organized crime, Haitian and Jamaican gangs, a surge in drug trafficking, all-too-frequent hurricanes and earthquakes, and a steady flow of arms and migrants elevate the level of urgency to crisis stages in Caribbean nations. In many ways, conditions in the Caribbean are even more dire than in other parts of the Americas. The security forces in most Caribbean nations number in the hundreds, not the tens of thousands as in neighboring Latin American nations. The institutional capacity of the governments of many Caribbean countries is still developing. In this sense, organized crime activities can potentially overwhelm the forces of Caribbean nations much faster and deeper than they can in larger Central or South American countries.

The Perry Center has assembled a collection of essays regarding the contemporary security and defense challenges that face Caribbean nations. The essays examine a myriad of complex threats: corruption, loss of control of sovereign territory, organized crime activities, gangs, and drug trafficking. The essays also address problems that frequently don't generate as much attention as the violent activities of criminal groups: global warming, border disputes, and maritime boundaries.

These are not new threats. The 2013 CARICOM Crime and Security Strategy addresses all of these problems as either Tier 1 (immediate threat), Tier 2 (substantial threat), Tier 3 (significant risk), or Tier 4 (future risk). Nor are these problems unique to the Caribbean. Organized crime activities are present on every continent and in nearly every country in the world regardless of wealth, population, or geographic location. Wherever there is a market opportunity for illegal

goods and a lack of state presence, organized crime will fill the vacuum. When coupled with poverty, unemployment, lack of social and economic mobility, and weak institutions, the problem is even more amplified.

Our first chapter addresses the ungoverned spaces that affect many countries. Major George Benson, an adjunct professor at the Perry Center, examines the political garrisons in cities like Kingston that have fallen under the control of political factions or gangs. Other countries or territories have similar problems. In some neighborhoods of Port-au-Prince, Haiti or San Juan, Puerto Rico, crime groups have seized control of entire sections of the cities, rendering them off limits to security forces. This represents the loss of control of the territory of sovereign states. Organized crime groups manage these areas as sanctuaries and with nearly total impunity, a state within a state. In response, security forces often have to launch operations to retake these areas, at great risk to themselves.

In the second chapter, Francesca Caonero and Pernille Rasmussen, both United Nations staffers with extensive and diverse experiences, examine what may be the second-most urgent problem in Caribbean nations: the potential return of violent extremists from the Middle East. As the former Commander of the U.S. Southern Command General John Kelly said in Congressional testimony, scores of Muslim jihadists who have learned lethal tactics in Syria and Iraq may return to their home states intent on carrying out attacks like those experienced in Paris and Brussels recently.

The third essay by Dr. Dianne Williams, a Perry Center graduate and a professor at the University of the West Indies at the St. Augustine Campus in Trinidad and Tobago, addresses citizen security in her home state of Trinidad and Tobago. A criminologist by training, Dr. Williams examines the levels of crime and homicide on the islands, an area that has historically been besieged by violence fueled by drug trafficking. With a boom in recent coca cultivation in Colombia, Trinidad and Tobago may suffer from the violent consequences of increased cocaine trafficking through the country in the next year or two.

Valeen Calder, author of “Warring on Domestic Soil,” the fourth chapter in our collection, is a deputy police superintendent in the Jamaican Constabulary Force. Calder, another graduate the Perry Center’s Caribbean Defense and Se-

curity Course (CDSC), has a direct perspective on security sector reform efforts in Jamaica. Like many countries in the hemisphere, the amount of violence in Jamaica have reached levels that overwhelm the capacity of the police forces. The Jamaican Defense Force (JDF) has been ordered to the streets to support police operations. The Jamaican Defense Forces' raid on the Tivoli Gardens neighborhood in May 2010 is one example of this. Seventy-three civilians and four policemen or soldiers were killed in the operation to arrest drug lord Christopher "Dudus" Coke.

The next article addresses police misconduct in Trinidad and Tobago. Netty Ann Gordon, a special investigator with the Trinidad and Tobago police forces, addresses a dilemma that plagues a number of security forces in the Caribbean. Police units that are often underpaid, unsupervised, or suffer from a lack of professionalism contribute to the instability in many Caribbean cities or communities. The United Nations declared illegal violence by state agents as one of the six principal threats in the region.<sup>1</sup> Ms. Gordon examines how two government entities in Trinidad and Tobago, the Police Complaints Authority (PCA) and the Police Service Commission (PSC) oversee police actions as a transparency effort to build rapport and confidence with the public. It is just the kind of institutional reform that would benefit every security force in the region.

The sixth essay in the series concerns corruption. Henderson Patrick of the Barbados Fire Service addresses what may be the most intractable problem in the Caribbean. When we query Perry Center students what they believe is the most dangerous problem facing Caribbean countries, they invariably say organized crime. However, when we ask them what they perceive is the most difficult problem to solve, they nearly unanimously say corruption. According to the World Bank Institute on Global Governance, corruption may sap 9% of the combined Gross Domestic Product in the Western Hemisphere. Globally, it amounts to \$1 trillion of lost revenue per year. Corruption is a cancer that produces crises in public confidence throughout the region. The presidents of Honduras, Mexico, and Argentina are all facing corruption scandals. The president of Brazil is facing impeachment charges for her alleged role in billions of dollars of bribes. The president of Guatemala has already been arrested and thrown in jail. In his essay, Mr. Patrick ex-

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<sup>1</sup> United Nations Development Programme (UNDP) Regional Human Development Report 2013 -2014, p. 7.

amines the multiple facets to corruption and how it effects good governance in Caribbean nations.

Professor Wilbert Kirton, a long-time instructor at the Perry Center and a former naval officer of the Barbados Defence Force, shares an important analysis of the maritime spaces of Caribbean nations in his essay on the United Nations Law of the Sea Convention (UNCLOS). Commander Kirton's thirty years of experience in maritime matters is apparent as he examines important issues such as the right of innocent passage, what constitutes territorial seas, and the rights of nations over their economic exclusion zones (EEZ). Small Island Developing Nations like those of the Caribbean are highly dependent on the ocean as a source of resources, commerce, and security. Commander Kirton addresses the complex legal issues surrounding maritime rights in the region.

Professor Pat Paterson, a Professor of Practice at the Perry Center and the co-editor of this collection of essays, explores the unique dangers that Caribbean nations face from global warming and climate change. The risks from rising sea levels, increased ferocity of storms, and debilitating droughts may be the greatest long-term threat that Caribbean nations face. Climate change is no longer a threat that we face in the future; the problems are occurring now and will continue to grow in intensity as mankind pumps toxic gases from fossil fuels into the atmosphere. Ironically, Caribbean nations produce only a tiny percentage of the overall greenhouse gases but they may suffer disproportionately from the collective problem.

Dr. Evan Ellis of the U.S. Army War College and a former faculty member at the Perry Center is the author of our ninth and final essay. Dr. Ellis, a prolific researcher and writer on security and defense issues in the Western Hemisphere, addresses the border dispute between Venezuela and Guyana that threatens to disrupt the long peace between nations on the continent. This dispute pertains to a 56,000-square-mile area of land in the Orinoco basin referred to as Guyana Essequiba. As in other regional boundary disagreements, the dispute spawned from the era of independence when disagreements over the borders between Venezuela and the former British Guiana remained unsettled. The problem has potential to erupt into the first inter-state conflict in the hemisphere in over 25 years.

This collection of essays is representative of what the Perry Center does best: assemble diverse perspectives from policy leaders in the region, craft them into an academic product, and distribute it to interested parties who may use it to develop constructive policy that contributes to regional stability and prosperity. Most importantly, the nine authors in the book are all products of the Perry Center courses and programs. They have sharpened their information, critical thinking skills, and knowledge through academic exchanges at the Center. On behalf of all the staff and faculty at the William J. Perry Center for Hemispheric Defense Studies, we hope you find the book informative and enjoyable to read.

Mark Wilkins

*National Defense University*

*Washington DC*



# Un-governed and Un-governable Spaces: Threats to the Democracy and the National Security of Jamaica

*George Benson*

## Introduction

Situated in the central Caribbean Sea to the south of Cuba and west of Haiti, Jamaica is the largest island of the Commonwealth Caribbean. With a population of approximately three million people, it is the third most populous English-speaking country in the Americas after the United States and Canada.<sup>1</sup> As a sovereign state, the island gained its full independence from Britain on August 6, 1962. Since then, Jamaica has practiced a British-style Parliamentary Democracy with a two-party model dominated by the People's National Party (PNP) and the Jamaica Labour Party (JLP) which currently forms the Government.

In August of 2012, Jamaica marked 50 years of self-government and, having survived half a century, its democracy could well be described as being enduring. On its journey of independent self-rule, this Small Island Developing State of 10,991 square kilometers has managed and executed twelve deliberate changes of government. Via democratic processes, it has had nine different Prime Ministers (Heads of Government) and has provided the political space for the co-existence and operation of approximately 50 political parties some of which are named in Table 1 below.<sup>2</sup>

During the half century of independence, the body politic has been able to operate freely without any attempt at a *coup d'état*, without an assassination or any attempts to assassinate, without a civil war, without a dictatorial leader, without operating as a one-Party State and without any of the other political ills which have plagued many of the emerging democracies within the Western Hemisphere.

However, perhaps the truest testament to Jamaica's post-independence de-

<sup>1</sup> The World Factbook, Jamaica: Geography, [www.cia.gov/library/publications/the-world-factbook/geos](http://www.cia.gov/library/publications/the-world-factbook/geos)

<sup>2</sup> "Nearly 50 Political Movements in Jamaica's History", The Daily Gleaner, 14<sup>th</sup> November, 2011.

mocracy lies in the fact that the two dominant parties have alternated regularly and are always competitive. The successive government administrations and the six Prime Ministers to have held office were all elected by the ballot – i.e., Government by the people via power vested in the people and exercised directly by the people under a free electoral system. This routine, democratic exchange of political power since independence is illustrated in Table 2 next page.

*Table 1. Political parties operating in Jamaica<sup>3</sup>*

SR#	PARTY DESIGNATION	REMARKS
1	Jamaica Labour Party (JLP)	Founded in 1943
2	People's National Party (PNP)	Founded in 1938
3	National Democratic Movement (NDM)	Founded in 1995
4	New Nation Coalition (NNC)	Most recently founded Party (2010)
5	People's Political Party	
6	Jamaica Alliance Movement	
7	Agricultural Industrial Party	
8	Farmers' Federation/Farmer's Party	
9	Federation of Citizen's Association	
10	Jamaica Alliance for National Unity	
11	Jamaica Democratic Party	
12	Jamaica Liberal Party	
13	Jamaica Radical Workers Union	
14	Jamaica Socialist Party	
15	Jamaica United Party	Formerly United West Indian Party
16	New Jamaica Alliance	
17	People's Freedom Movement	
18	Jamaica Alliance for National Unity	
19	Jamaica Democratic Party	Merged with the People's Political Party
20	Progressive Labour Movement	
21	Republican Party of Jamaica	
22	National Labour Party	
23	United Party of Jamaica	
24	United People's Party	
25	Workers Party of Jamaica	

The list indicates active, dormant and defunct Parties and is not exhaustive.

<sup>3</sup> Source: The Electoral Office of Jamaica.

Also of profound importance is the fact that, at the end of the election process when the results are known, the leader of the defeated party has, customarily, publicly conceded the outcome as the will of the people – applying, as it were, the stamp of legitimacy and acceptance. All this speaks well of the island’s democracy which, on further examination, is more than just enduring – it is a healthy, robust democracy which shows more signs of maturity with each succeeding period of national elections and electioneering.

Notwithstanding the above, the strength of Jamaica’s democracy is by no means an unqualified success as it has not been a perfect democracy. It is arguable whether the notion of a “perfect democracy” even exists at all when even the most prosperous of developed countries cannot profess to have achieved it.

*Table 2. Jamaica: post- independence election results<sup>4</sup>*

SRL	ELECTION DATES	VICTOR	SEATS	ASCENDING PM	REMARKS
1	10 April 1962	JLP	26 of 45	A. Bustamante	
2	12 February 1967	JLP	33 of 53	D.B. Sangster	Death; H.L. Shearer elevated
3	29 February 1972	PNP	37 of 53	M. N. Manley	
4	15 December 1976	PNP	47 of 60	M. N. Manley	Held under State of Emergency
5	30 October 1980	JLP	51 of 60	E.G. Seaga	
6	15 December 1983	JLP	60 of 60	E.G. Seaga	The PNP boycotted these Elections
7	09 February 1989	PNP	45 of 60	M. N. Manley	Retirement; P.J. Patterson elevated
8	30 March 1993	PNP	52 of 60	P.J. Patterson	
9	17 December 1997	PNP	50 of 60	P.J. Patterson	
10	16 October 2002	PNP	34 of 60	P.J. Patterson	Retirement; P.L. Simpson Miller elevated
11	03 September 2007	JLP	32 of 60	O.B. Golding	Retirement; A. M. Holness elevated

<sup>4</sup>Source: The Electoral Office of Jamaica.

Within the context of democratic imperfections, perhaps one of the greatest weaknesses of Jamaica’s democracy is the phenomena called “garrisons” – i.e., communities which operate as zones of political exclusion with certain negative stigma associated with them. The examination of these phenomena will be at the core of the study.

The aim of this paper is to highlight and examine the Jamaican garrison phenomena as a threat to the island’s democracy, its governance and national security. References will also be made to the island’s maritime domain, in particular its open, extensive coastline, insofar as this is deemed to have its own negative effects on governance and the potential for further negative influences on garrison life which will further threaten the national security of the State.

The paper will seek to determine the extent to which the illicit use of un-governed and un-governable spaces impact the national security of Small Island Developing States (SIDS) with the focus being on Jamaica. Notwithstanding this focus, brief references will be made to the wider CARICOM region where relevant.

The hypothesis is that for a variety of reasons attributable to governance deficiencies and political malaise, there is either none, little or ineffective control measures in place to prevent the creation of un-governed and un-governable spaces and their exploitation by illegal operators to the detriment of the State. Concurrent with this are two widely held views. The first is the importance of the degree of exclusion of garrison communities from mainstream governance. The second is the view regarding the vulnerability of Jamaica’s coastal borders occasioned by its open, extensive maritime domain which serve as “gateways” for the introduction of illicit goods and activities into the country.

By asking the following research questions, the paper will seek to clarify the issues surrounding garrisons and those coastal areas which, like garrisons, fit the characterization of un-governed and un-governable spaces:

- What is the nature and extent of garrisons within the political and physical landscape of Jamaica?
- Do garrisons pose a threat to democracy, governance and the well-being of the State?

- Is the perception of Jamaica's coastline as being "inherently porous" truth or fallacy?
- Does an inherently porous coastline have any effect on life in the garrisons and any effect on Jamaica, generally?

In seeking to answer these questions, the paper will attempt to explain how the social deficiencies of un-governed and un-governable spaces can generate challenges to governance, law and order and other wider, socio-economic issues which can further impact the security and the well-being of the State.

### ***Objectives of the Study***

This research is of vital importance to Jamaica's development, particularly in the areas of urban renewal, security sector reform, and the impact of these reformations on national security. Against the background of the hypothesis and the research questions, a study of the illicit use of un-governed and un-governable spaces will be of importance to improved governance and the ongoing quest for development on the one hand and to security-sector reforms and the "war" against crime on the other.

The paper will seek to bring a renewed focus on the subject which will, hopefully, influence a greater level of governmental support and governance actions towards correcting any ills that are highlighted. The hope is, that by providing a critical examination of the status quo, the findings of the study will help to bridge the gap between the realities on the ground and the policy prescriptions to be applied from the halls of power.

Finally, it is hoped that the paper will create an awareness of the inevitable peril of inaction or protracted tardiness in addressing two issues which are regarded by many as burgeoning threats.

### ***Methodology***

The material highlighted and discussed in this study was compiled from a number of sources. Much reliance was placed on previous literature (government-commissioned studies, reports and independent academic papers) which provided the

fundamentals for a better understanding of the issues. The study also relied on information gathered from “field research” done through a number of qualitative interviews with practitioners within the local law enforcement agencies and government ministries. These interviews tapped into a wealth of experience and knowledge accumulated by members of the security forces and related agencies who, from their years of experience working in the field, are authorities on the subject.

The field research also involved informal interviews with locals from garrisons who were consulted on garrison lifestyle. This provided the views of the common man with first-hand experience from within these communities. By their own admissions, the community respondents were constrained by garrison discipline and only spoke on condition of anonymity. Admittedly, because of the sensitivities involved and the real dangers to the safety of researcher and respondent, information gleaned from such persons was limited.

In addition to the interviews conducted, direct observations and evaluations were made of the security management, the tactics, methods and resources employed by state agencies in monitoring and policing the island’s coastal borders and its wider maritime domain. This was augmented by the personal experience of the writer, which spans decades as a senior member of defense, law enforcement, emergency operations, industrial security and port security operations in Jamaica. This offered the benefits of first-hand experiences gained from years of personal interactions during the course of inter-agency collaborations with the military, police, coast guard, customs, fire services, health, Port/Shipping Authorities and other government officials.

## ***Definitions***

The definitions of some key terms and concepts are set out below to reduce the likelihood of misunderstandings and to provide an accurate interpretation of the subject matter and the analyses flowing throughout the pages of the study.

**Garrison (Traditional)**. Historically, a garrison is a fortified place (a castle, a citadel, a fort), a permanently established military post and the collective body of troops stationed there. Over time, a garrison has also come to mean a place

where troops are stationed as a home base.<sup>5</sup> In British military traditions, a “garrison town” is one with a major military base in or near to it. Aldershot, Bulford, Catterick, Colchester and Tidworth are well known examples of British garrison towns. However, such billeting arrangements are not confined to the United Kingdom. Member states of the British Commonwealth are also known to have local garrison towns. For instance, news reports in May 2011 introduced the world to “Abbottabad”,<sup>6</sup> a garrison town 72 miles north of Islamabad, Pakistan, where Osama Bin Laden was killed by US troops.<sup>7</sup>

The city of Kingston, Jamaica, is also a garrison town where, in 1784, the 156-acre garrison of Up Park Camp became a base for Her Majesty’s Forces in the island and later became the garrison of the British West India Regiments. Up Park Camp continues, to this day, to billet troops of the Jamaica Defence Force who still occupy well-preserved relics of the colonial past kept alive in the “Garrison Chapel”, the “Garrison Sergeant’s Mess” and other remnants of the British Garrison which are still in existence and daily use.<sup>8</sup>

Garrison (Jamaican-brand). Borrowing from the military imagery of a fortified place, political scientist Carl Stone is credited as the first person to have introduced the term into Jamaican parlance when he defined a garrison as a “...stronghold based on political traditions, cultural values, beliefs, myths and socialization.”<sup>9</sup> Later research work further cemented the term in Jamaica as “...a political stronghold, a veritable fortress, completely controlled by one of the dominant political parties..., a totalitarian social space in which the lives of those who live within its boundaries are effectively controlled.<sup>10</sup> As part of the garrison construct, party politics is closely tied to garrison operation and allegiance can only be pledged to one political party. Accordingly, the political stronghold operates against all persons from the opposing side who are not welcome and who enter the area on pain of punishment or harsh, adverse reactions from the residents. Other local, po-

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<sup>5</sup> The Free Dictionary, Farlex Inc., [www.thefreedictionary.com](http://www.thefreedictionary.com)

<sup>6</sup> Abbottabad is home to two of Pakistan’s Infantry Regiments and its elite Military Academy.

<sup>7</sup> “Osama bin Laden Killed In US Raid; Buried At Sea”, *Washington Post*: 2<sup>nd</sup> May, 2011.

<sup>8</sup> Jamaica Defence Force Website, <http://www.jdfmil.org/campsAndBases/campAndBasesHome.php>

<sup>9</sup> Carl Stone, “*Class, State and Democracy In Jamaica*”, Praeger: New York (1986).

<sup>10</sup> Mark Figueroa, “*Garrison Communities in Jamaica 1962-1993: Their Growth and Impact on Political Culture.*” Paper presented to symposium on Democracy and Democratization in Jamaica, UWI, December, 1994.

litical scientists and researchers have also come to classify a garrison community as an area where at least 75% of the eligible electoral votes are consistently cast for one of the dominant parties – the JLP or the PNP. In practice, the percentage of the electoral vote in garrisons is sometimes as high as 90% or even higher. It is worthy of note here that the term “garrison” is the abbreviated form of the phrase “political garrison.” The latter is the original, full-length term from which the more commonly used, abbreviated form grew. Today, they are used inter-changeably.

Don. Also referred to as don man, top-ranking, area leader and strongman; the don is usually a wealthy, politically-connected individual – usually a male figure. He has leadership over the garrison and acts as an enforcer exercising firm control over the community by the use of heavy-handed, internal, disciplinary measures. The don is a prime example of “rogue leadership” in the civil sphere.<sup>11</sup>

Governance. Defined as the process of decision-making and the process by which decisions are implemented (or not implemented), it reflects the traditions and institutions by which authority is exercised for the common good and is equally applicable in several spheres: national, local, corporate, global and even in criminal enterprise. Good governance is usually recognized for its eight major characteristics: it is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and it follows the rule of law. It assures that corruption is minimized, that the views of minorities are taken into account, that the voices of the most vulnerable in society are heard in decision-making and that there is responsiveness to the present and future needs of society.<sup>12</sup>

Transnational Organized Crime (TOC). Refers to planned, orchestrated crime that is coordinated and executed across national borders. That is, violations of law which involve more than one country in their planning, execution and impact. The “organized” aspect of the crime speaks to the effort, sophistication and networking that goes into the planning, execution and engagement in illicit business by a structured group, or groups, operating as networks. Common examples of TOC include illicit trafficking in guns, drugs and contraband merchandise, trafficking in persons, racketeering, counterfeiting, money laundering, cybercrimes

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<sup>11</sup> Hume Johnson and Joseph Soeters, “Jamaican Dons, Italian Godfathers and the Chancery of a ‘Reversible Destiny.’” *Political Studies*, 2008, Volume 56: 166–191.

<sup>12</sup> United Nations ESCAP, “*What Is Good Governance?*”, <http://www.unescap.org/huset/gg/governance.htm>

and financial crimes – activities which present a growing threat to national and global security.<sup>13</sup>

Maritime Domain. Typically linked or referenced to a coastal state, the term refers to all areas and things of, on, under, relating to, adjacent to or bordering on a sea, ocean, or other navigable waterway, including all maritime related activities, infrastructure, people, cargo, vessels, and other marine conveyances.<sup>14</sup>

Illegal Operators. This term will appear frequently throughout the study. It is used to describe any person or persons, acting singly or in groups, operating on the wrong side of the law in ways detrimental to society. Put another way, any person or persons operating in any way which violates societal law and in so doing does harm to the security, the order and well-being of society are referred to as “illegal operators.”

## References

National policy documents which directly address garrisons and governance:

The National Security Policy for Jamaica (NSPJ). The outcome of broad stakeholder consultations, the NSPJ was promulgated in 2007 and was described by the then Minister of National Security as “...an overall master plan for accomplishing national security goals...”<sup>15</sup> Now under review for renewal, on the matter of garrisons the NSPJ acknowledges that “enclaves of dominant one-party loyalty remain...leading to fragmented communities with informal power centers that are in frequent conflict and are not accountable to traditional authority.” It notes further that “social progress has been retarded in many poor urban communities that are characterized by squalor, high levels of poverty, unemployment, illiteracy, corner crews, dominant gangs, easily accessible firearms and ammunition...and the inconsistent delivery of public services.”<sup>16</sup> The NSPJ highlights a Ministerial

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<sup>13</sup> Gerhard Mueller, “Transnational Crime: Definitions and Concepts,” *Transnational Organized Crime*, Vol. 4, 1998.

<sup>14</sup> U.S. Department of Homeland Security, National Strategy for Maritime Security: National Plan to achieve Maritime Domain Awareness, [www.dhs.gov/xlibrary/assets/HSPD\\_MDAPlan.pdf](http://www.dhs.gov/xlibrary/assets/HSPD_MDAPlan.pdf)

<sup>15</sup> “*The National Security Policy for Jamaica: Towards a Secure And Prosperous Nation*”, Kingston: JIS, 2007.

<sup>16</sup> Ibid, Pg. 5, Section 1.12

study<sup>17</sup> of Jamaican gangs which posited that “the threat presented by gangs could be minimized if the country significantly reduced the political and social tolerance of criminal dons, the facilitation of garrison politics and the coercive control of communities with a power base rooted in large, ill-gotten financial resources. A most poignant point raised by the study is that political and social tolerance of dons, gangs and garrison communities could eventually lead to Jamaica becoming a failed state.<sup>18</sup>

Vision 2030 Jamaica National Development Plan. Published by the Planning Institute of Jamaica (PIOJ) in 2009 and described as a roadmap to Jamaica’s prosperity, the Vision 2030 Plan is the country’s first long-term, national development plan which aims at enabling Jamaica to achieve “developed country” status by 2030. The Plan is based on a comprehensive vision for making “Jamaica, the place of choice to live, work, raise families and do business”<sup>19</sup> by the year 2030.

Operating within the limitations of resource constraints, the plan is designed for phased implementation. In keeping with this, the Medium Term Socio-Economic Policy Framework (MTF) is a companion document which sets out the prioritized action plan for the first three years by aligning programs and activities to the constraints of the national budget. In this regard, the MTF focused on six national outcomes inclusive of safety, security and effective governance. Notably, in the area of security and safety, the projections established by the MTF address the reduction of garrisons through processes for the empowerment of these communities to become independent of criminal gangs and to participate fully in mainstream society. Additionally, it projects the modernization and reformation of the island’s law enforcement systems by (among other things) increasing the quantity and quality of the equipment available to law enforcement agencies and improvements to border security.<sup>20</sup>

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<sup>17</sup> “Gang Study: The Jamaican Crime Scene” Ministry of National Security (1998).

<sup>18</sup> NSPJ, Pg. 12, Section 2.24

<sup>19</sup> Vision 2030 Jamaica - National Development Plan, <http://www.vision2030.gov.jm/>

<sup>20</sup> Ibid.

## Dissecting the Garrison

A close examination of the garrison phenomena revealed a number of critical factors, trends and contingent issues. For example, the 1997 Kerr Report<sup>21</sup> attributes the creation of garrisons to the following:

- a) The construction of large-scale housing schemes by the State (meaning the political party in power) and the awarding of these houses to supporters of the party.
- b) The political homogenization of an area by activists from the dominant party chasing out all political opposition at gunpoint and guarding against invasion from outside.
- c) Expelled persons setting up safe-haven squatter communities and employing their own strong-arm tactics to keep “outsiders” out.

At various points in Jamaica’s history, the tribal, political culture at work has also resorted to the deliberate movement of large numbers of persons of strong party affiliation into areas of known marginal support. Communities such as Boon Hall in St. Andrew and “Lesser Portmore” in St. Catherine are known to have been initiated by political aspirants or their field operatives in an effort to transfer loyalists from strong political constituencies to upset the balance of support in marginal constituencies. These then exist as communities that are established more for political expediency than for the economic good or the true, sustainable well-being of the residents living in them. Also on record are acts of deliberate property invasion and seizure of property as legitimate home owners are burnt out or driven out and their property used to create or augment garrisons.<sup>22</sup>

As mentioned earlier, the garrison phenomena is bipartisan and is practiced

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<sup>21</sup> “The Report of the National Committee on Political Tribalism” (July 1997). Chaired by Political Ombudsman James Kerr.

<sup>22</sup> Professor Barry Chevannes, “The Formation Of Garrison Communities”, paper delivered at symposium on Grassroots Development And The State Of The Nation, Department of Sociology and Social Work, UWI, Mona Campus, 1992.

by the two major political parties. From Professor Carl Stone's 1986 characterization of it, the concept and construct has grown to the extent that, today, there are eighteen recognized political garrisons throughout Jamaica as indicated in Table 3 below. A distinction must be made between "garrison constituencies" and "garrison communities," the former being those electoral constituencies where almost all of the territory is garrisoned as different from those constituencies with only the presence of garrison communities within them.

Table 3. Jamaica's Political Garrisons, 2011	
PNP Garrisons	JLP Garrisons
1. Kingston East And Port Royal	1. Kingston West
2. Kingston Central	2. St. Andrew West Central
3. St. Andrew South West	3. St. Andrew North Eastern*
4. St. Andrew East Central	4. St. Andrew North Central*
5. St. Andrew West	5. St. Catherine Central
6. St. Andrew South	6. Clarendon Central
7. St. Catherine South Central	7. St. James North Western*
8. St. Catherine East Central	* Constituencies with garrison communities.
9. St. Mary Central	
10. St. Ann South East	
11. Westmoreland Central	

## Impacts on society

From the research findings, there are many drawbacks and negative impacts to the State from the existence of these garrisons:

Political homogeneity/entrenched politicians. One very serious drawback to the garrison construct is the mockery it makes of the democratic process. The end result of the actions taken to create garrisons is that party supporters are geographically concentrated by deliberate, political design to ensure victory for a political candidate. As Professor Figueroa asserted, "...the creation, development and maintenance of garrisons are neither accidents of history nor geography, but part of a process deliberately fostered for political ends."<sup>23</sup> In other words, by concen-

<sup>23</sup> Mark Figueroa, "Garrison Communities in Jamaica 1962-1993: Their Growth and Impact on Political Culture", UWI, 1994 (Revised 1996)

trating loyal, coerced, political support in defined spaces – be they whole electoral constituencies or strategic, “spoiler” communities – political hegemony is created in these spaces. Electoral vote count and parliamentary seat count is therefore, to an extent, known even before an election is called, virtually guaranteeing several parliamentary seats to the major political parties by virtue of the garrisons they control. A closer look at the election vote count in three urban, garrison constituencies (Kingston West, St. Andrew South West and St. Andrew South) reveals that political representatives from one or the other of the dominant parties have been consistently elected with 76% (or more) of the votes cast in general elections for well over 40 years since Jamaica’s independence.<sup>24</sup> These constituencies truly exhibit all the features of garrisons with contrived, political stability being one of these features. By virtue of this, the same political party has represented each of these garrison constituencies for well over a generation with the same politicians being the elected Members of Parliament for the period.

Entrenched criminality. Once these zones of political exclusion are established, politically- affiliated dons and their violent, criminal gangs are used to enforce the political homogeneity of the garrison in exchange for a measure of exemption from law and order. That is to say, “...political protection insulates them from the reach of the security forces.”<sup>25</sup> Thus, drug peddling, gun running, extortion rackets and other forms of organized crime are able to flourish behind the walls of secrecy of these “closed communities.” The result is that garrisons have virtually become criminal free-spaces, i.e., spaces in which criminals are relatively free to carry out their activities shielded and protected by the residents who are protecting a system which provides more for their everyday life than the government apparatus. Migratory criminals are sometimes given shelter in these communities where they are able to hide from law enforcement while continuing to ply their criminal trade. The residents of garrisons remain loyal to the “process” in exchange for scarce benefits essential to their survival: rent-free and utility free housing, groceries, medical bills, back-to-school expenses paid and the swift dispensation of community “justice” by the don, among other things. Handouts from

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<sup>24</sup> Electoral Office of Jamaica (EOJ) election results and statistics. [www.eoj.com.jm](http://www.eoj.com.jm)

<sup>25</sup> Barry Chevannes, “*The Formation Of Garrison Communities*”, Department of Sociology and Social Work, UWI (1992)

the spoils of criminal enterprise and criminal exploits are oftentimes shared with the community to secure their continued support, their secrecy, and blind loyalty. By these and other means, dons and their criminal gangs maintain a firm control over the constituencies and a stranglehold on the residents living there.

Links between politics and crime. Also of grave concern is the tacit association that exists between mainstream politics and garrison life. As enforcer, the don reports to the political leadership and is the one tasked with ensuring strict party loyalty in the garrisons. The politicians depend on him to deliver the electoral votes and in return, the don depends on the party politicians for patronage such as jobs, contracts via public works programs and public housing. This unholy alliance between the State's body politic and the criminal underworld is not expected of leaders – especially at the national level – and it is fraught with compromises and potentially explosive embarrassments for the state and its political leadership. There has even been the suggestion that politicians are “...prisoners, hostages of garrison politics”<sup>26</sup> an association which damages the country's reputation on the international stage. This is evidenced, for instance, in the Failed States Index (FSI)<sup>27</sup> where, under the indicator “Legitimacy of the State,” Jamaica is rated poorly, below the norm, with a score of 6.5 which is attributable to the power of dons and the perceived links between politics and crime.<sup>28</sup>

Jungle Justice. Within the garrison, the norm is that the residents, the citizens of Jamaica, turn to the don and not to the State for justice when they feel that they have been wronged. In turn, the don and his lieutenants mete out garrison-style justice on the “guilty.” In this context, justice ranges from community service, solitary confinement, flogging, maiming and even death, whatever punishment is considered by the don as befitting the reported infraction.

Disruption of social norms. Dr. Henry-Lee, Senior Research Fellow at the UWI's Sir Arthur Lewis Institute of Social and Economic Studies (SALISES), contends

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<sup>26</sup> “*Politicians Are Prisoners Of Dons*”, Daily Gleaner, May 14, 2001.

<sup>27</sup> Governance Indicator published annually by the Fund for Peace and the Carnegie Endowment for International Peace.

<sup>28</sup> The Failed State Index measures twelve indicators to determine the stability of a country. Categories are graded from 1 (the best) to 10 (the worst). The Fund For Peace, “*The Failed States Index, 2011*,” <http://fsi.fundforpeace.org/>

that “the psychological dimension of life in the inner cities may never be fully understood by researchers. Living in these communities is a nightmare during volatile periods [with] the fear that people have of the disruption to their lives from sudden outbreaks of violence.” She also points to aspects of social exclusion experienced by the residents of the garrison constituencies such as restrictions on their movement especially when there is gang warfare and shootings, as whole communities are ‘shut down’ for days as a result. All this has a negative impact on employment, education, business, sports, entertainment and family life. Young children are constantly being excluded from the educational system because “when gunfights begin their schooling is disrupted and they either have to stay home or, if they are at school, they must leave school early.”<sup>29</sup>

Restrictions on social relationships. There is a stigma attached to people who live in garrisons which impacts their interactions with the wider society. People outside of the garrisons are reluctant to associate freely with the residents from within. This makes it difficult for the residents of garrisons to find jobs as employers refuse to consider applicants, even those who satisfy the job requirements, if their address is from a known garrison. Some employers do not hesitate to say why they reject these applicants: “They hail from a ‘bad area’ where only robbers, gunmen and their families live.” The life of the garrison resident is further complicated by the fact that job security is often jeopardized by physical insecurity and restrictions on movement during periods of violence.<sup>30</sup>

Usurping State authority. Arguably, the most ominous challenge of political garrisons to the democracy and national security of the island is presented when the development of the enclave moves it to the point where it becomes a virtual “state” within the State. Manifestations of this are seen in many garrisoned communities where the State has failed, or is unable, to protect the residents and provide for their social needs. Under these circumstances, the dons, the “rogue powers”, intervene and the real power and authority of the State is threatened and may even succumb to the intervening rogue power. There is much evidence of this in

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<sup>29</sup> Dr. Aldrie Henry-Lee, “*The Nature Of Poverty In Garrison Constituencies In Jamaica*”, SALISES, UWI, Mona, 2005.

<sup>30</sup> Horace Levy, (1996) “*They Cry ‘Respect!’: Urban Violence and Poverty in Jamaica.*” Kingston: CPCSC, UWI.

Jamaica where, according to one writer, “... one can see the emergence of private, don-controlled enclaves that coexist in delicate relationships with the... government and its security forces.”<sup>31</sup> Another writer sees the garrisons as having the potential to become “whole urban communities living beyond the State and law... safe havens where externally directed criminality is accepted [by the residents].”<sup>32</sup>

Core garrison constituencies such as Tivoli Gardens (Kingston West) and Arnett Gardens (St. Andrew South) exhibit elements of autonomy from the state. These communities are so tightly closed, so tribal and so dangerous to the uninvited that not even the legitimate authorities of the State (i.e., the military and the police) are keen on entering them, except in the form of well-organized security operations. It is community stigmas like these which led to Tivoli Gardens being characterized as “the mother of all garrisons.”<sup>33</sup> The Tivoli Gardens community was to demonstrate its strength and autonomy as a garrison enclave when, in the latter part of May into June, 2010 global news reports were abuzz with its violent up-rising against the State in protection of the garrison don, Christopher “Dudus” Coke.<sup>34</sup> In this study, neither time nor space will allow for an in-depth description or analysis of that uprising; suffice it to say that it played out as the outright show of armed rebellion by the residents of a section of the island’s capital city, requiring a full-scale incursion by the security forces to put down the “insurrection” and re-take the territory. This development provided proof of the real threat to democracy and national security posed by entrenched garrison communities. Arising out of this experience, all other garrisons should, at the very least, come under greater State scrutiny and action to prevent a repeat scenario of the un-governed and un-governable graduating to become anarchists rising up in armed insurrection against the State.

<sup>31</sup> Dr. Max Manwaring, “*A Contemporary Challenge To State Sovereignty*”, [www.strategicstudiesinstitute.army.mil/pubs/](http://www.strategicstudiesinstitute.army.mil/pubs/)

<sup>32</sup> Anthony Harriott, (Editor), *Understanding Crime In Jamaica* – Pg. 65, Kingston: UWI Press (2000)

<sup>33</sup> “Army Chief says...Tivoli, Mother Of All Garrisons”, The Observer Newspaper: 8<sup>th</sup> October, 2005.

<sup>34</sup> “Is West Kingston ‘The Mother Of All Garrisons’?”, Sunday Gleaner: 4<sup>th</sup> September, 2005.



### **Tenacity rooted in poverty, political inaction and patronage**

With its genesis in the early post-independent years, the island's garrison phenomena is almost as old as independent Jamaica itself. Why then does it persist in spite of its many negative attributes? This study concurs with the view posited by Dr. Henry-Lee who said: In spite of a reduction in poverty at the macro level in these garrison constituencies, the quality of life for the residents has not improved significantly and any sustained improvement will be extremely difficult given the quality of their political and social capital. More importantly, there has been no sustained political will to dismantle garrison constituencies and everyday life is deeply entrenched in crime, violence and political patronage. Unless and until there are deliberate, well-targeted policies to dismantle these constituencies and break the political and criminal stranglehold over the residents, then they will never experience any sustained improvements in their quality of life.”<sup>35</sup>

The sad reality is that the same political motivations which initiated the creation of garrisons years ago are still today helping to maintain them.

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<sup>35</sup> Dr. Aldrie Henry-Lee, “*The Nature Of Poverty In Garrison Constituencies In Jamaica*”, SALISES, UWI, Mona, 2005.

## Garrisons, Social Theory, Socio-Economic Issues and Governance

From the discussions so far, deviant behavior is clearly in evidence within the garrison phenomena. Sociological theories are of relevance here as they provide some explanations for the motivations which drive, coerce and shape individuals to deviant behavior harmful to fellow citizens, the community and the State.

The Rational Choice Theory is grounded in the premise that decisions are made by individuals as a rational exercise of free will. Therefore, individuals will choose to obey or to violate the law do so by a rational calculation of the risk of punishment versus the potential gain to be derived from the act. Thus, in contemplating a deviant act (like shielding criminals or committing acts of violence at the behest of the don), individuals will take into account the likelihood of being caught, the likelihood of being convicted and the level of penalty attached to the crime. Whether the legal penalty threatens more punishment than the likely gain from the deviant act will determine the course of action taken.<sup>36</sup> Therefore, the dons, their gun-toting followers and the very residents of garrisons are to be seen as rational individuals who choose to commit crimes based on their own cost-benefit considerations.

The Social Learning Theory emphasizes the reciprocal interaction between cognitive, behavioral and environment determinants and is based on the assumption that deviant behavior is learned through a process of interaction with other persons within intimate groups. The learning includes techniques and motivations which are acquired from exposure to violations. Consequently, persons become delinquent due to severe, negative exposure.<sup>37</sup> Thus, the theory holds that the criminal activities and associations seen within garrisons is a learned behavior similar to any other form of learning.

Sociological causation theories can only provide partial answers for the understanding of societal problems. Accordingly, despite the relevance of causation the-

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<sup>36</sup> Larry J. Siegel, “*Criminology, 9<sup>th</sup> Edition*”, New York: Thompson and Wadsworth, 2006.

<sup>37</sup> Ibid.

ories, the analysis of the problem must go beyond them because, invariably, there are other factors, trends and contingent issues with strong causal influence. Furthermore, deliberate action by the State towards remedying deviant behavior must be informed by an understanding of all the factors that impact the problem. This grasp of all the facts and all the attendant issues is a necessary first step to proper policy design and the implementation of appropriate strategies and remedies.

### **Indigenous socio-economic issues**

Sociologists, criminologists and academics agree that criminal activity can be seen as reflections of social problems within a society and that economic opportunity (or the lack of it) can be a major factor which influences criminal behavior. Accordingly, socio-economic issues such as widespread poverty and a lack of legitimate employment opportunities are identified as factors contributing to the perpetuation of garrison lifestyles. To the individual who is unemployed, marginalized and caught up in a vicious cycle of poverty, the garrison lifestyle offers a workable alternative.

A paper on the attitudes and outlook of Jamaican youth delivered at a 2008 regional conference asserted that, “Coupled with the lack of civic education, the reality that [Jamaican] youths see and live every day has contributed to an overwhelming sense of hopelessness [with] little or no faith that the ‘system’ works or [that it] works for them.”<sup>38</sup> This hopelessness is fueled by the realities of high youth unemployment, escalating levels of crime, high levels of inequity and stigma associated with class, poverty and the very geographic areas where persons live. These realities have led many a person to follow a life of crime as the illegal operators are only too eager to enlist their services for rewards that are denied them through legitimate avenues of employment.

### **The Role of Governance**

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<sup>38</sup> Sasha Parke, *Jamaica's Youth: Building Healthy Attitudes Towards Democracy and Development Their Role In The Political Process*, Diaspora Conference on Gang Violence Prevention in Jamaica, Miami, Florida, August, 2008.

As highlighted earlier, government actions feature prominently in the milieu under examination. Elected by the people to govern in their best interest, and quite apart from those issues that are complex and macro, the government has a duty to provide basic, social services to better improve the quality of life of all its citizens. The provision of basic health care, transportation infrastructure, fire service, garbage collection, the upholding of citizens' rights and the maintenance of law and order constitute some of the most basic responsibilities of a government to its citizens. To the extent that government and governance fails to be responsive, effective and inclusive in fulfilling these responsibilities and, to the degree that government and governance fails to reach and affect the lives of all sectors of the populace, un-governed and un-governable spaces will begin to exist.

From the examination of the political garrisons, it is clear to see how citizens who are marginalized and untouched by the State drift from the formal into the informal, from the real world into the underworld to later subjugate themselves to gun-toting, coercive, but responsive benefactors who fill the void left by the State. Under these circumstances, it is indeed a thin line between being un-governed by the State to becoming intolerant of the State apparatus and to reach the point of being independent of the traditional State authority. These are the manifestations of the workings of the garrison community. The threats they pose to democracy and the national security of the State are clear.

### **Porous coastal borders, un-governed and un-governable**

As an archipelagic State, Jamaica has jurisdiction over a maritime domain of some 240,000 square kilometers - approximately 25 times the size of its main landmass – and additional land space of approximately 433 square kilometers accounted for by its archipelagic extensions. All this was made possible by the State laying claim to archipelagic status as allowed under Articles 46 and 47 of UNCLOS<sup>39</sup> and ratified by the United Nations in August, 1996.

Therefore, as the main island within the archipelago, Jamaica has sovereign ownership of approximately sixty islets, cays and rocks within its maritime juris-

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<sup>39</sup> The United Nations Convention on the Law of the Sea, [www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm)

dition with most of these lying off the south coast. Some of the larger and better known ones include the Pedro Cays, the Morant Cays, Lime Cay, Navy Island, Pigeon Island, Little and Great Goat Islands. Additionally, Jamaica has laid claim to its territorial sea of 12 nautical miles, a contiguous zone of a further 12 nautical miles and an exclusive economic zone (EEZ) of 200 nautical miles. These areas protect Jamaica's sovereign rights and preserve its interests in any natural resources found lying offshore in the future.

These extended boundaries constitute the island's maritime domain and make up the sum total of Jamaica's sovereign jurisdiction. When viewed as an archipelago with the extensive maritime areas included, this presents a completely different scenario with the requirements for increased coastal monitoring and coastal management. The wisdom of the decision to have acquired such an extensive maritime jurisdiction is questionable. While the decision may be seen as the bestowal of an insurance policy on long-term, future possibilities, for the nonce these huge maritime claims offer little but require much. One obvious concern is the resource implications for exercising control and offering protection to such sweeping, maritime areas. This situation is true for many other Caribbean States. For instance, the land area of Antigua and Barbuda is approximately 440 square kilometers and the area of its EEZ is 110,103 square kilometers. The land area of Barbados is approximately 430 square kilometers and the area of its EEZ is 167,384 square kilometers.

For Small Island Developing States, these skewed ratios of land to maritime domain give rise to massive resource requirements which the states oftentimes do not have. The reality is that these disparities create stark weaknesses and immense challenges to the efforts to have control over the coastlines and the maritime domains of many island-states scattered throughout the region. These are the realities which exacerbate the challenges to law enforcement agencies and national security.

Without considering its archipelagic attachments, mainland Jamaica has a coastline of 1,022 kilometers to protect. This is a coastline made up of miles and

miles of beaches (and beach-like areas) that are simultaneously open, remote and secluded as they are heavily indented with coves, inlets and bays which are also sheltered, secluded and, in many instances, hidden by lush, tropical mangroves. Much of these coastal areas are rugged areas that are difficult to reach and to monitor. Consequently, they provide cover to clandestine activities of all sorts. It is this state of affairs which has led to the characterization of the island's coastline as being "inherently porous" as it contains open, free-for-all spaces with little or no semblance of security and are an attraction to illegal operators and their activities.

These "inherently porous" coastal areas are also deemed to be un-governed and un-governable but for very different reasons to the ones within the sphere of the garrisons. Jamaica's porous, coastal borders and its open, maritime domain facilitates illegal activities. Proof of this is evident in crime statistics collated from the Jamaica Defence Force Coast Guard, the Marine Division of the Jamaica Constabulary Force and Customs Department personnel. On the matter of the island's coastlines and its wider maritime domain, the NSPJ acknowledges the potential threats to Jamaica due to it being a coastal state. It identifies illegal trafficking in narcotics, the illicit flow of arms and ammunition, the illegal landing of refugees and human trafficking (among others) as threats to the country via its maritime domain. Also relevant are the documented cases of illegal fishing by locals and foreigners and the illegal disposal of wastes and pollutants in Jamaican waters.

Of grave significance are the indications of transnational and organized criminal activity taking place in the maritime domain. Based on the accounts of apprehended perpetrators, confiscated records, seizure statistics and intelligence assessments done by law enforcement agencies, clear indications of TOC are routinely seen in the origins and intentions of the illegal operators. These indications are demonstrated by seized satellite phones, vessels of foreign registry intercepted in local waters with no bona fides business, seized go-fast boats fitted with extended fuel tanks or with extra fuel on board, bundles of seized foreign currency in used notes, the increasing arrest of foreign nationals in Jamaican waters and the seizure of maps, charts and other long-range navigational aids. These occurrences and the frequency with which they take place is a measure of how un-governed and un-governable these coastal areas and the wider maritime domain are.

In its analysis of Jamaica’s maritime border problem, the NSPJ asks, “How does the State prevent transnational criminal syndicates and terrorists from using its land, air and sea space to facilitate their activities?” and “How should the State organize, equip and utilize its security apparatus for greater effectiveness?” It concludes with the need for Jamaica to “control entry and exit through the ports of entry and coastline, to monitor, regulate and control the use of Jamaica’s...coastal waters and to adopt and implement the best border management practices to minimize the risk of transnational threats.”<sup>40</sup>

With regards to the requisite state responses, the study found that the primary response agencies (the JDF Coast Guard, the Marine Police and the JDF Air Wing) are seriously handicapped by the sheer expanse of the maritime areas to be covered, the limited resources at their disposal, the scope and complexity of situations that present themselves daily, the multiplicity of the tasks to which they are required to attend, the craftiness and the superior resources of the illegal operators. As a consequence, the challenges posed by the illegal use of the island’s coastlines and its archipelagic waters were found to be beyond the capability of the primary, maritime law enforcement agencies to execute with efficiency and success. Despite their gallant efforts, and as well-intentioned as they are, the current maritime deployments of the State are too little, too infrequent and are not sufficiently concentrated to dominate the maritime areas and effectively stop illegal movement and illegal activities.

## **Conclusion**

The garrisons in Jamaica and the “inherently porous” coastlines and maritime domain present a real dilemma which demands action. Which should be tackled first? On the one hand, without meaningful, remedial actions, the uncontrolled maritime spaces will continue to provide unmonitored “gateways” through which TOC and other ills will have easy access into the island. On the other hand, political garrisons will continue to provide fertile ground in which TOC in all its forms can take root and develop to further challenge the national security of the country. It is a

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<sup>40</sup> NSPJ, Pg. 58 Section 3.19

dilemma that is not only for law enforcement agencies but is more so for government and national governance.

In the meantime, there are two important truths which must not be forgotten. The first is that problems left un-checked and un-attended usually fester and produce far greater consequences than if attended to quickly. The second is that in today's globalized world, the problems of a country are never its own, alone. Problems that are internal to a country do not conveniently stop at the territorial borders of the State. They tend to be contagious and are capable of spreading into the wider, borderless, global commons.

Though grim, the situations highlighted by the study are not beyond redemption. The very fact that some of the security imperatives documented in the NSPJ are targeted for action under the Vision 2030 Plan is confirmation of the need for urgent, remedial action. What is now required is the aggressive and deliberate application of improved national governance to begin to affect, reduce or eliminate the un-governed and un-governable spaces.

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# Preventing Violent Extremism in the Caribbean

*Francesca Caonero and Pernille Rasmussen*

## Introduction

On 12 March 2015, General John F. Kelly, Commander of the U.S. Southern Command, testified before the Senate of the United States Congress and separately addressed the Pentagon on SOUTHCOM operational efforts and challenges. His statements warned about the increasing threat posed by the potential infiltration of the U.S. by radicalized individuals through the southern border. Individuals intent on engaging in terrorist acts enter the U.S. along both legal and illegal routes. While elaborating on the threat posed by these individuals, General Kelly highlighted the inability of Caribbean countries to identify and deal with nationals who are vulnerable to religious-motivated radicalization.<sup>1</sup> Reportedly, a number of radicalized individuals from the Caribbean have received training in the use of weapons and explosives in and outside of the region and have joined the Islamic State of Iraq and Syria (ISIS), or Daech.<sup>2</sup>

This paper examines two questions. First, whether radicalized individuals pose a direct threat to the security of Caribbean nations in view of the strategic role that Caribbean states play vis-à-vis the United States and European states and second, how violent extremism prevention (PVE) strategies can help reduce the threat. These questions will be addressed firstly by discussing the discourse on countering violent extremism (CVE) within current international discussions on violent extremism and the counter-terrorism debate. Secondly, the paper will provide a brief threat assessment of Caribbean extremism, including outlining the phenomenon of Caribbean Foreign Terrorist Fighters (FTF). Finally, CVE options for Caribbean policy-makers will be analyzed.

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<sup>1</sup> “Department of Defense Press Briefing by Gen. Kelly in the Pentagon Briefing Room”, US Department of Defense, accessed November 10, 2015, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/607023/department-of-defense-press-briefing-by-gen-kelly-in-the-pentagon-briefing-room>.

<sup>2</sup> “2015 Posture Statement to Congress”, United States Southern Command, General John F. Kelly, accessed November 10, 2015, <http://www.southcom.mil/newsroom/Pages/2015-Posture-Statement-to-Congress.aspx>.

## The Discourse on Violent Extremism

Violent extremism, radicalization and terrorism have received increased attention from the international community in foreign policy since 9/11. Despite the heavily debated subject, there is, as of yet, no clear agreed upon definition of the terms, as they are used almost interchangeably. Moreover, the fact that several different stakeholders are attempting to define these concepts can also complicate the process. Terrorism and violent extremism are discussed in the context of politics, religion, foreign affairs and defense. Although urged to find a clear definition, the international community is yet to come to a consensus.

Terrorism and violent extremism are for many reasons concepts that are hard to define. As many will argue, they are to some extent subjective, depending on the person judging the act. From the standpoint of the victim, the act may be regarded as terrorism. However, if the same belief or ideology as the perpetrator is shared by others, the act is not regarded as terrorism.<sup>3</sup> The United Nations' (UN) definition of terrorism is “any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act”.<sup>4</sup>

The international discourse surrounding how violent extremism and terrorism differ, argues that violent extremism is often a “lone wolf attack” rather than something organized by a larger terrorist network.<sup>5</sup> Some argue that violent extremism aims to build support for its objectives by radicalizing moderates for the long run. Like terrorism, violent extremism lacks a universally accepted definition despite the existence of UN Security Council Resolution 2178 condemning violent extremism. Moreover, perpetrators who act alone may be unpredictable and per-

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<sup>3</sup> M. Nasser-Eddine, Bridget Garnham, Katarina Agostino and Gilbert Caluya, *Countering Violent Extremism (CVE): Literature Review by Australian Government Department of Defence* (Counter terrorism and Security Centre, 2011), 6.

<sup>4</sup> “Terrorism”, United Nations, accessed November 10, 2015, <http://www.un.org/News/dh/infocus/terrorism/s9%20high-level%20panel%20report-terrorism.htm>.

<sup>5</sup> J. Mroz, J., “*Lone Wolf Attack and the Difference Between Violent Extremism and Terrorism*”

haps close to impossible to keep under surveillance.<sup>6</sup>

Violent extremism, like terrorism, can have different motivational drives. Some individuals are motivated by ideology, religion, politics or social marginalization. For the purpose of this paper, and as argued in a study on CVE by the Australian Department of Defense, terrorism and radicalization are considered part of the wider phenomenon of violent extremism.<sup>7</sup> The focus of this paper is solely on CVE and religiously motivated violence in terms of the threat posed to the Caribbean through Foreign Terrorist Fighters (FTF). This is not to say that other motivators for violent extremism are disregarded or other threats to the security of the Caribbean are excluded.

## **Consideration for Creating Violent Extremism Prevention Strategies**

Since 9/11 and the beginning of the “war on terror,” significant attention has been given to the threat posed by terrorist networks across the globe. It has become apparent that the traditional division between domestic and foreign policy is challenged by the transnational nature of terrorism. An approach where both aspects are involved is necessary as coordination between domestic and foreign policy is necessary in order to alleviate violent extremism. At the same time, domestic and foreign policy must focus on building international and regional coordination.<sup>8</sup>

Analysis of existing literature and relevant programming in this area suggests that the main components of CVE strategies aim at either preventing the act of violent extremism or rehabilitating violent extremist offenders (VEO). Preventing violent extremism and rehabilitating VEOs requires a careful analysis and understanding of the reasons behind the act, be they social, political or ideological. CVE strategies should have a multi-disciplinary approach involving the partnerships of national and non-national actors.<sup>9</sup> The importance of CVE lies in building a strong and resilient community to resist violent extremism and terrorism. The

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<sup>6</sup> <http://www.economist.com/news/europe/21678511-how-europe-has-become-more-vulnerable-terrorist-attacks-what-paris> 2019s-night-horror?fsrc=scn/fb/te/bl/ed/whatparis

<sup>7</sup> Nasser-Eddine et al., 1.

<sup>8</sup> R. Crelistine, *Mapping Terrorism Research: State of the art, gaps and future direction*, (Counterterrorism as Global Governance: A research Inventory. In M. Rastorp (Ed.) 2007), 216.

<sup>9</sup> Nasser-Eddine et. al., 17.

international community has come together in several forums in order to combine efforts and come up with good practices on how to tackle violent extremism.

This paper draws on the good practices as set out in the Rome and Rabat Memorandums developed under the Global Counterterrorism Forum.<sup>10</sup> The Rome Memorandum outlines a set of good practices to guide states as they develop programs to rehabilitate and disengage incarcerated violent extremists, to reduce recidivism and to address other issues regarding radicalization in prisons.<sup>11</sup> The Rabat Memorandum resulted from a meeting that took place in Rabat on the 7-8 of February 2012 and which was aimed at compiling good criminal justice and counterterrorism practices. The primary objective of a CVE strategy is to prevent the act of terrorism before it happens. States must have the legal authority to deal with this matter in accordance with human rights.<sup>12</sup> The Rabat Memorandum sets out good practices for the criminal justice system to prevent and counter terrorism.<sup>13</sup>

## **Violent Extremism in the Caribbean: a Threat Assessment**

According to the former Commander of the U.S. Southern Command (SOUTHCOM), General Kelly, about one hundred individuals have traveled from Latin America and the Caribbean to Syria to join the ISIS.<sup>14</sup> While the majority of the press quoted his words stressing the potential threat posed by religiously motivated extremism to the national security of the United States,<sup>15</sup> others directed their attention to the phenomenon of the radicalization of Caribbean nationals.<sup>16</sup> Even

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<sup>10</sup> “Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders”, Global Counterterrorism Forum, accessed November 11, 2015, <https://www.thegctf.org/web/guest/countering-violent-extremism>.

<sup>11</sup> Ibidem.

<sup>12</sup> Ibidem.

<sup>13</sup> Ibidem.

<sup>14</sup> “Department of Defense Press Briefing by Gen. Kelly in the Pentagon Briefing Room”, US Department of Defense, accessed November 10, 2015, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/607023/department-of-defense-press-briefing-by-gen-kelly-in-the-pentagon-briefing-room>.

<sup>15</sup> Dan Lamothe, “Islamic State could infiltrate U.S. through Caribbean and South America, general says”, *Washington Post*, March 12, 2014 accessed November 10, 2015, <https://www.washingtonpost.com/news/checkpoint/wp/2015/03/12/islamic-state-could-infiltrate-united-states-through-caribbean-general-says/>; “U.S. general: Caribbean recruits joining extremists in Syria”, *CBS News*, March 12, 2014, accessed November 10, 2015, <http://www.cbsnews.com/news/islamic-extremists-recruiting-militants-from-caribbean-to-fight-in-syria/>.

<sup>16</sup> Martine Powers, “Caribbean nationals join forces with ISIS”, *Miami Herald*, October 15, 2014, accessed November 10, 2015, <http://www.miamiherald.com/news/nation-world/world/americas/article2838599.html>.

fewer addressed the reported lack of capacity of Caribbean countries to track down and deal with violent extremists operating in the Caribbean basin or FTF returning home. The following sections will address extremism in the Caribbean and discuss how much of a threat it is to the national security of Caribbean states.

## **Religious Motivated Extremism and Caribbean Foreign Terrorist Fighters**

As a result of the convergence of different migratory flows, the Caribbean is characterized by religious pluralism. Islam, practiced by the Indian and Afro-Caribbean communities, is rooted across the basin and particularly thrives in Trinidad and Tobago, Guyana, Suriname, and Jamaica.<sup>17</sup> With twelve percent of its population adhering to Islam, Guyana accounts for the largest Muslim community in the Caribbean.<sup>18</sup> In Trinidad and Tobago it is estimated that five to eight percent of the population is of Islamic faith.<sup>19</sup>



*Yasin Abu Bakr (center, in white), leader of the Jamaat-al-Muslimeen, leaves court after his August 2012 trial on sedition ended in a hung jury. Photo credit: The Trinidad Express.*

<sup>17</sup> "Islam in the sun", *The Economist*, July 7, 2007, accessed November 10, 2015, <http://www.economist.com/node/9308125>.

"Muslims in the Caribbean", Islamweb.net, November 20, 2015, accessed November 10, 2015, <http://fatwa.islamweb.net/en/article/136012/muslims-in-the-caribbean>.

<sup>18</sup> Raymond Chickrie, Muslims in Guyana: History, Traditions, Conflict and Change, *Journal of Muslim Minority Affairs*, 19.2 (Oct 1999): 181-195.

<sup>19</sup> "Trinidad and Tobago, Islam in", *Oxford Islamic Studies Online*, November 11, 2015, [http://www.oxfordislamicstudies.com/article/opr/t125/e2400\\_hi=0&\\_pos=14](http://www.oxfordislamicstudies.com/article/opr/t125/e2400_hi=0&_pos=14).

Among the Trinidad and Tobago Muslim population is a former president, Mr. Noor Mohamed Hassanali, but also a group of extremists – Jamaat Al Muslimeen - that in 1990 attempted a coup to seize government power.<sup>20</sup> The attempted coup is probably the most clamorous extremist incident that happened in the Caribbean in the past decades. Other violent extremist acts have been attempted or committed by Caribbean nationals outside the region. The 2007 conspiracy to attack the John F. Kennedy International Airport in New York was planned by one Trinidadian and three Guyanese Muslims.<sup>21</sup> Other examples of Caribbean-borne religious radicalism include: the flow of Caribbean nationals fighting alongside ISIS and the 2014 arrest in Venezuela of nineteen Trinidadian Muslims. They were detained on counts of suspicious terrorist activities in connection with training that reproduced jihadist techniques, including the use of high caliber weapons and explosives<sup>22</sup>. More recently, in November 2015, a video released by the Islamic State showed ISIS affiliates from Trinidad and Tobago calling on fellow countrymen to “rise up”.<sup>23</sup>

Trinidad and Tobago appears to be fertile ground for religiously motivated extremism. Out of the one hundred fighters who joined ISIS from the region in 2014-2015 between thirty and fifty are reportedly from the twin island state.<sup>24</sup> Jamaica, Suriname and Guyana face similar challenges as allegedly fighters have also left these territories to take part in the Syrian conflict.<sup>25</sup> The phenomenon of FTF in connection with religious radicalism has heightened the threat associated with the commission of violent extremist acts in the country of origin of these fighters.

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<sup>20</sup> Sawicki, John Andrew, “The 1990 Islamist coup in Trinidad and regional security among Caribbean microstates, (New York: Sawicki, 2003), 86.

<sup>21</sup> A. G. Sulzberger, “2 Men Convicted in Kennedy Airport Plot”, *The New York Times*, August 2, 2015, accessed November 11, 2015, <http://www.nytimes.com/2010/08/03/nyregion/03kennedy.html>.

<sup>22</sup> Robert Spencer, “Trinidad Muslims travel to Venezuela for jihadist training”, *Jihad Watch*, May 15, 2015, accessed November 11, 2015, <http://www.jihadwatch.org/2014/05/trinidad-muslims-travel-to-venezuela-for-jihadist-training>.

<sup>23</sup> Tom Batchelor, “ISIS in the Caribbean: Islamic State in alarming call to arms to jihadis on paradise isle”, *Express*, November 10, 2015, accessed November 11, 2015, <http://www.express.co.uk/news/world/618059/Islamic-State-ISIS-militants-expand-terror-network-Trinidad-Tobago>.

<sup>24</sup> Martine Powers, “Caribbean nationals join forces with ISIS”, *Miami Herald*, October 15, 2014, accessed November 10, 2015, <http://www.miamiherald.com/news/nation-world/world/americas/article2838599.html>.

<sup>25</sup> “Department of Defense Press Briefing by Gen. Kelly in the Pentagon Briefing Room”, US Department of Defense, accessed November 10, 2015, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/607023/department-of-defense-press-briefing-by-gen-kelly-in-the-pentagon-briefing-room>.

***In November 2015, a video released by the Islamic State showed ISIS affiliates from Trinidad and Tobago calling on fellow countrymen to “rise up”.***

Security Council Resolution 2178 (2014) – co-sponsored by Jamaica and Trinidad and Tobago - defines FTF as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.”<sup>26</sup> To date, thirty thousand foreign individuals have joined the conflict in Syria from more than one hundred countries.<sup>27</sup> Extremists-to-be and their recruiters take advantage of loopholes in domestic legal systems and the lack of capacity at operational and intelligence levels. The international community has voiced concern over these individuals and their ability to operate across borders, including receiving and giving training, financing, inciting, traveling to conflict zones and taking part in terrorist acts. Developed and developing countries alike face the challenge of preventing radicalized individuals from engaging in these activities. Clearly, some states are better equipped than others and can offer assistance to less equipped ones in monitoring and tracking down these radicalized individuals as they engage in suspicious activities. This is the case with respect to the United States and the United Kingdom, which are supporting Caribbean countries in their intelligence and extremism prevention efforts.<sup>28</sup> International cooperation in investigation, intelligence, and capacity building are pivotal to stemming religious radicalization and deterring terror acts. The surge of religiously motivated activities across the globe highlights

<sup>26</sup> “Jamaica will not stay out of terrorism debate — Nicholson”, *Jamaica Observer*, October 12, 2014, accessed November 11, 2015, [http://www.jamaicaobserver.com/news/Jamaica-will-not-stay-out-of-terrorism-debate---Nicholson\\_17735461](http://www.jamaicaobserver.com/news/Jamaica-will-not-stay-out-of-terrorism-debate---Nicholson_17735461); United Nations Security Council Resolution 2178 (2014), United Nations, S/RES/2178 (2014), accessed November 12, 2015, [http://www.un.org/en/sc/ctc/docs/2015/SCR%202178\\_2014\\_EN.pdf](http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf), 2.

<sup>27</sup> Martine Powers, “Caribbean nationals join forces with ISIS”, *Miami Herald*, October 15, 2014, accessed November 10, 2015, <http://www.miamiherald.com/news/nation-world/world/americas/article2838599.html>. “Secretary-General’s remarks to Security Council meeting on Threats to International Peace and Security Caused by Terrorist Acts (Foreign Terrorist Fighters)”, Secretary General Ban Ki-moon, May 29, 2015, accessed November 11, 2015, <http://www.un.org/sg/statements/index.asp?nid=8689>.

<sup>28</sup> Martine Powers, “Caribbean nationals join forces with ISIS”, *Miami Herald*, October 15, 2014, accessed November 10, 2015, <http://www.miamiherald.com/news/nation-world/world/americas/article2838599.html>.

the dimensions of a problem that transcends borders and that requires a coordinated global response. Regional approaches to the threat should also be favored, especially in those regions where simplified mechanisms for movement of people are in place, such as in the CARICOM area.<sup>29</sup>



*Heavily-armed Jamaican soldiers patrol the streets. Photo credit: Source: BBC, May 24, 2010.*

In this regard and with a view to stemming the flow of FTF, UNSCR 2178 calls on States to require that commercial operators share passenger's information with national authorities in order to detect the departure, transit, arrival or re-entry of individuals listed by the Al-Qaeda Sanctions Committee.<sup>30</sup> From a regional perspective it is interesting to note that CARICOM member states do benefit from a regional Advanced Passenger Information System (APIS). Through the system, information on travelers coming in and out of the ten participating States is shared with national authorities by commercial maritime and aviation operators.<sup>31</sup> An assessment of the effectiveness of the information sharing mechanism is beyond the scope of this paper. Yet, the system qualifies as one of the most appropriate and advanced tools to identify and track down fighters that may return to the Caribbean from Syria. Proper screening and analysis of the data provided by the system can

<sup>29</sup> "Free Movement in the CARICOM Single Market and Economy (CSME)", Caribbean Community Secretariat, accessed November 11, 2015, [http://www.caricom.org/jsp/single\\_market/skill.jsp?menu=csme](http://www.caricom.org/jsp/single_market/skill.jsp?menu=csme).

<sup>30</sup> United Nations Security Council Resolution 2178 (2014), United Nations, S/RES/2178 (2014), accessed November 12, 2015, [http://www.un.org/en/sc/ctc/docs/2015/SCR%202178\\_2014\\_EN.pdf](http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf), 2.

<sup>31</sup> "CARICOM Advanced Passenger Information Guidelines", Implementation Agency for Crime and Security (IMPACS), accessed November 12, 2015, <http://www.impacsjrc.org/APIGuidelines/tabid/63/Default.aspx>.

support the development of regional intelligence control lists.<sup>32</sup>

To address the problem of FTF, CARICOM member States can find additional guidance in “The Hague-Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon” elaborated by the FTF working group set up under the Global Counterterrorism Forum.<sup>33</sup> Interestingly, analysis of the Memorandum reveals that CVE and FTF strategies are inter-related. The phenomenon of FTF is indeed one of the most profound consequences of violent extremism. Prevention, detection, intervention and rehabilitation are the four pillars around which FTF strategies should be developed at national, regional and international level to deter radicalization, recruitment, facilitation, travel, fighting, and return of FTF.<sup>34</sup> While CVE strategies will be discussed later, the four pillars are clearly valid also in preventing violent extremism.

### **The Caribbean as the U.S. and the EU third border: options for terror**

The extent of radicalization efforts and the phenomenon of FTF reveal that the Caribbean is highly vulnerable to religious extremism. The question is whether radicalized citizens pose a serious threat to the national and regional security of countries in the basin. A threat derives from intent and capability. Vulnerability to radicalization does not necessarily mean intent. Indeed, with the exception of Trinidad and Tobago, there is little evidence to show that Caribbean extremists would commit religiously motivated violent acts in their country of origin because of political or religious postures adopted at national level. Yet, it can be argued that Caribbean countries could be targeted as an intermediate objective to hit the strategic economic interests that the U.S. and European countries have in the region, thus substantiating the intent element. As for the capability element, the recent at-

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<sup>32</sup> Letter dated 26 May 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council, United Nations, S/2015/377 (2015), accessed November 12, 2015, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3 CF6E4FF96FF9%7D/s\\_2015\\_377.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3 CF6E4FF96FF9%7D/s_2015_377.pdf), 11

<sup>33</sup> “The Hague-Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon”, Global Counter Terrorism Forum, accessed November 12, 2015, <https://www.thegctf.org/web/guest/foreign-terrorist-fighters>.

<sup>34</sup> Humera Khan, “Why Countering Extremism Fails”, Foreign Affairs, February 18, 2015, accessed November 12, 2015, <https://www.foreignaffairs.com/articles/united-states/2015-02-18/why-countering-extremism-fails>.

tacks perpetrated in Paris demonstrate that extremists definitely have the capacity to hit any country, even well-equipped ones. Assuming that both the intent and the capability element are satisfied, this section identifies potential targets and ways for terrorists-to-be to achieve their objectives.

The Caribbean is often referred to as the U.S. third border in view of the intertwined relationship that exists between Caribbean and U.S. strategic interests.<sup>35</sup> Military infrastructure and support is also provided to the U.S. out of Antigua and Barbuda and the Bahamas.<sup>36</sup>

Fragile economies that are mainly rooted in tourism could be highly affected by violent extremist acts. The recent terror attacks of beach resorts in Tunisia are a clear example of this. In terms of strategic economic interests, Jamaica produces 26 percent of U.S. imports of bauxite and Trinidad and Tobago supplies 78 percent of the liquefied natural gas consumed in the country.<sup>37</sup> Violent religiously motivated acts committed either by a lone wolf or a returned FTF in the attempt to damage U.S. interests pose a serious threat to the national security of the targeted country and the stability of the region. An attack that targets the plants and factories engaged in the gas trade could seriously jeopardize the prosperous economy of Trinidad and Tobago. Measures to increase the resilience of critical infrastructure should not be overlooked by Caribbean authorities.

Economic citizenship programs along with simplified visa requirements among Caribbean countries open the door to radicalism and the commission of violent extremist acts. USSOUTHCOM's General John Kelly expressed concern in this regard during his testimony to the Senate.<sup>38</sup> Dominica, St. Kitts and Nevis and Antigua and Barbuda offer the possibility of acquiring investor visas granting access to their territory for a price that is well within the reach of extremist organizations.<sup>39</sup> Upon reaching any of the countries that open their borders to foreigners

<sup>35</sup> Hilton A. McDavid, "The Caribbean: The Third U.S. border", FOCAL, 2011, accessed November 13, 2015, <http://www.focal.ca/publications/focalpoint/394-february-2011-hilton-a-mcdavid>.

<sup>36</sup> Ibidem.

<sup>37</sup> Hilton A. McDavid, *Security Challenges and Threats in the Caribbean*, "Rewiring National Security in a Fragmented World," United Nations Institute of Peace Press, July 2011.

<sup>38</sup> "Department of Defense Press Briefing by Gen. Kelly in the Pentagon Briefing Room", U.S. Department of Defense, accessed November 10, 2015, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/607023/department-of-defense-press-briefing-by-gen-kelly-in-the-pentagon-briefing-room>.

<sup>39</sup> Kim Gittleson, "Where is the cheapest place to buy citizenship?", BBC, June 4, 2014, accessed November 13, 2015, <http://www.bbc.com/news/business-27674135>.

under economic arrangements, moving within the basin may not be so difficult for extremists-to-be. In this regard, thorough background checks and the sharing of information with partner countries are essential in ensuring that countries can protect themselves from unwanted individuals. Similarly, the movement of Caribbean nationals across the region under free market arrangements should be closely scrutinized. Without limiting the freedom of movement of skilled individuals and hampering socio-economic development, mechanisms to properly screen and conduct background checks should be put in place.

***Thorough background checks and the sharing of information with partner countries are essential in ensuring that countries can protect themselves from unwanted individuals.***

European territories in the Caribbean basin can also be an easy prey of violent extremists as a direct target or as an entry door to Europe's mainland. Dutch, French and British territories are borders of the countries under whose jurisdiction they fall. More recently, the European Union has waived visa requirements for a number of Caribbean countries, including Trinidad and Tobago, Dominica and St Lucia.<sup>40</sup> Exploiting the travel and visa acquisition mechanisms mentioned above, radicalized individuals could find easy access to Europe's mainland.

### **CVE Strategies: Options for Policy Makers**

The international community has been grappling with the question on how to address violent extremism for the past few years. Initial policies and programs aimed at preventing radicalization moved from the premise that extremism was purely motivated by religious sentiments. Arguments have also been made that the lack of economic development and opportunities are the primary causes of extremism.<sup>41</sup> Policies and programming based on these premises failed in their approach to pre-

<sup>40</sup> "EU signs visa waiver agreements with 7 ACP countries", European Council, Council of the European Union, accessed November 14, 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/05/28/jha-eu-visa-waiver-agreements/>.

<sup>41</sup> Lydia Wilson, "What I Discovered From Interviewing Imprisoned ISIS Fighters", *The Nation*, October 21, 2015, <http://www.thenation.com/article/what-i-discovered-from-interviewing-isis-prisoners/>

vent radicalism and de-radicalize youth, men and women alike.<sup>42</sup> In fact, recent research has highlighted that a deeper understanding of the phenomenon of radicalization should be promoted and in particular: (1) root causes of radicalization have to be assessed in light of the specific circumstances of each group and country affected by violent extremism, (2) unemployment and lack of skills or opportunities in most cases act as drivers of the problem rather than as root causes, and (3) programming adopting one approach in isolation will not be able to address the root causes of extremism.<sup>43</sup>

The following sections will elaborate on the three points raised above in the context of public policies at community level and penitentiary reform that policy makers in Caribbean might draw upon to deter extremism or rehabilitate radicalized individuals.

### **Deterring Violent Extremism through the Promotion of Social Integration and Economic Development**

The “Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism” is based on the premise that extremism is a multi-faceted problem that requires a research-based, comprehensive, and inter-institutional approach.<sup>44</sup> Extremism is rooted in and driven by different factors, the combination of which makes individuals of religious, ethnic and social groups vulnerable to radicalization. Injustice, discrimination, lack of economic opportunities and skills, and a sense of non-belonging all contribute to extremism, but will not affect in the same way individuals or groups of individuals that are vulnerable to extremism.

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<sup>42</sup> “Youth & Consequences: Unemployment, Injustice and Violence”, MercyCorps, accessed November 14, 2015 <http://www.mercycorps.org.uk/research-resources/youth-consequences-unemployment-injustice-and-violence>

<sup>43</sup> Ibidem.

<sup>44</sup> “Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism”, Global Counter Terrorism Forum, accessed November 12, 2015, [https://www.thegctf.org/documents/10162/72352/13Sep19\\_Ankara+Memorandum.pdf](https://www.thegctf.org/documents/10162/72352/13Sep19_Ankara+Memorandum.pdf).



*Photo caption: Armed gangs in Jamaica. Photo credit: National Geographic.*

Policies and programs that are not based on a sound assessment of all contributing elements and that do not strive to distinguish root causes from drivers will inevitably fail and may fuel radicalization even further. Assuming that only religious beliefs are at the foundation of radicalization could lead to singling out and isolating even further vulnerable groups and aggravating the feeling of non-belonging that has often been indicated as being at the root of extremism.<sup>45</sup>

Root causes and drivers that affect individuals or a group of individuals need to be correctly identified to implement effective policies and programs. Also, within one group, individuals may be vulnerable to different extents. CVE policies and programs need to be tailored to the degree of vulnerability or radicalization to which individuals are exposed. The phenomenon of FTF associated with violent extremism (VE) shows that individuals from all social classes, backgrounds and skills are susceptible to radicalization. Therefore, providing education or professional skills through vocational training to all affected individuals alike may not deter or rehabilitate the targeted individuals.

***Prevention, detection, intervention and rehabilitation are the four pillars upon which policies and programs should be developed.***

<sup>45</sup> Lydia Wilson, “What I Discovered From Interviewing Imprisoned ISIS Fighters”, *The Nation*, October 21, 2015, <http://www.thenation.com/article/what-i-discovered-from-interviewing-isis-prisoners/>.

National authorities should develop a multi-disciplinary and multi-sector approach that builds on the engagement of both public and private actors and that is endorsed at community level. As mentioned previously, prevention, detection, intervention and rehabilitation are the four pillars upon which policies and programs should be developed. These four pillars call for the involvement of a wide range of actors and institutions, including law enforcement, social workers, corrections, civil society, and community personnel. Mechanisms ensuring dialogue and coordination should be devised to ensure that an agreed approach and a roadmap are developed and implemented. In doing this, the community to which the vulnerable or radicalized individuals belong plays an essential role. Indeed, prevention and rehabilitation can only happen if the community to which vulnerable and affected individuals belong is engaged at all levels. Prevention of extremism and rehabilitation are successful if all members of the exposed group understand and work together towards addressing root causes and drivers of extremism. Often it is not only the community or group to which the radicalized individual belongs that needs to be engaged, but also the society at large. Moderate preaching of Islam at group and community level, for instance, is essential in order for vulnerable individuals not to fall in the hands of recruiters and become radicalized. However, it requires the whole society in a country across faiths and social classes to accept Islam and its followers, thus avoiding segregation.

## **Prevention and Rehabilitation of Violent Extremism in Detention**

The importance of the role of prisons in responding to CVE has become even clearer in the light of recent discussion in various international fora. The underlying assumption is that promotion of CVE strategies in detention revolve around two aspects: (1) the prisons can act as an incubator for violent extremist ideology, and (2) the prisons can equally act as an institution of reform and rehabilitation programs with the aim to reintegrate VEOs into society and reduce the risk of recidivism.<sup>46</sup>

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<sup>46</sup> “The Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector”, Global Counterterrorism Forum, accessed November 11, 2015.

The two aspects play an important part in preventing and rehabilitating VEOs in prison. However, the most important thing to bear in mind is that there is no one-size-fits-all. Therefore, a careful analysis of the environment and situation at the given incarceration facility is necessary.

As mentioned above, this paper draws on good practices from two memorandums from the Global Counterterrorism Forum. The Rome Memorandum<sup>47</sup> includes five parts to consider in its approach to preventing radicalization in prison. According to the memorandum, states should:

1. Define the goals and objectives of the program,
2. Encourage good practices in the prison context, including the facilities and treatment of prisoners,
3. Strengthen the roles of different actors in the prison, such as prison officers and other interlocutors,
4. Encourage constructive reintegration components of the prisoners into society after their release,
5. Look at other relevant fields for lessons learnt.

One of the reasons why CVE responses have failed in the past is the isolated implementation of CVE initiatives. When looking at prevention and rehabilitation in prisons, it is difficult to achieve long term success if state policies and legislation surrounding arrest, prosecution, incarceration and post-release/reintegration in connection with violent motivated acts are not included in the overall CVE strategy. The Rabat Memorandum, as mentioned, focuses on effective good practice in the criminal justice sector in order to counter terrorism. The memorandum includes two aspects to consider in the justice sector: (1) criminal procedure tools, and (2) criminal offenses.

For CVE responses to be effective in the prisons, it is important to include good practices from both of the above memorandums. A solidly developed response to violent extremism in a prison still demands the criminal justice sector have effective good practices in place in order for the VEOs to be fairly convicted

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<sup>47</sup> Ibidem.

and brought to prison. Several countries have long term prisoners on remand due to the time it takes the courts to handle terror cases.

Once the above guidelines for good practices are considered, it is vital that CVE initiatives are not implemented in isolation. To enhance the success of CVE responses in prison, initiatives for rehabilitation in the prison should be validated by the society. The rehabilitation program within the prison must be supported in the civil society and the community upon the release of the prisoner to further reduce the risk of recidivism and further the success of reintegration.

It is important to bear in mind that the development of Strategies for Preventing Violent Extremism is a relatively new phenomenon in the overall countering terrorism discourse and programming. Programs need to be developed and implemented to suit the context and risk they are intended to address.<sup>48</sup> There is evidence of some programs being more successful than others, but a model which proved unsuccessful in one context, may still work when implemented elsewhere.<sup>49</sup> There is, however, evidence that a program must include a balance of education, vocational training and religious re-education. Equally important are interlocutors, such as religious clerics and prison officers who can relate to the prisoner and help them transition into society and social networks away from extremism.<sup>50</sup> And, when a strategy, as such, is in place for the prison, the surrounding community, legislative framework and international coordination should not be left out, but fully included.

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<sup>48</sup> Global Center on Cooperative Security, “*Addressing the Foreign Terrorist Fighter Phenomenon from a European Union Perspective*,” 2014, 6

<sup>49</sup> The International Centre for the Study of Radicalisation and Political Violence, “*Prisons and Terrorism: Radicalisation and De-radicalisation in 15 countries*,” 2010, 47.

<sup>50</sup> The International Centre for the Study of Radicalisation and Political Violence, “*Prisons and Terrorism: Radicalisation and De-radicalisation in 15 countries*,” 2010, 55.

## Conclusions

Prompted by USSOUTHCOM General Kelly's statements on the inability of Caribbean countries to identify and deal with nationals who are vulnerable to religious-motivated radicalization, this paper provided a brief threat assessment of Caribbean extremism and the FTF phenomenon. The paper examined the questions whether radicalized individuals pose a direct threat to the security of Caribbean nations and how counter violent extremism (CVE) strategies implemented at community and prison levels can minimize the threat. In addressing these questions, the paper framed the discourse on CVE within current international discussions on violent extremism and the counter-terrorism debate.

The paper concluded that in light of the extent of radicalization efforts and the phenomenon of FTF, the Caribbean is vulnerable to violent extremism. Radicalization if not deterred could result in individuals, or groups committing religiously motivated acts in countries in the Caribbean. These acts could be prompted in view of the strategic interests that the United States and European countries have in the basin, hence making the Caribbean an intermediate target. In this regard, infrastructure that is critical to the Caribbean's economy and tourism should be made more resilient to violent acts. Policies and programs to prevent extremism should be developed both at community level and in the context of penitentiary reform to ensure that vulnerable individuals are identified and mechanisms that address the root causes and drivers of radicalization are devised to prevent such individuals from embracing violent extremism or ensure their rehabilitation if they have been radicalized.

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# **Citizen Insecurity in Trinidad and Tobago and the Applicability of the Concept of the Mafia State**

*Dianne Williams*

## **Introduction**

Citizen security in Trinidad and Tobago has become increasingly important as a result of serious threats posed by growing crime, violence, and lawlessness. The country's proximity to major drug producing countries in Latin America, porous borders, and the poor work ethic of those charged with protecting and serving make it a prime transit point. This paper will address the extent and characteristics of crime and violence in Trinidad and Tobago, evaluate the impact of the phenomenon on levels of citizen security and end with a discussion of whether or not Trinidad and Tobago is becoming a "mafia state."

Establishing linkages between rising citizen insecurity and crime and violence is critical to avoiding the ambiguity that is often inherent in any discussion of these issues. The first section will therefore present a brief overview of citizen security – a definition, related concepts, context as well as the institutional, social and government prerequisites necessary for its existence. Since discourse on preventative efforts and government responses to crime and violence must occur against the backdrop of organized crime, drug trafficking, corruption, criminal gangs and illegal firearms, subsequent sections will examine several critical security issues that have shaped the contemporary face of crime in Trinidad and Tobago. State and regional responses to these specific threats will also be discussed. The paper will close with an exploration of the emerging concept of the Mafia State as a newer and even bigger security threat.

## Citizen Security: An Overview of the Key Dimensions

The concept of “citizen security” can be best understood in two contexts. On the one hand, citizen security can be considered as a subunit within the wider framework of human security<sup>1</sup> with the human security approach narrowing the scope of security analysis and policy from territorial security to the security of people. On the other hand, human security can be seen as a people-oriented approach where the Government plays a key role in protecting its citizens.<sup>2</sup> Thus, citizen security can be regarded as the social condition which best facilitates human security.

### Threats to Citizen Security in Trinidad and Tobago

#### *Serious Crimes, Homicides, Violent Crimes and Detection Rates*

**Figure 1. Serious Crimes in Trinidad and Tobago, 2009 to 2014**



Source: *Crime and Problem Analysis Branch, TTPS.*

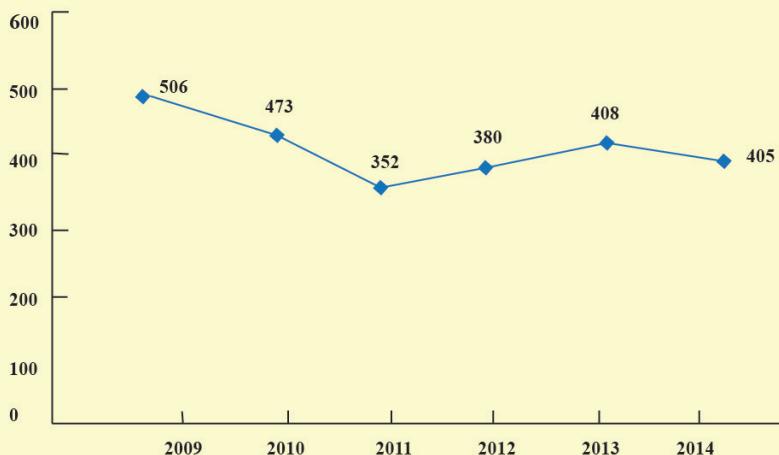
<sup>1</sup> Oscar Gómez and Des Gasper. *A Thematic Guidance Note for Regional and National Human Development Report Teams*, New York: United Nations Development Programme Human Development Report Office, 2013.

<sup>2</sup> United Nations Development Programme. *Caribbean Human Development Report 2012: Human Development and Shift to Better Citizen Security*. New York: United Nations Development Programme, 2012.,ryuly J. Perry Center for Hemispheric Defense Studies, Washington DC, mal activists. the ery sincere. nd seemed genuinely sym

Despite growing concern about the escalation of crime in Trinidad and Tobago, over the last six years there has been a downward trend in the number of reported serious crimes (SRCs).<sup>3</sup> Figure 1 shows the total number of serious crimes reported between 2009 and 2015. A temporal analysis shows that there was a consistent decline in SRCs over the six-year period, except in 2012 where there was a minor increase over 2011. The number of serious crimes decreased by 45% from 2009 to 2014. The largest increase in SRCs over a comparative yearly period was between 2011 and 2012 of 12.4%. Despite the downward trend, detection rates (the rates at which recorded and detected crimes are solved by the police) for SRCs remained relatively low between 2010 and 2013. In 2010, the detection rate was 16%, 19% in 2011, 17% in 2012 and 18% in 2013. Only in 2014 did the detection rate surpass previous years with 23%.

Homicides are the strongest, single indicator of security and perception of safety in any country. Figure 2 illustrates the number of homicides in Trinidad and Tobago from 2009 to 2014.

**Figure 2. Homicides in Trinidad and Tobago, 2009 to 2014**



Source: *Crime and Problem Analysis Branch, TTPS*.

<sup>3</sup> A serious crime is an offence for which the minimum sentence is 5 years. Serious crimes include murders, shootings/woundings, sexual offences, kidnapping, burglaries, robberies, fraud, general larceny, larceny motor vehicle, larceny dwelling house, narcotic offences and other serious crimes.

While in 2009 there were 506 homicides, by 2014 this was reduced by almost 20% to 406. There was a marked drop in homicides between 2009 and 2011, which also coincided with the decline in the number of SRCs. Nonetheless, subsequent years have seen a slow but steady increase, the largest being between 2011 and 2012 of 8%. This does not correspond to the overall fall in SRCs, signifying that homicides accounted for a greater proportion of SRCs in the latter years. Indeed, homicides contributed 3.1% and 3.4% of the total number of SRCs for 2013 and 2014 respectively, compared to between 2.2% and 2.4% from 2009 to 2011. Unlike SRCs, the detection rate for homicides fluctuated substantially between 2010 and 2014.

While an estimated 23% of homicides were solved in 2010, only 18% were solved in 2012. A further decline occurred in 2013 where only 15% or 62 homicides were solved, rising to 20% in 2014. It should be noted that the actual number of homicides solved has not gone beyond 100 since 2010. Thus, low rates of detection that coincide with a steadily increasing number of homicides represents a serious threat to citizen security, leading to perceived sense of rising insecurity among the citizenry. Detection rates are determined by the statistical relationship between the number of homicides detected by or reported to the police and the number of homicides for which an arrest is made, a charge laid and an offender successfully prosecuted.

**Figure 3. Violent Crime in Trinidad and Tobago, 2009 to 2014**



Source: *Crime and Problem Analysis Branch, TTPS*.

Similar to SRCs, violent crimes<sup>4</sup> have also experienced a downward trend from 2009 to 2014 (see Figure 3). However, the detection rate for homicides continue to fall even as the number of homicides continue to rise. Not only does this give way to fear of crime, safety concerns and curtailment of certain freedoms but it also points to major deficiencies in the state's ability to protect its citizens and to an unravelling of the social cohesion, integration, and collective efficacy that are critical elements of citizen security.

## Criminal Gangs

Street gangs have become synonymous with crime and violence.<sup>5</sup> The violence and crimes committed by gangs tend to develop in the context of collective dynamics that range from temporary and unstructured groups to highly hierarchical criminal gangs<sup>6</sup> presenting a particularly serious problem for the safety of the region.

<sup>4</sup> Violent Crimes is the collective term used to describe a group of serious crimes which include the following 6 offences: (a) murder, (b) wounding & shooting, (c) sexual offences, (d) kidnapping, (e) kidnapping for ransom and (f) robbery.

<sup>5</sup> See United Nations definition of youth at <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>

<sup>6</sup> José Miguel Cruz. "State and criminal violence in Latin America: Reflections on the coup in Honduras," *Nueva Sociedad*, 2010, 226. <http://132.248.91:8991/hevila/Nuevasociedad/2010/no226/6.pdf>

Table 1 shows the number of criminal gangs in each police division in Trinidad and Tobago.

**Table 1: NUMBER OF GANGS PER DIVISION**

No.	Division	2009	2012	% change
1	Port of Spain	16	44	175
2	Western	12	16	33
3	Northeastern	05	12	140
4	Northern	12	13	8
5	Central	02	03	50
6	Southern	03	04	33
7	Southwestern	01	02	100
8	Eastern	06	03	-50
9	Tobago	03	05	67
	<b>Total</b>	<b>60</b>	<b>102</b>	<b>70</b>

*Source: Criminal Gang & Intelligence Unit and Crime and Problem Analysis Unit*

In the United Nations Development Program (UNDP) Citizen Security Survey 2010 conducted across the Caribbean, 38% of respondents in Trinidad and Tobago indicated that criminal gangs are a big problem in their neighborhood. This was slightly higher than the average for the regional response (32.4%). This perception is mainly fueled by the criminal activity and networks with which these groups are associated.

In Trinidad and Tobago, crime and violence are perhaps the most visible consequences of street gangs. Gang-related murders accounted for 16% (75) of all homicides in 2010. However, by 2012, this climbed to 38% (144) and peaked at 48% (197) in 2013 and dropped to 35% in 2014. Data also indicate that gang members are disproportionately engaged in criminal activities.<sup>7</sup> Seepersad (2013) states that approximately 51% of the gang members were previously arrested with each member having an average of 2.09 arrests, compared to a non-gang sample (n=878), where only 20.2% were previously arrested, with the mean number of arrests being 0.68. As expected, arrest data illustrate that gang members perpetrate a greater number of offences than their non-gang counterparts. Gang members also

<sup>7</sup> The Besson Street Gang Intelligence Criminal History Project offers rare insight into the nature and composition of gangs in Trinidad and Tobago. In this project 368 gang members were interviewed with data collected in 2005.

commit violent offences at approximately three times the rate of persons who are non-gang members (31.5% as compared to 10.4%). With respect to firearm related offences, nearly 26% of gang members were arrested in contrast to 8.7% of non-gang persons. Similarly, 3.2% of non-gang members were apprehended for drug trafficking compared to 15.2% of gang members. A similar over-representation in criminal offences for gang members obtains for property offences, sexual offences, and drug use/possession.<sup>8</sup>

In Trinidad and Tobago, a large part of this rivalry among criminal gangs is over turf: the control over specific areas within communities to sell drugs. There is a spill-over effect as rivalries extend beyond protecting drug blocks to more personalized conflicts among criminal gangs, exacerbating the violence at the community-level. In addition, due to its illicit nature, the production and trafficking of drugs worsens levels of impunity and corruption, distorts the economy through money-laundering, and adversely affects human development in a variety of ways.<sup>9</sup>

The activities in which criminal gangs engage transcend the traditional, street-level crimes like robbery and larceny. Gang members are often part of larger criminal networks which involve organized crime, drug trafficking and illicit firearms. It is difficult to assess the full extent to which criminal gangs are integrated into these criminal networks, given the inherent difficulties entailed in measuring such phenomena. Although assessment difficulties may lead to an underestimation of the true nature of the street gang problem in Trinidad and Tobago, ultimately, the proportion of gang-related crimes as well as their purported links to more powerful criminal networks impact the sense of security among citizens.

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<sup>8</sup> Randy Seepersad. "Street Gangs and Violence in Trinidad and Tobago." *Journal of Gang Research* 21 (1), 2013: 17-42.

<sup>9</sup> Global Commission on Drug Policy, "War on Drugs – Report of the Global Commission on Drug Policy," 2011; "Ending the War on Drugs," Transform Drug Policy Foundation, 2012.



*Photo caption: Newly recruited members of the Port Authority of Trinidad and Tobago Police were trained at the Police Training Academy in St James. Photo credit: Sureash Cholai.*

## Organized Crime

Organized crime includes all criminal activity organized and extended over time, whose capacity to deny or provide goods and services depends on the use of corruption, coercion, and in some cases, violence.<sup>10</sup> Official crime data or empirical research on organized crime is sparse for the majority of Caribbean nations, including Trinidad and Tobago, therefore, evidence is largely anecdotal. In the case of Trinidad and Tobago, such evidence suggests that organized crime is mainly related to drug-trafficking. Local officials note that “the people who are involved in moving drugs are often the same people who will use the same operation for many other illegal activities” such as money laundering and terrorism.<sup>11</sup>

Additionally, the proliferation of firearms is a direct result of drug-trafficking. Firearms serve a dual purpose in this context; they are traded for drugs and used for protection of turf and other illegal property. The escalation of firearm-related violent offences in recent years in Trinidad and Tobago also adds to the

<sup>10</sup> United Nations Development Programme. “Citizen Security with a Human Face: Evidence and Proposals for Latin America,” (Regional Human Development Report 2013-2014). New York: United Nations Development Programme, 2013.

<sup>11</sup> David A. Granger. “The Failure of Guyana’s National Drug Strategy Master Plan: Guyana’s National Drug Strategy Master Plan 2005–2009 Has Expired; Was It a Success or Failure?” *Guyana Review*, Stabroek News, Georgetown, Guyana, 31 May 2010.

problem.<sup>12</sup> According to the UNODC (2008), organized crime constitutes a serious threat not only because of the attendant intimidation and fear, but also because of the perception of a weakened democracy and increased levels of corruption.

Perhaps the most significant consequence of organized crime in the Trinidad and Tobago context is the number of murders, shootings and woundings, and other violent crimes. The presence of organized criminal structures fuels violence and crime either because of turf disputes or in reaction to attacks by state security forces.<sup>13</sup> Organized crime can also have an impact on the rule of law through the corruption of the judicial process.<sup>14</sup> The UNDP Citizen Security Survey 2010 suggested that the perception of judicial corruption is high in Trinidad and Tobago where almost 70% of the residents believe the judicial system is corrupt and that politically connected criminals circumvent the judicial process.<sup>15</sup> Approximately 62% of respondents believe powerful criminals go free and 59% believe judges are corrupt in comparison to 47.3% and 37.2% for the region.<sup>16</sup>

## **Drug Trafficking and Illegal Firearms**

The “weaponization” of civil society in the Caribbean is connected to the market for illicit drugs.<sup>17</sup> For Trinidad and Tobago, this relationship must begin with an examination of the known transhipment routes for narcotics and firearms (see Figure 4). Trinidad and Tobago is the first island on the transhipment route out of South America, from which drugs can be shipped to Europe or along the chain of islands to North America.

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<sup>12</sup> Ibid.

<sup>13</sup> United Nations Development Report, 2012

<sup>14</sup> UNODC (United Nations Office on Drugs and Crime) and World Bank. “Crime, Violence, and Development: Trends, Costs and Policy Options in the Caribbean.” Report 37820. Washington, DC: World Bank, 2007.

<sup>15</sup> William J. Perry Center for Hemispheric Defense Studies, Washington DC, mal activists. the ery sincere. nd seemed genuinely sym United Nations Development Report, 2013

<sup>16</sup> Ibid.

<sup>17</sup> Agozino, B., Bowling, B., Ward, E., and Bernard, G. S. T. “Guns, crime and social order in the West Indies.” *Criminology and Criminal Justice*, 9(3), 2009, 287 - 305.



Figure 4: Major cocaine and gun trafficking routes in the Caribbean region<sup>18</sup>

Additionally, it is a destination point for illegal firearms from South America.<sup>19</sup> This convergence of both drugs and guns is seen in only two other Caribbean states; Jamaica and Puerto Rico, strongly suggesting that Trinidad and Tobago is a transhipment point for both particularly given its geographical proximity to Venezuela. Even more disconcerting is the country's movement towards becoming a consumer state where these illicit goods are not just smuggled through but are distributed and used by citizens locally. Consequently, the level of gun-related violence in Trinidad and Tobago is fast approaching that of drug and gun producing nations. In 2013, 78% of all homicides in Trinidad and Tobago were committed with firearms.<sup>20</sup> This greatly surpasses the world average of 43%.<sup>21</sup> The extensive use of firearms also reflects on their availability. But the clandestine nature of the arms market makes it difficult to quantitatively evaluate the extent of the problem.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Crime and Problems Analysis unit of the Trinidad and Tobago Police Service.

## Corruption and Impunity

Corruption is defined as the misappropriation of public assets, and is a serious and widespread threat to citizen security.<sup>22</sup> The World Bank estimates that corruption absorbs around 9% of regional GDP in Latin America and the Caribbean.<sup>23</sup> It undermines the political, economic and judicial systems and erodes public confidence in the state and is particularly difficult to measure. As such, the perception of corruption is measured locally and regionally through public surveys. Figure 5 highlights the perception of corruption among 7 selected Caribbean States (Caribbean-7).

**Figure 5: Perception of Corruption in the Caribbean**

Country	Judges are corrupt	Justice system is corrupt	Powerful criminals go free	Politically connected criminals go free
Antigua & Barbuda	32.3	44.3	37.8	44.8
Barbados	24.5	33.8	40.1	41.9
Guyana	39.0	47.7	46.9	51.8
Jamaica	36.3	57.3	52.7	57.8
Saint Lucia	33.7	48.1	47.7	51.3
Suriname	35.6	45.8	38.9	47.0
Trinidad & Tobago	58.7	69.8	61.6	70.2
Caribbean 7	37.2	49.6	47.0	52.5

Source: Caribbean Human Development Report, 2012

<sup>22</sup> United Nations Development Report, 2012 and 2013.

<sup>23</sup> Ibid.

Almost 70% of respondents in Trinidad and Tobago believe that the Criminal Justice system is corrupt versus an average of 50% for the Caribbean-7. Similarly, 58.7% perceive judges to be corrupt, which is almost twice the Caribbean-7 average (37.2%). Many of the respondents also believe that politically connected and powerful criminals go free (70.2% and 61.6% respectively). These figures substantially surpass both averages for the Caribbean-7 as well as for individual countries. These indicators strongly suggest that corruption in the Criminal Justice system in Trinidad and Tobago is widespread, and perhaps even the highest in the Caribbean. This perception is further validated by the results of the Corruption Perceptions Index in 2014. Trinidad and Tobago scored 38 and ranked 85<sup>th</sup> out of 175 countries, having scored 38 and 39 in 2013 and 2012, respectively.<sup>24</sup> In fact, the country has the lowest scores in the Caribbean region and is comparable to countries like Mexico (score of 34 in 2014) and Colombia (score of 37 in 2014), both of which have a long history of corruption, political instability and violence.

At the same time, untrained, unmotivated and unethical security forces and the failure to complete efforts at institutional reform have generally left police, prisons, and the judicial systems weak and susceptible to corruption.<sup>25</sup> Police legitimacy, the moral right of the police to exercise authority on behalf of the state,<sup>26</sup> has emerged as a challenge to the Trinidad and Tobago Police Service (TTPS) as many citizens do not view the TTPS as an effective, impartial and citizen-oriented mechanism for maintaining law and order.<sup>27</sup> Even without the presence of criminal gangs, confidence in police to control crime in general among respondents is 3.7% compared to the Caribbean average of 10.2%. Confidence in the TTPS is low across other areas compared to the Caribbean average as well; murder (9.5% vs. 26.7%), gang violence (11.4% vs 25.4%) and drug trafficking (10.6% vs 23.0%).<sup>28</sup> A major contributor to this lack of confidence is the perception of corruption among police officers. Acceptance of bribes, engaging and/or supporting illegal

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<sup>24</sup> Ibid.

<sup>25</sup> Seelke, C., Wyler, L., Beittel, J and Sullivn, M. "Latin America and the Caribbean: Illicit Drug Trafficking and the U.S. Counterdrug Programs," Washington: Congressional Research Service, 2012.

<sup>26</sup> Anthony Bottoms, and Justice Tankebe. "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice, *Journal of Criminal Law and Criminology*, 119 (2013), 102

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

activities, and deliberately subverting the course of justice for economic gain are cited as the main examples of corruption among police officers in Trinidad and Tobago.<sup>29</sup> Apart from data on police officers arrested or currently before the courts, it is difficult to measure this problem, although anecdotal evidence suggests it is quite prevalent.

Moreover, corruption in the Caribbean is not limited to the lower administrative governmental ranks. There are cases of large-scale corruption involving the state or its major players. Given the economic incentives and the weakness of controls, the range of opportunities for corruption is widespread: in the procurement of public contracts, in the illegal financing of electoral campaigns, even in the passing of legislation favorable to particular economic interests or sectors.<sup>30</sup> Under these circumstances, protecting the rights of citizens by rule of law is not fulfilled. Instead, it favors the interests of particular influential groups or individuals. In Trinidad and Tobago, there have been several cases that can be classified as high level corruption, involving public officials and prominent persons. Seldom do such individuals face the sanctions meted out to other individuals who have been convicted for less serious offenses. It is this imbalance in the scales of justice that damages public trust and confidence in the criminal justice system as a whole.

This point is an important precursor to a discussion of impunity. When a high percentage of violent and criminal acts against the citizenry are not investigated, processed, and punished, it creates a perception of vulnerability. While no country solves all of its crimes or punishes all of its offenders, a minimal threshold is required to avoid generalized distrust, fear, and even contempt for the law among citizens.<sup>31</sup> Punishment is also expected to be proportional to the seriousness of the crime. Less than 20% of murders committed in Trinidad and Tobago are detected, which gives perpetrators the freedom to act with relative impunity. In a number of cases, individuals involved in drug trafficking and/or criminal gangs have failed to be apprehended and continue to perpetuate crime, violence and insecurity. Furthermore, high levels of impunity are associated with powerful individuals, who often receive sanctions disproportionate to the crimes committed. This reduces

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<sup>29</sup> Ibid.

<sup>30</sup> United Nations Development Report, 2012 and 2013

<sup>31</sup> Ibid

the perceived effectiveness and legitimacy of the state institutions charged with protecting citizens.

## **Citizen Insecurity and the Mafia State**

The perception of insecurity encompasses several factors that can be categorized as macro-factors and institutional factors. Macro-factors are factors that tend to have a larger, overall impact on crime, violence and perception of security, for example gangs, drugs and firearms. Institutional factors are those which result from deficiencies in the state's capacity to provide citizen security, for example against corruption and impunity.<sup>32</sup>

But, there is another hidden and far greater threat to citizen security which has, thus far, remained largely undetected in the Caribbean context: the emergence of a mafia state - the coalescence between state institutions and criminal networks. According to Naim (2012), mafia states are reflective of the development of an intimate relationship between high ranking government officials and leaders of criminal enterprises. Crime and violence are manifested in extreme forms, as the state's capacity to protect its citizens is compromised not by institutional deficiencies but by its collusion with criminal networks for profit and power. Along the continuum of security, the mafia state would represent the greatest level of citizen insecurity any country can experience.

## **The Applicability of the concept of the Mafia State to the Trinidad and Tobago context.**

While the collusion between governments and criminal networks is not a new phenomenon, the difference with mafia states is that high-ranking government officials become integral players in, if not leaders of, criminal enterprises, and the defense and promotion of the business concerns of those enterprises become official priorities.<sup>33</sup> Essentially, the state and its actors neglect their central roles in the protec-

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<sup>32</sup> Estévez, E. "Public and Citizen Security in South America: Trends, Controversies and Proposals", Georgetown University: Political Database of the Americas, 2008.

<sup>33</sup> Moises Naim, "Mafia States: Organized Crime takes Office" Foreign Affairs, May/ June 2012.

tion of the rights and freedoms of its citizens. Instead, they become subsumed by economic and political power on a scale that goes beyond the country's borders. In turn, rule of law, social cohesion, state legitimacy, public confidence and trust as well as social crime prevention measures are overshadowed or even discarded. One of the most distinguishing features of the mafia state is that it is transnational in nature. International criminal networks are dynamic and innovative, function in open, legitimate markets and are complex, political structures, all of which makes its descent upon Caribbean nations especially threatening.

However, it can be argued that becoming a mafia state occurs along a continuum rather than being a dichotomous phenomenon. In other words, a country does not go from a normal, democratic state to a mafia state overnight. In order to evaluate where on this continuum Trinidad and Tobago lies, if at all, the main principles of the mafia state need to be identified.

Miklauic and Naím (2013) identify indicators and typologies of state criminalization that collectively provide what might be thought of as a comprehensive state criminalization profile. However, that definition assumes that all mafia states adhere strictly to those indicators. In fact, the degree to which a state can be defined as a mafia state is mitigated by each country's context. Nonetheless, for the purpose of standardization, we accept the following typologies of the criminal state: (1) criminal penetration, (2) criminal infiltration, (3) criminal capture and (4) criminal sovereignty.<sup>34</sup> Several of these typologies seem applicable to the Trinidad and Tobago context, the most relevant being criminal penetration. This occurs when the governing apparatus of the state itself is co-opted or even transformed by criminal enterprises thus granting access to public resources and other assets to non- or even antigovernment interests. For example, a customs officer on the payroll of contraband traffickers may compromise an inspection or a tax official may be paid to overlook money-laundering activity. Such penetration pits the assets and resources of the state against the public interest, a central characteristic of a criminal state.<sup>35</sup>

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<sup>34</sup> Ibid.

<sup>35</sup> Michael Miklauic and Moises Naím, "The Criminal State" in *Convergence: Illicit Networks and National Security in the Age of Globalization*, edited by Michael Miklauic and Jacqueline Brewer. Washington: National Defense University Press, 2013

In Trinidad and Tobago the perception of corruption among state institutions and its actors – police, judiciary, correctional agencies and the legislative and executive – is high,<sup>36</sup> and the country’s position on the Corruption Perceptions Index appears to validate the perception of citizens. Moreover, although no state official, high-ranking or otherwise, has been prosecuted for their active role in a criminal network or organization, it is strongly believed that corrupt state officials are profiting from criminal networks and their activities, in which case, criminal penetration may have already begun.

Notwithstanding the fact that very little is known about organized crime, criminal networks and their relationship with state actors, the combination of vulnerable state institutions and agencies, proliferation of illegal firearms, high murder rates and rising citizen insecurity point to the threat of Trinidad and Tobago becoming a mafia state. More importantly, corruption is the biggest facilitator of criminal penetration and Trinidad and Tobago, appears to already be comparable to some of the most corrupt nations in the world, another indication that the country may indeed be approaching the extreme part of the continuum and is fast becoming a mafia state.

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<sup>36</sup> Ibid.

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# **Warring on Domestic Soil: Military versus Police Missions in Jamaica**

*Valeen Calder*

## **Introduction**

Policing in any democratic society is a sensitive subject, not least of all because it is a function of the state, which also has a responsibility to protect the civil liberties of its citizens. Achieving the delicate balance between these two responsibilities is often a challenge for most states, as advancing one objective appears to inevitably intrude on the other. Given the distinct difference in operational nature between the police and the army, including their respective emphasis and intensity of the use of force, the involvement of military forces in civil law enforcement gives rise to potentially a greater assault on democracy than the crime and violence that originally influenced the decision in favor of it. In Jamaica, the use of the Jamaican Defense Forces (JDF) in domestic security operations in the face of rising organized crime and violent homicides presents significant risks of intruding on citizens' constitutional civil liberties.

## **Context of Military Deployments**

The history and context of the Commonwealth Caribbean is as complex as it is unique in every facet of its being. Security challenges are among the most complicated and unique features of the region. As colonies, the security concerns involved protecting the economic and political interest of the British Empire from invasion and conquest by other world powers, and internally from rebels seeking to overthrow its rule. In the context of that era, the use of military force was an appropriate answer to both repel invasions and to suppress internal revolts from slave populations. This was exacerbated by the fact that the population had few guarantees of civil liberties and no constitutional protection against state overreach.

*The involvement of military forces in civil law enforcement gives rise to potentially a greater assault on democracy than the crime and violence that originally influenced the decision in favor of it.*

Today, the status and threats to the islands have changed significantly. Former colonies are almost all sovereign democratic states responsible for protecting statehood and nationhood for the sake of citizens, rather than protecting the state from them. However, in their evolution from a past concerned with the suppression and control of colonies for the sake of the motherlands' profits to independent democracies, states have struggled to change both the philosophy and practice of 'policing' those who are now citizens.

Understanding the ethos and method a state employs in policing is critical because the use of coercive power by a state must be tempered by the need to protect and respect constitutional democratic guarantees. A democracy calls for state sensitivity to civil liberties, and policing of citizens by consent. Fundamental to the protection of these liberties are the institution of checks and balances that prevent abuse and excesses by the state actors. This necessary curtailment is made possible through legislation and regulated institutions and offices. A state acts illegitimately when it ignores these checks and balances, in breach of its own democratic policies. This paper will examine the legitimacy of the actions of the Jamaican state in deploying the military to enforce domestic law and in effect police citizens.

Internationally, the deployment of military forces for domestic security against internal threats, i.e. by its own citizens, has long been associated with the displacement of democracy and the rule of tyranny by military controlled governments. This is because there is an accepted division of responsibility that associates military forces with countering and neutralizing external aggression aimed at weakening or destroying a nation, while internal security concerns of law and order are the mission of civilian police forces.<sup>1</sup>

An exception exists for military intervention on domestic soil or in civil

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<sup>1</sup> Hilton McDavid, Anthony Clayton, and N. Cowell. "The Difference between the Constabulary Force and the Military." *Journal of Eastern Caribbean Studies* 36 (2011).

affairs under constitutional emergency powers meant to be activated for the preservation of democracy. Therefore, a national army on home streets is traditionally indicative that almost all that can go wrong has gone wrong. Any prolonged or normalized use of the military under emergency powers or otherwise consequently becomes anomalous to maintaining a democracy. In fact, to divert from this rule of exception can be interpreted as an indicator of repressiveness and a lack of democracy. In recognition of the fact that the operation of an army on home streets could be a threat to national security, some states, including the United States under *Posse Comitatus*, and Germany under its Constitution, have outlawed the use of their military forces in domestic law enforcement operations, except in extreme circumstances.



*Photo caption: Unrest in Jamaica in 2010. Photo credit: BBC.*

Legitimate cases of extreme circumstances have included terrorism and insurgencies, for two main reasons. These reasons are that both terrorists and insurgents often employ tactics and firepower well beyond the capability of the average civilian police force, and moreover, that both represent unconstitutional challenges to the political framework. As such, recent attacks by religious fundamentalists that are intent on establishing Islamic caliphates and eradicating non-believers have necessitated domestic military defense deployments in Africa, and in some European states. States including Nigeria, Kenya and Somalia have been forced to resort to

domestic military deployments for routine patrols and offensive attacks against the Boko Haram and Al Shabaab groups. France has also resorted to domestic deployments of some 100,000 soldiers in the wake of the 2015 Paris attacks.<sup>2</sup>

Latin America has also had its share of challenges to domestic security from anti-government groups, without the religious fervor attached. In Colombia for instance, the Revolutionary Armed Forces of Colombia (FARC in Spanish) is categorized as an insurgent force with the objective of overthrowing the Colombian government. As an irregular armed force or insurgency using unconventional methods of warfare, such as sabotage, ambushes, and other conspicuous acts of extreme violence to secure political leverage, they qualify as combatants against whom a State can justifiably use the military under article 3 of the Geneva Conventions.<sup>3</sup>

*Whereas generally in the Western Hemisphere the deployment of the army on the street signals an escalation of threats to national security to an extreme level, the marker of abnormality in Jamaica has become the absence, rather than the presence of the military on the street.*

In contrast, Jamaica, like many other Commonwealth Caribbean counterparts, cannot claim the existence of terrorists or insurgencies to justify the resurgence of the use of military force to suppress domestic crime and disorder, reminiscent of pre-democratic times. There is no martial law, nor is there civil unrest. While the country struggles with the challenge of organized crime, these criminals are not interested in usurping political power, or running a state.<sup>4</sup> Yet, the use of the military has in effect become a de facto component of the national policing plan.

Whereas generally in the Western Hemisphere the deployment of the army on the street signals an escalation of threats to national security to an extreme level, the marker of abnormality in Jamaica has become the absence, rather than

<sup>2</sup> Dietmar Neuerer and Siobhán Dowling. "Germany Mulls Deploying Soldiers On Domestic Soil." *Handelsblatt*. No. 97 January 20, 2015.

<sup>3</sup> Harry Kawilarang. *Quotations on Terrorism*. Victoria, Canada: Trafford Publishing, 2006; Philip P. Purpura, *Security and Loss Prevention: An Introduction*. Burlington MD: Elsevier Butterworth-Heinemann, 2007.

<sup>4</sup> McDavid, et al, 2011.

the presence of the military on the street. Statistical data from the Jamaica Constabulary Force for the last eight years reveals consistent deployment of the army to ‘police’ across all nineteen police divisions serving the island of Jamaica. The most intensive concentration of troops have been in the divisions of St. James and Manchester in the west; Clarendon and St. Catherine North in the south central; and St. Andrew South and Kingston Western in the southeast. Between January 2008 and July 2015, the military conducted a total of 72,410 mobile and foot patrols throughout the parishes of Jamaica. In 2012 in the division of St. Catherine North, where gang on gang crimes have been of concern, the army conducted a total of 5,212 of these patrols. In the seven months between January 2015 and July 2015, the military conducted 1396 of these patrols in St. James where the majority of crimes are attributed to competition among lottery advance fee scammers. While these operations would have been classified as joint police military operations, the standard deployment ratio of men for patrols has been one police officer to four army personnel.

This sustained reliance on use of the army speaks to a normalization of domestic military deployments, or what Campbell identifies as role “evolution” to a constabularization of the military, in response to criminal activity of non-combatants.<sup>5</sup> Given the distinct difference in operational nature between the police and the army, including their respective emphasis and intensity of the use of force, this strategy of institutionalization of military policing is inappropriate and ineffective in a democratic state.

It is of course incontestable that the state faces a challenge with violent criminal activity. Major threats to national security include rising homicide rates, influenced by organized crime involving thriving illegal narcotics transshipment and trade, and human and arms trafficking.<sup>6</sup> The challenge of illegal narcotics in particular is inexorable for Jamaica and other states in the Caribbean, given their unique geo-strategic location along the supply routes between demand markets in Europe and North America and supply markets such as Colombia.<sup>7</sup> This challenge

<sup>5</sup> Donald J. Campbell, and Kathleen M. Campbell, “Soldiers as Police Officers/ Police Officers as Soldiers: Role Evolution and Revolution in the United States.” *Armed Forces & Society* 36 (2010): 327-350.

<sup>6</sup> McDavid, et al, 2011.

<sup>7</sup> Pat Paterson, “Criminal Threats in the Caribbean,” (presentation, Caribbean Defense and Security Course, William J. Perry Center for Hemispheric Defense Studies, Washington DC, 14 July 2015).

of narcotrafficking is further aggravated by the parallel trade in illegal firearms used to commit violent crimes in furtherance of organized criminal activities.

While it has been argued that organized crime benefits from political protection through the corruption of the officials and compromise of the political process, a more immediate and visible concern with organized crime has been high levels of violence.<sup>8</sup> Using 2009 homicide rates, Clayton and Blake argued that the homicide rate of Jamaica has been about 10 times higher on a per capita basis than that of Northern Ireland, a state with a history of civil conflict and low-level insurgency.<sup>9</sup>

This is attributable to the use of violence by organized criminals to inspire paralyzing fear in order to prevent people from cooperating with law enforcement efforts to prosecute these criminals. Methods of intimidation have included the vicious murder of witnesses and members of the security services who pose a threat to their operations. This threat further allows criminal elements to operate with impunity.

In a recent call for an end to the ‘anti- informer culture’ Colonel Desmond T. Edwards, director general of the Major Organized and Anti-Corruption Agency (MOCA) in Jamaica, explained that the culture created a safe operation haven for criminals, as any receipt of valuable information on corruption and major organized crimes was nullified by the reluctance of witnesses to give court testimonies out of fear.<sup>10</sup>

While all these challenges are acknowledged, it is argued that the assessment of and response to this national security threat is a distortion of reality. Manwaring made the bold argument that the disruptive nature of gang activities was comparable to the coups and revolutionary wars of insurgents that depose governments.<sup>11</sup> His suggestion that both groups have the same putative objective to neutralize, control, or depose governments to ensure self-determined (nondemocratic) ends

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<sup>8</sup> Anthony Harriott. *Organized Crime and Politics in Jamaica: Breaking the Nexus*. Kingston, Jamaica: Canoe Press, 2008.

<sup>9</sup> Anthony Clayton and Kevin Blake. “Intelligence-Led Policing: The Model for Jamaica.” National Intelligence Bureau - Jamaica Constabulary Force, 2010.

<sup>10</sup> Jeff Penrose, “MOCA Director General Calls for End to ‘Informer Culture’.” *Jamaica Observer*, August 7, 2015.

<sup>11</sup> Max G. Manwaring, “A Contemporary Challenge to State Sovereignty: Gangs and Other Illicit Transnational Criminal Organizations in Central America, El Salvador, Mexico, Jamaica, and Brazil.” Washington: Strategic Studies Institute, 2011.

so as to make a distinction irrelevant is unfounded.

To categorize for-profit gang crime as being the same as terrorism in places like Colombia where the FARC operate or Afghanistan where the Taliban operate is to oversimplify the challenges of terrorism, as well as exaggerate and misdefine the challenge of organized crime. The FARC participates in the organized crime of narcotrafficking as a means in furtherance of its political end, while narcotrafficking is the business end for Jamaican gangs. Moreover, the acceptance of this exaggeration as reality has had the ill effect of prompting the state to a misinformed escalated response in the form of adopting the war metaphor in domestic security policy statements, and deploying military personnel to routinely police the streets.

There are several concerns surrounding this response of deploying the military for domestic ‘policing’ purposes. These are chiefly related to the fact that long term military policing will have substantial practical, political, and legal ramifications that are likely to be injurious to the democratic ideal policy makers would argue it is meant to protect.<sup>12</sup>

## **Operational Ethos**

First, as discussed above, there is a clear distinction between civilians and combatants who must meet the requirements of public international law to be treated accordingly. In light of the difference in ethos and modus operandi between civilian police and the army, it is an appreciation of this distinction between a civilian population and armed combatants that should inform the response of the State.

Summarized by Greener-Barcham, the differences in the primary objectives of the two organizations is that for the police, the primary objectives are law enforcement, public order, or the support of civic institutions.<sup>13</sup> On the other hand, the military is concerned with defense, destroying the enemy’s ability to fight, or the provision of security via the suppression of violence. Therefore, there are clear disparities in the operating principles and command and organizational structures of both groups. Police officers are there to provide safety and security to the people

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<sup>12</sup> Campbell and Campbell, 2010.

<sup>13</sup> B. K. Greener-Barcham, “Crossing the Green or Blue Line? Exploring the Military-Police Divide.” *Small Wars and Insurgencies*, 18, 2007: 90-112.

who often request these services, as Walker & Katz point out.<sup>14</sup> They exercise powers of arrest and the discretion to take away the liberty of another person in the prevention of crime and maintenance of order. By contrast, the military ethos cultivates an “us versus them” attitude in order to reinforce group cohesion and maintain mission focus. Among the primary differences to note between the two groups is the placement of use of deadly force in the continuum of appropriate responses. A police officer’s task is to de-escalate incidents and preserve life, while soldiers are mission trained to neutralize the enemy. Campbell argues that an army’s ability to win wars rests on its ability to use maximum coercion, including lethal violence, as diametrically opposed to the commitment of constabularies to a client service attitude and the use of minimum force.<sup>15</sup>

In answer to this disparity, some military strategists have put forth the suggestion that new soldiers can be developed with significantly enhanced capacities for adaptability, versatility and mental flexibility achieved through training that explicitly sensitizes them to the dangers posed to a democracy from having soldiers as police on home soil.<sup>16</sup> However, this argument that identifies soldiers in peace building missions as the prototype must be considered flawed given recent reports of serious human rights abuse by such deployments beginning in Mozambique in 1996,<sup>17</sup> followed by the 2005 Zeid report on abuses in the Democratic Republic of Congo,<sup>18</sup> and recent reports out of the Central African Republic.<sup>19</sup>

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<sup>14</sup> Samuel Walker and Charles Katz. *The Police in America - An Introduction*. New York: McGraw Hill, 2011.

<sup>15</sup> Campbell and Campbell, 2010.

<sup>16</sup> Ibid.

<sup>17</sup> Grac'a Machel, “Promotion and Protection of the Rights of Children: Impact of armed conflict on children.” Report to United Nations Secretary General. United Nations, 1996.

<sup>18</sup> United Nations Secretary-General Report. *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations [Zeid Report]*. New York: United Nations, 2005.

<sup>19</sup> BBC, “UN’s CAR envoy Gaye sacked over peacekeeper abuse claims,” August 12, 2015; Amy Bracken, “Haitian Moms Demand UN Help for the Babies Their Peacekeepers Left Behind.” Public Radio International, August 28, 2014; Don Melvin, “U.N. report: Sex exploitation by peacekeepers persists unacceptably.” CNN, June 17, 2015.

## Legislative Imbalance

A second issue of concern with domestic military deployment to perform a domestic policing role is the threat it poses to basic civil liberties.<sup>20</sup> There is currently insufficient regulation and legal protection for citizens from excesses and abuse by members of the military. In contrast to the multiple layers of statutory checks and balances under which the civilian police force operates, the legislative provisions for military operations on domestic soil are quite limited. While section 5 of the Defense Force Act charges the Jamaica Defense Force with the defense of and maintenance of order in Jamaica, and section 9(3), inserted in 1994, provides for privileges and immunities for acts done in furtherance of section 5, it contains no further guidance on civilian interactions. The limited reference in the Defense Force Act to the powers and authority of a soldier in respect to citizens is understandable in light of the rules of engagement that are provided for under international rather than domestic law.



*Photo caption: A police officer in Kingston, Jamaica stands guard a few blocks away from the Tivoli Gardens in 2010. Photo credit: BBC.*

<sup>20</sup> Campbell and Campbell, 2010.

Furthermore, there is a fundamental difference between the police force and the military with respect to the treatment of legitimate orders and the question of lawful orders. While sworn members of the police force are invested under the authority of the law, military culture supports a tradition of executing assignments from individual commanders regardless of personal inclinations.<sup>21</sup> Police officers answer to the law and their own conscience as an agent of the courts, while the soldier's responsibility in a command and control system is to his superiors and the rules of engagement as an agent of the government. This is incongruous with the needs of citizens of a democracy where policing calls for discretionary judgments about warnings or arrest, as well as determinations regarding the appropriate and justifiable levels of force, rather than saturation patrols, aggressive intimidation, and heavy weaponry.<sup>22</sup>

Some states in consideration of this competency and operational difference between the two groups have restricted the deployment of the military for internal security to cases in which they serve as reinforcement to the police. In Northern Ireland's experience of civil unrest, for example, the military would patrol well outside of the geographical range of the police units, for the purpose of securing the perimeter, allowing for normal policing to take place inside the 'bubble.' In contrast, the practice in Jamaica to deploy a mix of soldiers and police officers, with an average ratio of four soldiers to one officer, blurs the important distinction between their respective roles.

### **Acts of Futility**

A third concern is that military deployment for policing is ineffective and unsustainable for the long term. The annals of West Indian history are replete with repetitive accounts of military deployments to quell and contain disgruntled and 'threatening' colonial populations. Accounts captured from official documents referenced by Finlason disclose the high frequency with which such activities took place, indicative of ineffectiveness of military might then and now in constructing

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<sup>21</sup> Campbell and Campbell, 2010.

<sup>22</sup> Ibid.

and cultivating sustained civil order.<sup>23</sup> An illustration of this is captured in official documented accounts showing for example that despite Governor Sir P. Grant calling in military force in 1874 to ‘enforce obedience’ in the community of Hartland outside the old country capital, his successor had to again respond to disaffection in the same area in a matter of mere months.

Today, the increased use of military personnel to conduct routine saturation patrols in crime “hotspots” may produce encouraging statistics, but they are only effective for as long as they are sustained. This is explained by the fact that militaries are created to suppress and neutralize threats as they exist against the state and not to consider or address the socio-political or economic factors that would have given rise to the threats in the first place.

### **Reconciling the differences**

Jamaica may have better use of its security forces and achieve better results by considering alternative options. Currently the most serious security problems facing Jamaica are internal, with only a residual though genuine possibility of external aggression concerning marine borders. This suggests that resources could be reallocated from the defense budget to fund governance improvement, control corruption, and strengthen policing.

Additionally, given that a large proportion of military are skilled personnel, military manpower can also be redeployed to address structural development needs that impact social and ultimately criminal behavior. While over-militarization of constabularies is another legitimate cause for concern, a suitable alternative to domestic military deployment in answer to the surge in violent crime is the use of specialist units with paramilitary roles and functions.

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<sup>23</sup> William Francis Finlason. *The History of the Jamaica Case: Being an Account, Founded Upon Official Documents, of the Rebellion of the Negroes in Jamaica, the Causes which Led to It, and the Measures Taken for Its Suppression*. London: Chapman and Hall, 1869.

Finally, there must also be sustained focus and emphasis on full implementation of community policing that is consultative and inclusive of citizens as a sustainable long term resolution to crime and violence and the development of good governance.

*The involvement of military forces in civil law enforcement gives rise to potentially a greater assault on democracy than the crime and violence that would have originally influenced the decision in favor of it.*

## Implications

At present the involvement of military forces in civil law enforcement gives rise to potentially a greater assault on democracy than the crime and violence that would have originally influenced the decision in favor of it. The blurring of the distinction between the jurisdiction of the military and that of the civilian police provides for an ambiguous commitment to the rule of law and democratic security and governance. There is an absence of the requisite legislative framework to safeguard the civil liberties of citizens who cannot be classified as combatants. Further to this, use of the military to lead or support domestic security operations is inappropriate for reasons that it is ineffective, addressing only the symptoms and not the root causes of crime and violence. Training is also an unlikely solution to supplant or restrain their traditional war fighter orientation where military personnel are unsuited to provide the client-based service of policing that calls for problem solving, communication, persuasion and quick judgment skills. Therefore, a deliberate and clear separation of the two security forces is imperative to the maintenance of democratic law and good governance.

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# **Systemic Challenges in Law Enforcement: Examining the Social Context of Misconduct and Criminal Behavior within the Police Service of Trinidad and Tobago**

***Netty-Ann Gordon***

## **Introduction**

Law enforcement is one of the main components of the criminal justice system which is made up of the police, courts, probation, prosecution and corrections. The Trinidad and Tobago Police Service (TTPS), is the largest law enforcement organization in Trinidad and Tobago. Over the years, members of the TTPS have been accused of misconduct, corruption and abuse of authority. Police officers have also been charged for serious criminal offenses. Pino and Johnson assert that police deviance permeates at all levels of the TTPS.<sup>1</sup> Police misconduct is a paradoxical phenomenon where persons entrusted to uphold and enforce the law violate it. This paper presents a critical analysis of law enforcement and highlights the social challenges facing the criminal justice system. It provides details on the impact of police deviance on communities in relation to the ongoing fight against crime and advocates the need for judicial and administrative reforms.

## **Purpose Statement**

Rule of law and order are highly critical for any civilized society. The main objectives of the Trinidad and Tobago Police Service (TTPS) are the maintenance of law and order, the prevention and detection of crime, and the prosecution of offenders. The history of the TTPS can be traced back to 1592 with an initial workforce of

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<sup>1</sup> Nathan W. Pino and Lee Michael Johnson, "Police Deviance and Community Relations in Trinidad and Tobago." *Policing: An International Journal of Police Strategies and Management* 34 (3), 2011: 454.

six police officers. Today, the service employs over 6500<sup>2</sup> police officers who are deployed in nine divisions and eighteen specialized units with a mandate to protect and serve the population with P.R.I.D.E. (Professionalism, Respect, Integrity, Dignity and Excellence in Service).

Trinidad and Tobago utilizes the traditional policing model which was inherited from British colonial rulers. This method of policing is a reactionary approach with little community consultation and involvement. This dated policing model with poor community relations can hinder the work of the police who are agents of social control. Community relations are a vital part of policing - the police cannot do their jobs effectively without the invaluable assistance of members of the community. According to Sir Robert Peel (considered by many to be the founding theorist on police behavior), “the police at all times should maintain a relationship with the public.” To show the importance of community involvement in crime prevention and public safety, Peel referred to the “police as the public and the public as the police.”<sup>3</sup>

Policing refers to the authorized use of force to maintain order on behalf of the entire community. Policing has evolved over the years since it was formalized in the mid-1800s.

The police are a social group that interacts with other groups and individuals in society often in support of the existing social order.<sup>4</sup> Police officers have a highly unique job that requires trust and confidence from the public. They have a duty of law: their jobs involve crime prevention, crime fighting, and the protection of lives and property. As law enforcement personnel, police officers are expected to provide optimum service. Peel maintains that the real “test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them.”<sup>5</sup>

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<sup>2</sup> Trinidad and Tobago Police Service (TTPS), [www. http://ttps.gov.tt/About-TTPS](http://ttps.gov.tt/About-TTPS).

<sup>3</sup> John S. Dempsey and Linda S. Forst. *An Introduction to Policing*. Massachusetts: Cengage Learning, 2014: 7.

<sup>4</sup> Michael J. Palmiotto and Prabha Unnithan. *Policing and Society: A Global Approach*. New York: Delmar, 2011: 13.

<sup>5</sup> Dempsey and Forst 2014, 7.



*Photo caption: Guard and Emergency Branch officers simulate a riot drill display at the grounds of The Police Academy published by Trinidad and Tobago Guardian Online. May 19, 2015. Photo credit: Shirley Bahadur.*

Policing in a multicultural democratic society such as Trinidad and Tobago is a difficult task, especially when there is little public trust and confidence in the police. In a survey conducted by the Youth at Risk Report Committee, the persons interviewed felt that 30 to 40 percent of the members of the police service were corrupt.<sup>6</sup> In another survey of heads of household in Trinidad and Tobago<sup>7</sup>, only 14 percent of the responders felt there is a high level of trust between the police and the community.<sup>8</sup>

Public confidence in the police is closely related to the attitude and behavior of members of the service and their respect for human dignity, rights and freedom.<sup>9</sup> The police represent one of the most visible manifestations of government authority.<sup>10</sup> In the performance of their duties, police officers need to respect the fundamental rights and liberties of individuals. To accomplish this, there must be a

<sup>6</sup> Selwyn Ryan, Indira Rampersad, Lennox Bernard, Patricia Mohammed and Marjorie Thorpe. *No Time to Quit: Engaging Youth at Risk*, Executive Report of the Committee on Young Males and Crime in Trinidad and Tobago, 2013, 42.

<sup>7</sup> The study analyzed data from 322 questionnaires completed by head of households between April and November 2010 in several police district in Trinidad and Tobago.

<sup>8</sup> Wendell C. Wallace. "Findings from a Concurrent Study on the Level of Community Involvement in the Policing Process in Trinidad and Tobago." *The Police Journal* 85, 2012, 71.

<sup>9</sup> Jim Murdoch and Ralph Roche, *The European Convention on Human Rights and Policing: A Handbook for Police Officers and Other Law Enforcement Officials*. Council of Europe Publishing, 2013, 8.

<sup>10</sup> Ibid, 24.

concerted effort towards striking a balance between police powers and individual liberty.

Abuse of trust and authority undermine the relationship between the police and community. It erodes public confidence in the police as trust is vital for social relationships. According to the European Convention on Human Rights and Policing, striking this balance of trust and public confidence requires the police to subject themselves to accountability before the law.<sup>11</sup> This is imperative for Trinidad and Tobago because the police act as guardians of its democracy to maintain the rule of law and public tranquility.

Police forces of all countries embody the negotiated balance between governmental power and individual citizens, their liberties, and their privacy.<sup>12</sup> Police officers operate today in a fluid environment that requires a strong independent, impartial, and effective police administration and governance, to reduce the fear of crime and to support crime prevention and crime reduction.

In Trinidad and Tobago, the Police Service Commission (PSC) is a statutory civilian oversight organization which is responsible for monitoring and evaluating the police service. It is the organization charged with the recruitment and performance management of the Commissioner of Police (COP), Deputy Commissioner of Police, and other police executives. The PSC acts as an appeal board for decisions made by the commissioner of police and has the power to remove him from office. It also has disciplinary control over the entire police service. The PSC together with the Ministry of National Security (the ministry for the TTPS), are responsible for transforming the police service into a modern, effective, high performance organization that harnesses greater trust and confidence from the public.

Notwithstanding the role of the PSC, the functional leadership and direction for members of the police service rests on the shoulders of the police commissioner. According to Section 123A (1) of the Constitution of Trinidad and Tobago, the COP has “complete powers to manage the Police Service and is required to ensure that the human, financial and material resources are available to the Service and are used in an efficient and effective manner.”<sup>13</sup> In other words, the COP has

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<sup>11</sup> European Convention on Human Rights and Policing (2013).

<sup>12</sup> Palmiotto and Unnithan 2011, 13.

<sup>13</sup> Constitution of Trinidad and Tobago, [http://rgd.legalaffairs.gov.tt/laws2/Constitution\\_12Aug2015.pdf](http://rgd.legalaffairs.gov.tt/laws2/Constitution_12Aug2015.pdf)

autonomous authority over the daily operations of the police service. This is a herculean task without strong external institutional structures and public support, especially in light of repeated cases of abuse of police powers and misconduct which tarnishes the image of the TTPS.

The importance of this topic cannot be overstated because of the role police officers play in national security, the threat and far reaching consequences of crime and the need for improved citizen-police relations. Crime has the potential to destabilize a country; it is the object of concern for citizens and the government of Trinidad and Tobago which appears to be losing the fight against it. Crime is a pervasive dilemma; its manifestation in Trinidad and Tobago poses a threat to other neighboring islands. Crime is at the center of regional security discussions in the Caribbean.

The aim of this essay is not to peer simply into the transgressions of law enforcement officers but to highlight the many challenges they pose to society and the difficulties the police administration face to curtail problems of misconduct. This publication traces the systematic transformation in the TTPS of the behaviors of its members. It examines the government's intervening efforts to improve the police service through the establishment of oversight institutions and the creation of internal specialized units.

Although this study highlights the fundamental abuse and misuse of police authority and force, it is not merely an evaluation of police practices and policies. Rather, it provides an anecdotal account of accusations of misconduct and criminal charges within the TTPS with implications for criminal justice reform. Additionally, this study outlines specific issues that lead to police misconduct, deviance and crime, which are presented within a theoretical framework. The essay concludes with recommendations for the systematic transformation of the TTPS.

## **Problem Analysis**

When law enforcement officers find themselves on the wrong side of the law, it affects the individual, the police service, and the country. Police officers not only

have the responsibility for crime control, they are defenders of the democracy and engage in services that promote sustainable security and eliminate threats to national security.

On Friday April 17, 2015 a newspaper article captioned “22 cops before the courts this year”<sup>14</sup> was published by the Trinidad Guardian Newspapers. In it, reporter Geisha Kowlessar highlighted allegations of criminal conduct within the TTPS where 12 police officers were charged for mistreatment of persons in custody. Trinidad and Tobago, like the rest of the world, has incidences of law enforcement officers abusing their roles. The frequency with which police officers engage in law breaking activities seems to be on the rise. These occasions are not only reflected in charges by the TTPS Professional Standards Bureau (PSB), they are mirrored in the number of complaints lodged at the Police Complaint Authority and the growing discord between police and citizens.

The Police Complaints Authority (PCA) was established in 2010 in response to the growing accusations of police misconduct and criminal deviance. It was also intended to address the perception of the lack of transparency and the slow pace in police investigations. The PCA is an independent organization led by trained impartial personnel that exists to investigate matters involving police officers who are allegedly engaged in police corruption, serious police misconduct and criminal offences.

The PCA is an advisory board to the COP and National Security Council on a number of issues. It also makes recommendations to reduce the amount of police deviance. It has the powers to make recommendations for criminal or disciplinary proceedings after investigations have been conducted. To date, the PCA was instrumental and successful in lobbying for the establishment of a special unit (the PSB) to investigate fatal police killings.

During the period 2013-2014, a total of 1556 complaints were lodged at the PCA. From that total, 223 cases are before the courts (the subject of judicial proceedings), whilst 958 are still under investigation.<sup>15</sup> In the last period of report-

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<sup>14</sup> Data collected up to mid-April 2015 from the TTPS Professional Standards Bureau.

<sup>15</sup> Police Complaints Authority (PCA). 2014. The Police Complaints Authority’s Fourth Annual Report 2013/2014: Finding Truth-Ensuring Justice. Port of Spain: PCA, 2014, 49.

ing, October 1, 2013 to September 30, 2014, the PCA received a total of 491<sup>16</sup> complaints. Within that total, 92 complaints are before the courts while 354 are currently being investigated. During the same period (2013-2014), the PCA was able to place offences in two categories – criminal offences with a total of 378 and disciplinary offences recording 665. The following tables provide a statistical breakdown of complaints handled by the PCA at that time:

**Table No. 1 Total number of complaints categorized as disciplinary offenses for the period October 1, 2013 to September 30, 2014.<sup>17</sup>**

Disciplinary Offences	Totals
Discreditable Conduct	304
Unlawful/Unnecessary Exercise of Authority	169
Neglect of Duty	127
Corrupt Practice	51
Falsehood/Prevarication	7
Using Property Without Consent	2
Accessory to a Disciplinary Offence	2
Failure to account for Government Property	1
Breach of Confidence	1
Oppressive Conduct	1
	665

<sup>16</sup> This figure represents a four percent increase over the 2012-2013 period and a 93 percent increase from the inception of the PCA in 2010.

<sup>17</sup> Police Complaints Authority Annual Report 2013/2014, p. 46.

**Table No. 2 Total number of complaints categorized as criminal offenses for the period October 1, 2013 to September 30, 2014.<sup>18</sup>**

<b>Criminal Offences</b>	<b>Total</b>	<b>Criminal Offences</b>	<b>Total</b>
Assault	119	Unlawful Arrest and Detention	2
Larceny and Related Offences	42	Causing Death by Dangerous Driving	2
Harassment	34	Killing or Wounding Animals	2
Common Assault	29	Murder	2
Fatal Shooting	29	Sexual Harassment	1
Misbehavior in Public Office	23	Cruelty to Children	1
Malicious Damage	19	Rape	1
Non-fatal Shooting	17	Trespass and Unlawful Entry	1
Assault with actual bodily harm	16	Kidnapping	1
Threat	10	Illegal Quarrying	1
Perverting Course of Justice	9	Dangerous Driving	1
Indecent Assault	3	Impersonation of Police	1
Sex with a Female 14-16	3	Failure to account for Gov't Property	1
Death in Police Custody	3	Grievous Sexual Assault	1
Malicious Prosecution	3	Discharge Firearm 40m of road	1
			378

In examining the data presented in the tables, one cannot overlook the high number of cases of neglect of duty, discreditable conduct, unlawful/unnecessary exercise of authority, and corrupt practices among police officers. Of greater concern is the number of law enforcement officers faced with criminal offences of fatal shootings, assaults, harassment, larceny, and misbehavior in public office. Although these figures were generated from complaints within one year, they reflect a society in conflict, chaos, and disorder.

<sup>18</sup> Police Complaints Authority Annual Report 2013/2014, p. 45.

## Review of Literature

Lead criminologist Selwyn Ryan contends that “there is much wrong about the police service and that lawlessness is not only limited to gangsters.”<sup>19</sup> Kappeler, Sluder and Alpert in their seminal writing on “Forces of Deviance: Understanding the Dark Side of Policing” remarked “since the creation of the first law enforcement agencies, police have engaged in misconduct...to study the history of police is to study police deviance, corruption and misconduct.”<sup>20</sup>

It is such historical conditions which shaped the modern concept of ethical policing beginning with the establishment of Roberts Peel’s (1829) principles of policing for the London Metropolitan Police. Since that time, there is a wide body of literature on police misconduct, corruption and criminal deviance. However, there is insufficient research and empirical data on police misconduct and criminal deviance within the Caribbean. One of the problems in collecting data on police officers who engage in misconduct is their unwillingness to divulge information that would hurt their careers. Another exceeding difficulty in collecting data is the possibility that officers may lie, mask or embellish pertinent information. Along the same lines, some researchers argue that information collected on police performance is “typically superficial and sanitized”<sup>21</sup> and therefore does not provide enough detail for researchers to make meaningful conclusions.

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<sup>19</sup> Ryan et al, 2012.

<sup>20</sup> Kappeler, Sluder and Alpert, 1998, 28.

<sup>21</sup> Jeffery Ian Ross, *Policing Issues: Challenges and Controversies*. Massachusetts: Jones and Bartlett Learning, 2012, xi.



*Photo Caption: Police officers on patrol in Port of Spain, Trinidad. Photo credit: Trinidad and Tobago Guardian Online March 25, 2013.*

Notwithstanding these notions, there is wide agreement in the literature on the globalization of crime and the inefficiencies and ineffectiveness of the police services to deal with it. This globalization, according to Bowling, makes nation states less relevant and has profound implications for policing since “it implies a diminution in the role of the nation state in authorizing and providing security to its citizens.”<sup>22</sup> The erosion of state powers is not only a consequence of globalization, it is a result of violent crime that establishes alternative power structures where state powers can be undermined by corruption. McDavid et al, describes the threat of corruption as having political consequences where the perceived legitimacy of the state is questioned when it acts on behalf of friends and clients rather than the people.<sup>23</sup> It is up to the people, the police administration, and the justice system to correct the misconduct of these officers.

Research has indicated that only a small percentage of police officers account for a disproportionate amount of misconduct measured through complaints filed by citizens. There has been agreement by some researchers that officers from

<sup>22</sup> Ben Bowling, *Policing in the Caribbean: Transnational Security Cooperation in Practice*. Oxford: Oxford University Press, 2010, 35.

<sup>23</sup> Hilton A. McDavid, Anthony Clayton, and Noel M. Cowell. “The Difference between the Constabulary Force and the Military: An analysis of the Differing Roles and Functions in the Context of the Current Security Environment in the Caribbean (The Case of Jamaica).” *Journal of Easter Caribbean Studies* 36(3), 2011: 46.

the lower ranks have the most difficulty upholding the integrity of the service. This is debatable, since most researchers focus on problematic officers at one point of their careers rather than examining their problematic behaviors over the course of their careers.<sup>24</sup>

## Theoretical Framework

There has been limited success in criminal predictions after decades of research.<sup>25</sup> Consequently, theories on police misconduct are diverse and complex. There are many proposed behavioral models and causal factors for misconduct including the failure of individuals in terms of ethics, the failing of institutions in terms of social control and failing of a society in terms of its moral values and weak organizations with soft rules and policies that fail to provide focus, direction, and motivation to employees.

Criminologists agree that there is no one explanation for crime. Similarly there is no simple prediction or solution for police misconduct. Although police officers who commit devious acts come from the same society where criminals exist and face some of the same social challenges, they are considered professionals who received extensive training in crime prevention and law enforcement, which puts them at a higher level of accountability. Many times, the problems that law enforcement officers get into are not recognized as ethical issues until it is too late to correct.

The social control theory is one of the most plausible explanations of deviance which results in a violation of norms. Social control is a set of mechanisms that create normative compliance in individuals. The mechanisms include attachment to people and institutions, opportunity for achievement, involvement in positive activities, and belief which stems out of values and morality. Social control is a method of checking people according to the ethical principle of utilitarianism, that is, what makes an action good or bad based on the value of returns and conse-

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<sup>24</sup> Christopher J. Harris, *Pathways of Police Misconduct: Problem Behavior Patterns and Trajectories from Two Cohorts*. North Carolina: Carolina Academic Press, 2010, 6.

<sup>25</sup> David P. Farrington, Lloyd E. Ohlin, and James Q. Wilson. 1986. Understanding and Controlling Crime: Towards a New Research Strategy. New York: Springer, 1986: 211.

quences. The social control theory was developed by Albert Reiss<sup>26</sup> and refined by Thomas Hirschi. Social control provides formal sanctions imposed by laws, rules, regulations, and informal sanctions such as culture and behavior expectations. It traces deviance back to childhood in terms of improper socialization of children to law abiding values and examines the breakdown of these values.

Social control theorists focus on both the controlling forces behind criminal acts (such as group dynamics) and people who do not commit crime (which assumes there is some tendency that prevents these law abiders from engaging in criminal acts). The social control theory is subjected to many criticisms. For one, conformity to rules and norms requires communicating expectations clearly. Social control relies upon what is understood to be the ‘social norm’ within a given society. This leaves room for conflicting messages and distortions regarding behavior expectations because society provides the rules for social order and at the same time sets examples of unacceptable behavior.

The social control theory provides a basis for police officers to obey rules and laws and a basis for them to deviate. Police officers who are highly stressed, overworked, and demotivated can form attachments to miscreants who provide opportunities for them to engage in illicit activities and anti-social actions that can transcend into a norm. Police actions can also be guided by ethical egotism – the view that human conduct should be based exclusively on self-interest. Additionally, police actions can be a result of lack of moral development: the notion that persons are not born with the ability to understand moral standards. They later learn and develop morals as the consequence of past misdeeds. Finally, police actions can result from personal moral failure – no precondition, behavioral training, or conviction to cause deterrence.

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<sup>26</sup> A.J. Reiss, “Delinquency as the failure of personal and social controls.” *American Sociological Review*, Volume 16, 1951 pp. 196-207.

## Culture

Culture is perhaps the most influential driver of organizational change and challenges. Culture is defined as a set of identities, values, attitudes, beliefs, traditions, unwritten rules and habits. Culture is important for the management of human resources for three reasons: (1) culture can have effects on laws because laws are based on the culture's definition of right and wrong, (2) culture influences what people value so it affects economic systems, and (3) culture determines the effectiveness of organizational practices.<sup>27</sup>

The Police Service like any other organization has cultures of its own. Literature on policing suggests that most new recruits enter the police service with strong public service values. However, due to socialization efforts on the part of seasoned officers, new recruits quickly adjust and adhere to the norms and values (whether negative or positive) associated with the police service. Police culture has been widely criticized as a source of resistance to change and reform.

There are many subcultures within police services. The dominant one is camaraderie – a willingness to stick together. When there are problems within the service, police officers protect each other even in the face of unconstitutional conduct. Another culture is codes of silence – police officers are often hesitant to communicate complaints with their superiors through official channels. Neither do they divulge information to sources outside their own circles. Paradoxically, of the many cultures and practices that exist within the police service, obstructing the course of justice and condoning misconduct can become pervasive enough to be accepted as the norm.

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<sup>27</sup> Raymond A. Noe, John R. Hollenbeck, Barry Gerhart and Patrick M. Wright. *Fundamentals of Human Resource Management*. 5th ed. New York: McGraw-Hill Irwin 2014, 477.



*Photo caption: Relatives protest the police killing of Chaquille McCoy at Morvant in June - police killings spiked in 2014, published by Trinidad and Tobago Guardian Online, December 31, 2014. Photo credit: Michael Bruce.*

Changing the culture of a police organization can be a difficult task as cultures exist within systems themselves, with many variations according to the individual dynamics of the police unit. However, this should not impede attempts to change the mindset of police officers in Trinidad and Tobago. Batts et al, present strategies for achieving cultural change by adjusting the value systems by teaching ethics-based decision-making at the police academy and by “incorporating value-based review boards that examine violations through the lens of department values, in contrast with breaches of specific rules or policies.”<sup>28</sup>

To combat the perceptions of negative cultures, there should be reinforcement of strong ethical principles and reputable codes of conduct with accompanying measures for non-compliance. For example, regardless of the jurisdiction or locality of police, Mastrofski (1999) proposed six principles of good policing which can be incorporated into regulations and rules of practice: attentiveness, reliability, responsiveness, competence, manners, and fairness.

<sup>28</sup> Anthony W. Batts, Sean Michael Smoot and Ellen Scrivner. “Police Leadership Challenges in a Changing World.” Harvard Kennedy School of Government. Washington DC: U.S. Department of Justice, 2012, 14.

## Corruption

Corruption is defined by the World Bank as the misuse or abuse of public office for private gain.<sup>29</sup> Under the Prevention of Corruption Act (Chapter 11:11, Section 3), corruption in Trinidad and Tobago is an offense that is punishable by law. The law clearly outlines corrupt practice and a corrupt person as:

*“every person who, by himself or in conjunction with any other person, corruptly solicits or receives, or agrees to receive, for himself or for any other person, any gift, loan, fee, reward or advantage whatsoever, as an inducement to, or reward for, or otherwise on account of, an agent doing or forbearing to do anything in respect of any matter or transaction whatsoever; actual or proposed, in which the State or a public body is concerned, is guilty of an offense.”*

Trinidad and Tobago is no stranger to accusations of corruption and lack of ethics by public officials. Charges include allegations against a Prime Minister and her cabinet throughout the period 2010-2015 (some of which includes a former Acting Prime Minister and Minister of National Security who has charges levied against him for widespread global corruption), to the dismantling of the Integrity Commission on more than one occasion because of public discontent with its leadership and affairs. Presently, Trinidad and Tobago ranks 85th on the 2014 Corruption Perception Index<sup>30</sup> which could deter potential business investors.

Members of the TTPS are not immune to corruption. Within recent times, there have been allegations of a police cover up at the Prime Minister’s residence involving the findings of a plant like substance resembling marijuana. Newspaper reports indicated that Police Commissioner Stephen Williams ordered a probe when head of the Special Branch of the TTPS Senior Superintendent Gary Gould allegedly confirmed the discovery of the substance.<sup>31</sup>

<sup>29</sup> *World Development Report 1997 : the state in a changing world*. World Development Report. Washington, DC : World Bank Group. Accessed August 10, 2015. <http://documents.worldbank.org/curated/en/1997/06/17396260/world-development-report-1997-state-changing-world>.

<sup>30</sup> Transparency International, Corruption Perceptions Index 2014, <https://www.transparency.org/cpi2014/results>

<sup>31</sup> Joel Julien, “PCA Probes Cops: Steps in Alleged Ganga Cover-up at PM’s House” *Trinidad Express Newspapers*. June 17, 2015. Accessed August 10, 2015. <http://www.trinidadexpress.com/20150617/news/pea-probes-cops>.

Corruption in police agencies is a global problem. Gomes contends that “police forces across the region are characterized by high levels of corruption and severe weaknesses, or the complete lack of accountability mechanism.”<sup>32</sup> She claims this is a result of unreformed police structures. Prenzler identifies miscarriage of justice as the worst form of police corruption which can result in wrongful convictions and punishment of innocent persons and the acquittal of guilty parties.<sup>33</sup> When police officers stand in the way of procedural justice, they send a message to the population that no one can be trusted. This has the potential to promote further crime and disorder when people resort to their own types of vigilante justice, refusing to cooperate with law enforcement officials.

## **Police Deviance**

Deviance is defined as any act, role, career, attribute or appearance that departs significantly from social situational expectations.<sup>34</sup> Deviant behavior is characterized by acts that break social rules. Police work contains a range of stresses and pressures that can present opportunities for misconduct. Although persons recruited into the TTPS undergo rigorous testing and checks into their character and background, some police officers are dishonorably discharged from the service for misconduct or unethical behavior.

The present problems within the TTPS are an indication that not enough is being done to maintain high standards of ethics which most recruits seem to have when they entered the service. Part 1 Section 3 (a, d) and Sections 4 (a, b) of the Police Service Regulations (2007) states that each new applicant shall provide a police certificate of good character. This involves background checks and finger printing to determine their suitability and the accuracy of their information.

Additionally, the names of police applicants are published in the public domain for public vetting and verification of character. Successful applicants who

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<sup>32</sup> Carolyn Gomes, “Police Accountability in the Caribbean: Where are the People?” Paper presented at the Workshop on Police Accountability at Civics World Assembly, Glasgow, Scotland. 23-27 May 2007, 2.

<sup>33</sup> Tim Prenzler, *Police Corruption: Preventing Misconduct and Maintaining Integrity*. Florida: CRC Press 2009, 18.

<sup>34</sup> Clifton D. Bryant, *Deviant Behavior: Readings in the Sociology of Norm Violations*. New York: Routledge 2014: 83.

possess the required qualifications and characteristics must undergo polygraph testing, psychological testing, and tests for drug abuse. Despite the TTPS' many efforts to select the best law enforcement candidates to preserve order, promote liberties, and protect lives and property, there are still members of the police service who engage in misconduct and fall on the wrong side of the law. This persistent problem raises the question of a systemic failure of the criminal justice system and reflects on the inherent culture within the police service and the reality of the manifestations of the diminishing moral values of citizens of Trinidad and Tobago.

Police deviance not only shapes public perception of law enforcement officers, but, as Pino and Johnson found, it makes citizens less likely to report crimes and generates citizen dislike of law enforcement officers.<sup>35</sup> The social cost of police deviance permeates far beyond the institutional confinements of the TTPS, PSC and PCA; it erodes public confidence in the police and stymies law enforcement efforts. Without public cooperation and partnerships, law enforcement officers cannot effectively police society and ensure public safety.

## **Use of Force**

The police are given discretionary powers to perform their duties. These coercive powers involve the use of reasonable force when police are lawfully executing their duties. Use of force has become a contentious issue which received much public attention due to injuries and deaths of suspects in police care. The problems with use of force in Trinidad and Tobago arise as “a showing of rank” and the use of excessive force in high crime areas. Because use of force gives police officers the capacity to intrude on people’s lives, it is often utilized as an end and not a means.

Given the nature of the job, police officers cannot act on impulse. The justice system procedures require that police officers make decisions based on predictions but this has yielded little success. Policing is highly prone to technical and procedural errors that can result in serious injury and loss of life.<sup>36</sup> Since civilians can re-

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<sup>35</sup> Pino and Johnson, 2011, 455-465.

<sup>36</sup> Prenzler, 2009, 13.

ceive injuries or death when police officers use excessive force in conducting their duties, use of force policies must have checks and balances. According to former Director of the PCA Gillian Lucky, those who are given powers to exercise control over the life, limb and liberty of citizens must be subject to maximum scrutiny.<sup>37</sup>



*Trinidad and Tobago Defence Forces make a raid on a simulated enemy as part of a Joint Combined Exchange Training (JCET) with U.S. Special Forces. Photo credit: U.S. Army photo by Spec. Michael A. Byars Jr., published on U.S. Special Operations Command South News.*

The TTPS Use of Force Policy (Departmental Order No. 92) provides a balanced checklist of actions under reasonable and appropriate terms. Some of the problems with use of force are the unpredictability of situations, the estimated degree of threat, and the time officers have to make decisions. A level of discretion is usually employed because no use of force framework document can fully prepare an officer for a particular situation. Still, the actions of police officers should be calculated and informed. When officers of the law act on impulse, they are no different than the general public.

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<sup>37</sup> Police Complaints Authority (PCA) Annual Report 2013/2014, p. 59.

## **Accountability, Reform Initiatives and Civilian Oversight Bodies**

The environment in Trinidad and Tobago is highly politically charged. This has frustrated reform efforts as they mainly deal with bureaucracy. Gomes insists that reform initiatives to improve police accountability within the Caribbean should begin with reengineering the design and power structures of the Public Services Commissions to reflect a universal design in which they could be more accountable to the people and not just the political leadership.<sup>38</sup> The power structures within the Caribbean as evidenced by their colonial past can be linked to the sociology of behaviors in island states today. According to Pino and Johnson, “the grossly uneven distribution of power in countries containing weak civil society and a small number of powerful elites results in the unequal treatment of its citizens.”<sup>39</sup>

Bureaucracy cannot be overlooked. The PSC describes its challenges in terms of being an organization that is inflexible and whose archaic bureaucratic system inhibits productivity and its overall mission.<sup>40</sup> The PSC links its administrative challenges to having policy responsibility and transformational leadership placed with the Government through the Ministry of National Security. Changes to the PSC can be effected through legislative amendment to the Constitution and the availability of resources to carry out its mission.

Civilian oversight bodies are only one aspect of dealing with police accountability. Lucky argues that civilian oversight bodies cannot transform the police service because they are merely a review function.<sup>41</sup> She believes that despite the limitations of the PCA in Trinidad and Tobago and the backlog of cases for investigation and growing number of new cases, the PCA must do what it can to put pressure on law enforcement officials to act according to their oaths of office.<sup>42</sup>

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<sup>38</sup> Gomes, 2007, 12.

<sup>39</sup> Pino and Johnson, 2011, 468.

<sup>40</sup> Police Service Commission (PSC). 2011. Strategic Master Plan 2011-2014: Charting the Way Forward. Port of Spain, 2011, p. 3.

<sup>41</sup> Police Complaints Authority (PCA) Annual Report 2013/2014, p. 60.

<sup>42</sup> Ibid., 60.

## Conclusion

Trinidad and Tobago has resorted to many policing initiatives (tactical and management-oriented) over the years which yielded little results. Organizational and cultural changes cannot rest solely on the shoulders of the commissioner of police. In order to become effective, the police service as an organization must evolve and adapt to the changing dynamics of society, and society must play its part in policing itself. Given the elevation of crime and the evolution of citizen behaviors, emphasis must be placed on the need for empirical research on criminal deviance especially when law enforcement officers are involved.

Dealing with police misconduct requires not only reengineering organizational structures, institutional strengthening, and capacity building. It requires an understanding of the sociology of behaviors of law enforcement officers in a changing global environment and a microcosmic analysis of the moral compass of society. Consequently all of these efforts require a relevant body of research to guide decisions and make administrative and legislative changes.

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# Corruption and its Impact on Good Governance in the Caribbean

*Henderson P. Patrick*

## Introduction

This paper examines the controversial topic of corruption and evaluates the threat it poses to good governance in the Caribbean. From a myopic perspective, the Caribbean may be viewed as two dimensional, characterized by commerce and crime. The region's political directorate is confronted by the need to ensure economic and social stability, growth and development,<sup>1</sup> while at the same time seeking to prevent the negative influence of national and trans-national crime.<sup>2</sup> The constant pursuit of social and economic equilibrium is a mammoth undertaking and appears futile at best because of its contention with myriad external and internal forces. From the outset, governments want to do well; they want to fulfill their manifesto and show the citizens that they can deliver on campaign promises to effect change, improve their standard of living, guarantee their security, and show the world that their nation has the political capacity to govern itself.

This idealism permeates the entire Caribbean, the archipelago which occupies the geographical space stretching from the southern tip of Florida in North America to Venezuela in South America. The region is diverse in relation to its people, culture, and resources. These differences give unique character to Caribbean societies and citizens' demands, but also inform their peculiar linguistic, political, and resource vulnerabilities.<sup>3</sup> By virtue of their size and limited resources, Caribbean economies are mostly driven by external global forces leaving them susceptible to systemic shock and collapse. Parallel to this reality is the perpetual

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<sup>1</sup> Paul Sutton, Caribbean Development: An Overview, 12 December 2005. <http://swisscaribbean.org/?i=10> (accessed August 20, 2015)

<sup>2</sup> Anthony Harriott, *Crime Trends In The Caribbean and Responses*. University of West Indies, Mona Campus Jamaica Report, November 12, 2012.

<sup>3</sup> Ralph R. Premdas, "Ethnicity and Identity in the Caribbean: Decentering a Myth," Helen Kellogg Institute for International Studies, Working Paper #234 - December 1996, <https://kellogg.nd.edu/publications/workingpapers/WPS/234.pdf> (accessed August 20, 2015)

fight against trans-national organized crime (TOC) which threatens the national and citizen security of these mostly lesser developed countries (LDC), a fight most territories are incapable of winning with traditional approaches.<sup>4</sup> The pressure to deliver and satisfy both citizen and self, thus creates along the continuum, this margin for calculated error which is called corruption.

## **The Current Environment**

Operating within a harsh global economic environment with limited natural resources and the inability to generate and maintain productive capacity exacerbates the challenges Caribbean leaders face to keep their economies on a sustainable path. The pace of delivery or non-delivery of social goods and services has the potential to quickly shift the balance of power back to the electorate and render political operatives useless and shamed. Political operatives rarely see this as an option, especially when they consider that the non-state actors from the criminal element never appear to have such constraints.

It has been argued that were it not for the illegitimate character of their actions, transnational criminals could be lauded as pioneers and visionaries in the age of globalization. It is noted that they have adopted facilitative and exacting measures to remain a competitive, fashioned and enviable organizational culture of efficiency and accountability, and maximized the opportunities provided by globalization. They have been able to innovate, expand and flourish in a furiously changing international scenario and to do it while being relatively cloaked so that there is an aura of mystery and ambiguity about their operations.<sup>5</sup>

## **Conditions Conducive to Corruption**

These challenges and realizations act as triggers and open up the door for corruption and corrupt practices to become endemic in government. The region's leaders are fully aware that the Caribbean benefits from as well as faces challenges that arise from the geostrategic realities of the region. The Caribbean Sea is both a

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<sup>4</sup> Moises Naim, Five Wars of Globalization, *Foreign Affairs*, 2003, 29-34.

<sup>5</sup> Ben Bowling, *Policing the Caribbean: Transnational Security Cooperation in Practice*. London: Oxford Press, 2010, 29.

barrier and a bridge; it separates nations, but it also facilitates the flow of illegal commerce and other illicit activities. The Caribbean, because of its geographical position caught between the world's largest producers of coca and the world's largest consumers, is considered a prime transshipment location for drugs destined to points in Europe and North America. Criminal gangs take advantage of the porous borders to traffic not only narcotics but also arms, ammunition and, to some extent, people.<sup>6</sup>

While much admiration may be showered on the organized crime brand, it must be said that their ability to strive and succeed is anchored in their ability to exercise a corrupting influence on politicians and other state and non-state actors who are easily swayed into facilitating some aspect of the organized crime process. This reality therefore serves as the point of departure for this conversation on corruption and the threat it poses to good governance, but with an objective of offering solutions which may prevent or diminish the societal imbalances which can be caused by corruption.

*While much admiration may be showered on the organized crime brand, it must be said that their ability to strive and succeed is anchored in their ability to exercise a corrupting influence on politicians and other state and non-state actors who are easily swayed into facilitating some aspect of the organized crime process.*

Corruption can be endemic, episodic, fiduciary, focalized, generalized, international, local or national.<sup>7</sup> Whichever form it takes, it is manifested in the general abuse of power and trust and can be classified as grand, petty and political. While we ought to be concerned about all aspects of corruption, grand corruption and political corruption will engage our attention more fervently because of the link with government and governance and the deliberate manipulation of policies, institutions, and rules of procedure in the allocation of resources and financing. It is

<sup>6</sup> McDavid, Hilton A. "Security Challenges and Threats in the Caribbean," in *Rewiring National Security in a Fragmented World*, Edited by Chester A. Crocker, Fen Osler Hampson and Pamela Aall, United Nations Institute of Peace Press (July, 2011), 463.

<sup>7</sup> MOOC Chile, Transparency and Corruption, <https://www.udemy.com/transparency-and-anti-corruption>

manifested through bribery, fraud, extortion, influence peddling, kickbacks, cronyism, nepotism, patronage, embezzlement, vote buying, and election rigging, and in some sense is deemed by some public officials as an expectation, and thus viewed as a social norm.<sup>8</sup> Political decision makers often abuse their position to sustain their power, status and wealth. In some instances, public officials believe that the purpose of obtaining office is to provide one's family and friends with money, goods, favors, or appointments; these unsanctioned social networks can perpetuate the norm of corruption.<sup>9</sup>

The effects of these socio-political and psychological models of corruption present themselves in two categories of economic distress which can have either minor or major consequences. Both of them in one way or the other will have serious impact on the individual community and country. Corruption leads to the depletion of national wealth. It is often responsible for increased costs of goods and services, the funneling of scarce public resources to uneconomic high profile projects at the expense of much-needed projects such as schools, hospitals and roads, or the supply of potable water. It also leads to diversion and misallocation of resources, conversion of public wealth to private and personal property, inflation, imbalanced economic development, weak work ethics and professionalism, hindrance of the development of fair market structures and unhealthy competition thereby deterring fair competition. Large scale corruption hurts the economy and impoverishes the entire population.<sup>10</sup>

*In some instances, public officials believe that the purpose of obtaining office is to provide one's family and friends with money, goods, favors, or appointments; these unsanctioned social networks can perpetuate the norm of corruption.*

<sup>8</sup> Transparency International, "What is Corruption? (2015).

<sup>9</sup> World Bank Report (2015), 60.

<sup>10</sup> Brima Karl Samura, "The Effects Of Corruption." Global Network for Peace & Anti-Corruption Initiative, Link: <http://gnpai.org/researchlibrary/corruption/THE%20EFFECTS%20OF%20CORRUPTION.pdf>, (accessed August 23, 2015).

Concomitantly it is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment.<sup>11</sup>

Corruption as outlined is a key element in economic underperformance and a major obstacle to poverty alleviation and development. In most cases, these conditions, along with a weak judiciary, create a supporting environment for the proliferation of trans-national criminal organizations and nefarious activities. The conduit is through government infiltration or penetration where criminal operatives are absorbed into government to basically facilitate the interest of the criminal element by exploiting the vulnerabilities which are created.

Governments can also be corrupt. Rather than intensifying efforts to stamp out corruption or the advancement and influence of powerful gangs, some governments have instead taken over the illegal operations of the criminal elements. In what is referred to as mafia states, government officials enrich themselves and their families and friends while exploiting the money, muscle, political influence, and global connections of criminal syndicates to cement and expand their own power. Indeed, top positions in some of the world’s most profitable illicit enterprises are no longer filled only by professional criminals; they now include senior government officials, legislators, spy chiefs, heads of police departments, military officers, and, in some extreme cases, even heads of state or their family members.<sup>12</sup>

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<sup>11</sup> United Nations, “UN Convention against corruption,” Link: <https://www.unodc.org/unodc/en/treaties/CAC/>

<sup>12</sup> Moises Naim, “Mafia State,” *Foreign Affairs*, May/June 2012.

## What can Countries do about Corruption?

Huberts asked the question why would or should a country bother about its governance reputation and in particular its corruption reputation? Aren't corruption and favoritism "facts of life," almost impossible to eradicate because they are part of the existing culture and expectations?<sup>13</sup> Systems of favoritism and corruption have enormously damaging consequences for politics, administration, economy, and society. There are examples of states with promising successes in improving good governance. However, it is indisputable that there is a relationship between corruption and lack of governance and poverty.

Governance is viewed as the process of decision-making and the process by which decisions are implemented or not implemented. Government is only one of the actors in governance which also includes other actors such as influential land lords, associations of peasant farmers, cooperatives, non-government organizations (NGO), research institutes, religious leaders, finance institutions, political parties, the military, the media, lobbyists, international donors, multi-national corporations, and organized crime syndicates. All of these state and non-state actors play a role in decision-making or in influencing the decision-making process. Good governance is built up and sustained by acknowledging that the process is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable, and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account, and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.<sup>14</sup>

Good governance is not just a colloquial term but a concept which occupies the attention of the global community, regulatory agencies, investors and partners. Of note is the United Nation's Development Program (UNDP), which supports governance programs such as activities that promote free and fair elections, freedom of association and participation, an independent judiciary, bureaucratic

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<sup>13</sup> Leo Huberts, "Good Governance in the Caribbean Reflections on Good Governance, Integrity and Corruption in CARICOM Countries," Research Group Integrity of Governance, (2012) VU University Amsterdam, the Netherlands.

<sup>14</sup> The Economic and Social Commission for Asia and the Pacific (UNESCAP), "What is good governance?" <http://www.unescap.org/sites/default/files/good-governance.pdf> (accessed August 25, 2015).

accountability, freedom of information, effective and efficient public sector management, decentralization of decision-making and resource management, and government interaction with the organizations of civil society. It is also cognizant of the fact that its goal of sustainable human development is achievable by means of good governance which requires expanding people's choices and allowing them to participate in the decisions affecting their lives. It demands systems of government that encourage people's involvement in decision-making and which stimulate economic growth and ensure that the benefits of that growth reach all segments of society.<sup>15</sup>

The common thinking is that throughout the wider Caribbean, democracy, though flawed in various ways, has largely taken hold in the hemisphere and this will continue for the foreseeable future. The expectation is that elections should continue to be the norm for selecting political leaders throughout the region, given that oppositions have been elected and have taken office in every Latin American country except Cuba since the transitions to "third wave" democracy in the region began in the late 1970s. Democratic continuity has also contributed to improvements in institutional capacity, which has produced more effective governance, including poverty alleviation and public health programs, judicial reforms, and infrastructure development. While there continue to be cases of "low intensity" democracy in the region (i.e., weak government institutions and low capacity for governance), the majority have made significant progress in the last 20 years or so.<sup>16</sup>

According to Buddan, however, good governance is more than democracy.<sup>17</sup> By insisting on an effective state, the concept recognizes that a state might be democratic but not effective. By insisting on people's participation in national life, it recognizes that occasional elections, even if free and fair, do not allow for meaningful and regular participation in the creation and implementation of policies. By insisting that the benefits of growth be shared, it recognizes that democracy by

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<sup>15</sup> Robert Buddan, "Politics in the Caribbean - Good Governance." University of the West Indies in Jamaica, <http://gtuwi.tripod.com/governance5.html> (accessed August 25, 2015).

<sup>16</sup> James Bosworth, *Latin America and the Caribbean in 2012 to 2017: A Conversation Among Latin America & Caribbean Specialists*, Miami: Florida International University Press, 2012, 5.

<sup>17</sup> Robert Buddan. "Politics in the Caribbean - Good Governance." University of the West Indies in Jamaica, <http://gtuwi.tripod.com/governance5.html> (accessed August 25, 2015).

itself does not produce economic and social equality.

***Caribbean people have come to the conclusion that democracy as practiced in their countries is currently incapable of delivering the national stability and personal security that they desire.***

The gains achieved by fostering and promoting the democratic process have been commendable but they are still not significant enough to inspire conviction that waves of corruption have receded enough to permit the virtues of good governance to prevail. The matter of corruption is not linear. When there is not the satisfying of need, there is the satisfying of greed. The quest for more will influence every spectrum and ignore all restrictions. In this context, Caribbean people have come to the conclusion that democracy as practiced in the Caribbean is currently incapable of delivering the national stability and personal security that they desire. In the absence of effective elected gatekeepers of good governance, citizens have had to become more vigilant of the performance of political leaders and public institutions, and vocal in their demand for civic participation in all public policy processes. Citizens therefore require that governments renew their commitment to national and people-centered development, and create a facilitating environment for civil society organizations that are ready and willing, to work towards national goals along with other social partners.<sup>18</sup>

I have the firm conviction that governments within the Caribbean are fully aware of the benefits of good governance to the development of their nation state. I am equally certain that they are informed about the ability of corruption and corrupt practices to undermine the potential of any country to flourish especially in difficult economic times. Waller et.al (2000) points out the view of Transparency International that, from an economic perspective, corruption inhibits private investment and growth, distorts public investment, subverts the merit principle, rewards those who do not play by the rules, and contributes to undermining sustainable livelihoods in an economy, especially for the poor. As a result, costs are shouldered

<sup>18</sup> Gordon Bispham, “Strengthening Partnership for Good Governance”, Presented at the fifth CDB/IDB Civil Society dialogue in Guyana, November 18-20, 2008, <http://www.caribank.org/uploads/2012/12/Presentation-Strengthening-Partnership-for-Good-Governance-G-Bispham.pdf> (accessed August 30, 2015).

by those who can least afford to bear the burden.<sup>19</sup> The limited resources within the Caribbean assure dependence on regional and international partners for funding, foreign direct investment (FDI), good trade relations, and good foreign relations. Countries which score high on the corruption perception index risk the chance of losing out on FDI opportunities and enhanced technical assistance from more developed countries (MDC's). They also open themselves to credit downgrades, the difficulty of borrowing on the open market, or from other first line lending agencies. As a last resort, they may have to resort to the International Monetary Fund (IMF) to assist in resolving internal governance issues.

Of course the attempt at recovery will come at a price. There is usually the imposition of stringent austerity measures which generally have a telling effect on the citizens of the country. Camdessus (2000) informed that the approach of the IMF is to concentrate on those aspects of good governance that are most closely related to surveillance over macroeconomic policies—namely, the transparency of government accounts, the effectiveness of public resource management, and the stability and transparency of the economic and regulatory environment for private sector activity.<sup>20</sup> The intervention and approach may be deemed necessary, but it is generally viewed as invasive and harsh on the population. The public perception of any IMF intervention is that of failure on the part of the government and engenders a fear of currency devaluation and of losing status in the global community.

It may not appear like it, but the IMF is part of the solution rather than part of the problem. Camdessus (2000) continues to make the point that the IMF will continue to be a watch dog for corruption in government, whether it is perpetrated by individual actions, or is symptomatic of wider government problems which may require a change in policy or legislative frame work to correct the problem. Corruption has contributed largely to poor governance practices in some Caribbean countries. All is not lost because, out of the 175 countries evaluated annually, several Caribbean countries scored above 50 on the corruption perception index (CPI). The 2014 CPI suggests that countries at the bottom of the scale need to

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<sup>19</sup> Dr. Lloyd Waller et. Al, "A Landscape Assessment Of Political Corruption In Jamaica," <http://www.Capricaribbean.Org/Sites/Default/Files/Text/Corruption%20report.Pdf> (accessed August 30, 2015).

<sup>20</sup> Michel Camdessus, IMF Managing Director, Address to the United Nations Economic And Social Council, July 2, 1997; International Monetary Fund (IMF), "Good Governance-The IMF's Role," <https://www.Imf.Org/External/Pubs/Ft/Exrp/Govern/Govindex.Htm> (accessed August 31, 2015).

adopt radical anti-corruption measures in favor of their people. It warns that countries at the top should not export corrupt practices to underdeveloped countries.<sup>21</sup>

Huberts (2009) contends that attention must also be paid to principles such as ethics, integrity, morality, and values. These he insists will impact behavior, policy construction, and decision making. What must be realized is that governance is about people. It is about ensuring that the population is not marginalized and deprived of basic human rights and placed in a position where poor economic conditions prevent them from access to basic goods and services. This can only be achieved when the focus of elected officials is shifted away from making a gain for themselves and placing the constituents in the primary position.

Corruption will take any form or fashion, from a shake down by a police officer to the shifting of program funds from one project to another in an effort to divert money for self-gain. Beyond this is the manipulation of policies and procedures and legal framework to provide safe harbor for criminals and criminal organizations. It may extent to the point where governments take hold of the criminal assets of gangs and other non-state players and administer them for themselves creating mafia states and creating communities and societies of slaves and dependents. Such approaches create the platform for poor governance, which ultimately leads to the deterioration of the moral and ethical fabric of any country and opens it up to non-development, citizen insecurity, bad credit ratings, and a poor reputation among institutional partners. It lowers investor confidence and makes the country susceptible to the harsh reality of IMF and World Bank interventions and sanctions.

## Conclusion

Corruption has a negative and long lasting impact on good governance. In order for any country to remain relevant and competitive, its leaders have to be decisive and calculated in their treatment of corruption and adoption of the good governance practices. This is the only real solution to sustainable, economic and social

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<sup>21</sup> José Ugaz, Chair, Transparency International, CPI 2014 Report, <https://www.transparency.org/cpi2014/results> (accessed August 31, 2015).

development in the Caribbean.

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# The United Nations Law of the Sea Conventions (UNCLOS) and Its Impact on the Traditional Maritime Powers Operations in the Caribbean

*Wilbert Kirton*

## Introduction

Throughout most of history, it was generally acknowledged that the high sea was open for navigation to all nations. This enabled the maritime powers to traverse the oceans of the world in pursuit of their conquest, virtually unhindered by any constraint of law. The traditional use of the sea led to the discovery and colonization of large areas of the globe which intensified a global consciousness concerning the jurisdiction of the sea. At the inception of the twentieth century, legislation gained momentum and today aims to regulate maritime activity through a comprehensive legal regime. This paper outlines the historical origins of the United Nations Conventions on the Law of the Sea (UNCLOS) and examines “*To What Extent the Provisions under the Conventions Impact the Traditional Maritime Powers Operations in the Caribbean*”.

## Historical Context

The idea of free communication between peoples justified placing the sea at the disposal of all, however in historical reality, only the great maritime powers were able to make optimum use of it.<sup>1</sup> In fact, there was early erosion of this principle, since claims to monopolies over parts of the open ocean have been made at different times by several maritime powers. For example, in the 13th century it was generally accepted that coastal states had exclusive rights over the seas adjacent to their shores but it was not settled how far into the sea a state may lawfully extend its rule and what powers it could exercise in its marginal sea or even farther offshore.<sup>2</sup>

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<sup>1</sup>Rene-Jean Dupuy. *The Law of the Sea: Current Problems*. (New York: Oceana Publications Inc., 1974), 3.

<sup>2</sup>Ruth Lapidoth. “Freedom of Navigation - Its Legal History and Its Normative Basis.” *Journal of Maritime Law and Commerce*, No. 6 (1975), 259-272.

Controversy grew in intensity as a consequence of the great discoveries, and the well-known Spanish and Portuguese pretensions based upon two Papal Bulls promulgated by Pope Alexander VI in 1493, which purported to divide the New World between those two powers.<sup>3</sup> As could be expected, this extravagant display of sovereignty at sea by two nations could not go unchallenged. The strongest objections came from England and Holland.

*The idea of free communication between peoples justified placing the sea at the disposal of all, however in historical reality, only the great maritime powers were able to make optimum use of it.*

The principle of the freedom of the seas had been most brilliantly and convincingly defended by the Dutchman known as Grotius at the beginning of the 17th century. However, after the case for “mare liberum” had been championed by Grotius, the “pendulum of doctrine” swung quickly the other way, with the arguments of the Englishman John Shelden for a “closed sea.”<sup>4</sup>

In *Mare Clausum*, first published in 1635, Shelden argued that the seas, just like the land, could become exclusive property of nations. It was at this time also, that the concept of territorial sea started to take shape. Grotius having addressed the large expanses of the oceans, eventually recognized that some enclosed and narrow parts of the sea might be subjected to control from adjacent land territory.<sup>5</sup> Consequently, the law of the sea doctrine swung according to the contemporary constellation of military and political power and to the beliefs about exhaustibility of the ocean resources.

Interestingly, the Caribbean was a center of trade and colonization by the traditional maritime powers from the late 15th Century. According to Jorge Dominguez,

<sup>3</sup> Edward G. Bourne. “The Demarcation Line of Alexander VI: An Episode of the Period of Discoveries.” *The Yale Review* (1892-93), vol. 1, 35-55.

<sup>4</sup> Ken Booth. *Law, Force and Diplomacy at Sea*. London: Allen and Unwin, 1985: 15.

<sup>5</sup> Horace B. Robertson. *The “New” Law of the Sea and the Law of Armed Conflict at Sea*. Newport, Rhode Island: Naval War College, 1992: 4.

Since the sixteenth century, the powers and the pirates have helped shape the international environment of the lands and peoples around the contours of the Caribbean Sea and the Gulf of Mexico. In doing so, they have interacted with each other and with “local” actors in and around the American Mediterranean. These local actors have been quite varied as well, ranging from states to individuals.<sup>6</sup>

At the beginning of the 18th century, the belt of sea along the coast within the range of artillery ashore came to be regarded as the territorial sea belonging to the contiguous state. This principle, which was developed by the Dutch jurist Cornelius van Bynkershoek, became known as the “cannon-shot rule”,<sup>7</sup> as the range of the cannon then was approximately three nautical miles. Although the range of the cannon shot soon exceeded three nautical miles, the principle remained essentially intact until the end of World War II. As stated by Jessup, “it remained because the nations found it a convenient compromise between conflicting interests.”<sup>8</sup> This prevailing theory of sovereignty was confirmed by National Practice and Codification Conferences of the 1920s, as well as the preparatory work for the Hague Codification Conference of 1930.<sup>9</sup>

The next significant development in the Law of the Sea was President Harry Truman’s Proclamation of September 1945 of United States claim to jurisdiction and control over the natural resources of the seabed and subsoil of the continental shelf of the United States.<sup>10</sup> This unilateral claim by the then preeminent maritime power and one of the leading exponents of the freedom of the high seas opened the door for wider and more comprehensive unilateral claims by other states.<sup>11</sup> It was this event that triggered an erosion of the relative uniformity and tranquility which had existed for about 150 years with respect to the law of the sea.

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<sup>6</sup> Jorge I. Dominguez, “The Powers, the Pirates, and International Norms and Institutions in the American Mediterranean,” in Desch, Dominguez, and Serbin, editors, *From Pirates to Drug Lords* (New York: SUNY Press, 1998): 79.

<sup>7</sup> Robertson, 4.

<sup>8</sup> Philip C. Jessup, P.C *The Law of Territorial Waters and Maritime Jurisdiction* (New York: G.A. Jennings Co, Inc., 1927): 261.

<sup>9</sup> League of Nations, *Acts of the Conference for the Codification of International Law* (1930) v. III: 202 as cited in Shabtai Rosenne. League of Nations Conference for the Codification of International Law. (Dobbs Ferry, New York: Oceana Publications, Inc., 1975): 1404.

<sup>10</sup> Presidential Proclamation 2667, “Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf,” 28 Sept 1945. US Federal Register, vol.10: 12303.

<sup>11</sup> Robertson, 7.

## **Emergence of Independent Caribbean Nations**

In the post-WWII period, a number of technological advances led to the discovery of new resources and new uses of the sea, which in turn led to the discovery and exploration of oil and gas under the continental shelf and development of off-shore fisheries. Most noteworthy, during this period, the post-colonial independent nation-states in the Caribbean like those elsewhere in the world demanded greater controls over adjacent parts of the ocean and an equitable distribution of the resources beyond.

The geographical definition of the Caribbean area according to Sutton is imprecise.<sup>12</sup> He posits that the sea itself was not so named until 1773 and the considerable proliferation of names which it held before that time have continued thereafter. Similarly, the Caribbean Basin has a total water expanse of approximately 1.35 million square miles with the Gulf of Mexico and the Caribbean Sea are combined, yet a land area of only 92,000 square miles if the archipelago alone is counted. Regardless of the geographical definition adopted, Thomas Anderson<sup>13</sup> is of the opinion that “no other sector of the ocean has so many different political entities adjoining or facing a common water surface.”

## **Territorial and Sovereignty Imperative - UNCLOS I - 1958**

The Truman Proclamation of 1945, in addition to other unilateral aspects of state practices, led to assiduous preparatory work by the International Law Commission for the First United Nations Conference on the Law of the Sea, (UNCLOS I).<sup>14</sup> The First United Nations Conference on the Law of the Sea was held in Geneva between February and April 1958, and led to the adoption of four Conventions.

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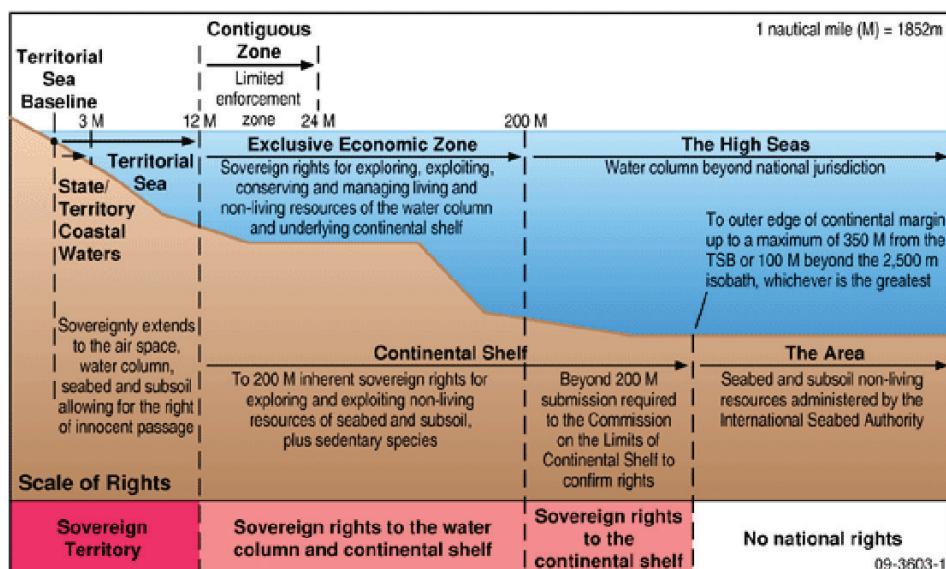
<sup>12</sup> Sutton, Paul. “The Politics of Small State Security in the Caribbean” in *Size And Survival: The Politics of Security in the Caribbean and the Pacific* edited by Paul Sutton and Anthony Payne. (New York: Routledge, 2013): 1.

<sup>13</sup> Sutton, 1.

<sup>14</sup> Report of the International Law Commission covering the work of its eighth session, 23 April - 4 July 1956, UN Doc. A/3159, *Yearbook of the International Law Commission 1956* v. II, p. 256, “Law of the Sea,” Article 1.

- a. Convention on the Territorial Sea and the Contiguous Zone.
- b. Convention on the High Seas.
- c. Convention on the Continental Shelf.
- d. Convention on Fishing and Conservation of Living Resources.

These four Conventions were the only measures in the evolution of maritime order to gain appreciable universal acceptance, however only two will be considered as the point of departure to examine those provisions which had the potential to directly impact on the traditional maritime powers operations in the Caribbean. The fact that UNCLOS I adopted four separate Conventions, rather than one integrated instrument covering all issues, enabled certain Caribbean States, which found it impossible to accept the decision on certain issues, to ratify decisions they could accept.<sup>15</sup>



*Territorial Waters and Economic Exclusion Zone (EEZ), NOAA.*

<sup>15</sup> Dick S. Gandhi. *Shipowners, Mariners and the New Law of the Sea: The effect of technical, legal and political constraints upon traditional users of the world's Oceans* (London: Fairplay, 1977): 4.

## **Innocent Passage**

The 1958 Convention was able for the first time to strike a balance between “sovereignty” and “freedom of navigation.” Therefore, it is worthwhile mentioning that sovereignty declared in Article 1 of the Convention is not total, since the right of “Innocent Passage” is assured to the vessels of other nations. The right of “Innocent Passage” through the Territorial Sea of another state is therefore one of the most important provisions for both merchant ships and warships.

## **Freedom of the High Seas**

The next convention to emerge from UNCLOS 1 which is relevant to the central issues of this discussion, covered the “High Seas”, or international waters which are those part of the world’s seas and oceans which lie beyond the limits of complete national jurisdiction. The principal declaration from this Convention is in Article 2. “The High Seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty.”

## **UNCLOS II and Further Developments**

Although four Conventions were adopted at UNCLOS 1, the Conference was unable to agree on the article establishing the breath of the territorial sea. Von Glahn argues that the Conference failed to act effectively on the crucial aspect of defining the territorial seas. What eventually emerged from the Conference, according to Von Glahn, was a reaffirmation of traditional law and since many states including the traditional maritime powers realized their rights were untouched by the various conventions, they refrained from adhering to them, although by doing so they did not necessarily reject them.<sup>16</sup> Consequently, in the next session, the UN General Assembly voted almost unanimously to convene a Second Conference (UNCLOS II) in 1960 exclusively “for the purpose of considering further the questions of the

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<sup>16</sup> Von Glahn, Gerhard and James Larry Taulbee. *Law Among Nations: An Introduction to Public International Law*. New York: Routledge, 2016.

breath of the territorial sea and fishery limits.<sup>17</sup>

## Defining A Reasonable Balance UNCLOS III 1973 and Beyond.

In order to integrate the new developments in the Law of the Sea which had far reaching consequences, particularly those that arose from the Declaration Principles, the Third United Nations Conference was convened in December 1973. From the outset, negotiations were a struggle and clearly a clash of interests between those states which have both the capability and the will to use the sea for military purposes and small nation states like the Caribbean states which did not possess the capability, except to a limited degree, but which did have the will to extend their authority over a 200-mile Exclusive Economic Zone (EEZ).<sup>18</sup>

After holding eleven long sessions over a period of nine years, the Conference completed its work in December 1982, and opened the United Nations Convention on the Law of the Sea 1982<sup>19</sup> for signature in Jamaica. There is no doubt that UNCLOS III is the most ambitious attempt ever made to define a comprehensive legal regime for the seas. The Convention's goal is to define a balance between the rights of coastal states to control and exploit the resources of the sea adjacent to them and the rights of traditional maritime states to use the oceans. Therefore, by any standard UNCLOS III is one of the most important new pieces of international law. Though it is apparent that the high seas area has been reduced by the Convention to a mere 60 percent of its early 20<sup>th</sup>-century existence (as a result of decisions on the EEZ and territorial seas), freedom of navigation operations continue to function as before.<sup>20</sup>

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<sup>17</sup> United Nation Resolution 1307 (XIII), 10 December 1958. UNCLOS 11.

<sup>18</sup> Ken Booth. "Naval Strategy and the Spread of Psycho-Legal Boundaries at Sea." *International Journal*, (vol. 38, no. 3, Summer 1983), 374-375.

<sup>19</sup> United Nations Document A/CONF.62/122, opened for signature at Montego Bay, Jamaica, 10 December 1982. Reprinted in *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index*. (New York: United Nations, 1983).

<sup>20</sup> Jon L. Jacobson. "Law of the Sea - What Now?", *Naval War College Review*, March/April 1984, 89.

## **The Regime of International Straits and Transit Passage.**

The importance of straits transit goes far beyond the military needs of any country. The real issue is to protect the navigational right of all nations while meeting the legitimate concerns of coastal States.<sup>21</sup> The increase in width of the territorial sea from three to twelve miles had the effect of enclosing more than one hundred straits.<sup>22</sup> It is acknowledged that most of these straits are of minor importance but at least sixteen in Europe and Asia are international straits of high commercial and strategic value, especially to the traditional maritime powers. With respect to the Caribbean, the Panama Canal is the main international shipping lane which connects the Pacific and Atlantic Oceans and approximately 160 countries and 1,700 ports around the world.<sup>23</sup> Similarly there are also sixteen other passages which connect the Caribbean Sea with the Atlantic Ocean. The most significant are the Mona and Windward passages and the Yucatan Channel, which are of strategic and economic importance since they provide deep water passage to international shipping and warships and submarines entering and exiting the Caribbean basin.

Considering the lobbying practices which exist in the “real world” of ocean politics, it would be unrealistic to believe that the traditional maritime powers would have accepted a law of the sea treaty that did not fully protect their freedom of navigation through straits.<sup>24</sup> In accordance with the terms established in Part III of the UNCLOS III, “transit passage” is more similar to the “freedom of navigation” exercised by all vessels and aircraft on the high seas, than it is to “innocent passage” as codified in Part II of the Convention.

Transit passage is defined as the exercise of the “freedom of navigation and overflight”<sup>25</sup> by ships and aircraft in their “normal mode of continuous and expeditious transit.”<sup>26</sup> This is interpreted that, while in transit passage, warships may

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<sup>21</sup> John Norton Moore. “The Regime of Straits and the Third United Nations Conference on the Law of the Sea.” *American Journal of International Law*, no. 74 (1980), 85.

<sup>22</sup> Declaration of Mr. Khelstov (USSR) to the 56th Session of the Seabed Committee, UN Doc. A/AC.138/SR.56, p.161. Cited in Dupuy, 84.

<sup>23</sup> Elizabeth Nix, “Seven Fascinating Facts About the Panama Canal.” History Channel. <http://www.history.com/news/7-fascinating-facts-about-the-panama-canal>

<sup>24</sup> Moore, 120.

<sup>25</sup> UNCLOS Convention, article 38, para 2.

<sup>26</sup> Ibid. article 39. para 1, (c).5.

operate aircraft and submarines may remain submerged. However, the ships and aircraft must proceed through the strait without delay while in transit, refrain from the threat or use of force against bordering states and any other acts contrary to the UN Charter, and comply with the generally accepted rules for safety at sea and for the prevention, reduction, and control of pollution from ships.<sup>27</sup>

## **Prospect for Universality of Ocean Management**

While historically the sea was the subject of political rivalry and economic considerations, UNCLOS III is an act of distribution done on behalf of all people of the world and covering every relevant aspect of the oceans and their uses. In that sense, it is a single integrated whole or it is nothing.<sup>28</sup> This concept is clearly expressed in the preamble of the Convention which states “the problems of ocean space are closely interrelated and need to be considered as a whole.” This conviction, however, was not adopted by the traditional maritime powers when the Convention was opened for signature in 1982. It should be noted that this major difficulty stood in the way of the Treaty’s universal acceptance even when the sixty ratifications needed for its entry into force were obtained on 16 November 1993. As was expected, none of the traditional maritime powers had ratified the Convention when it came into force one year later on 16 November 1994.

*While historically the sea was the subject of political rivalry and economic considerations, UNCLOS III is an act of distribution done on behalf of all people of the world and covering every relevant aspect of the oceans and their uses.*

<sup>27</sup> Ibid. article 39 para. 1 & 2.4.

<sup>28</sup> Philip Allott. “Making the New International Law: Law of the Sea as Law of the Future.” *International Journal*, XL, Summer 1985, 455.

## Sovereignty and Presence of Warships in the Caribbean

Despite the signing of the UNCLOS III, the presence of foreign naval vessels in the waters of some Caribbean States remain subject to legal debate. This is one of those problems of international law which has never received a clear-cut answer, neither in treaty nor customary law. Fundamental disagreements have lingered on for many years between some states and even took the form of direct, albeit very limited, military confrontation.<sup>29</sup> Surprisingly, the Convention has said very little about the legal regime of internal waters and several disputes have arisen in relation to historic bays. In fact, Lowe argued that neither UNCLOS III nor UNCLOS I deals with the question of historic bays:

*Bays claimed by a coastal state not on the basis of the application of the Convention rules on the drawing of baselines across bays but on the basis of an historic title, establishing an exceptional claim on the basis of long and peaceful possession of the waters in question.<sup>30</sup>*

It is well established that UNCLOS III (Article 3) has settled the outstanding issues of the territorial sea by fixing it at a maximum of 12 miles, and thereby eliminated one of the main sources of controversy. However, even today Caribbean States like other states across the world are as divided in their opinions of the legal consequences of this omission as they were over a half century ago.<sup>31</sup> Some Caribbean states have maintained that warships enjoy no right to innocent passage, while the traditional maritime powers have rejected this interpretation. As a result, there is no general agreement upon the right of innocent passage for warships among Caribbean nations, and consequently the rights of passage for such ships swings on the pendulum of “conceptual prerogative.” In practice, however, it is common for the warships of traditional maritime states to give low-level notification of innocent passage to some Caribbean States of intended passages,

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<sup>29</sup> Erik Franckx. “Innocent Passage of Warships: Recent developments in US-Soviet relations.” *Marine Policy*, November 1990, 484.

<sup>30</sup> See UNCLOS III, Article 10, para. 6. See also Alan V. Lowe. “Some Legal Problems arising from the use of the Seas for military purposes.” *Marine Policy* (July 1986), 172.

<sup>31</sup> Lowe, 173-174.

informally and without admission of legal obligation.

*Caribbean States like other states across the world are as divided in their opinions of the legal consequences of this omission as they were over a half century ago.*

Though the roles of the traditional maritime powers' navies have evolved with time, one of the principal values of naval forces is their enormous capacity for geographical flexibility and of increasing or reducing, in a relatively short time, the scale of military presence in distant regions. Naval ships can be brought close to foreign coasts while on the high seas, posing a threat of intervention or punishment while remaining militarily uncommitted. It is well documented that naval vessels have been used to exert force in the Caribbean Sea, which is much stronger than diplomacy but less dangerous than other forces.

The scope of the traditional maritime powers' naval operations in the Caribbean includes the categories of peacetime operations and the conduct of war. UNCLOS III advocates the uses of the seas for "peaceful purposes," and therefore naval operations which are governed by the Law of Armed Conflict at Sea are beyond the scope of this discussion. In examining the peacetime operations of these navies in the Caribbean, it is necessary to give consideration also to those periods of tension which may arise from creeping jurisdiction and unresolved disputes. The traditional maritime powers' naval peacetime operations in the Caribbean Sea may be expanded to include (1) strategic deterrence, (2) naval presence and diplomacy, (3) surveillance, reconnaissance and intelligence gathering, and (4) training and operational exercises.

## **Strategic Deterrence**

In effort to increase the stability of the global strategic balance, the oceans have proven to be ideal for dispersing targets and therefore deterring any destabilizing temptation towards first strike. Strategic deterrence at sea is provided mainly by the ballistic missile submarines (SSBNs), whose credibility is dependent on the

routine exercise of freedom of navigation.<sup>32</sup> For example, it is the ability to transit the Caribbean channels and passages submerged that permits these submarines to traverse the Caribbean Sea unimpeded and undetected. Given these stabilizing tendencies of ocean strategic forces, the provisions of UNCLOS III protect the secrecy of the ballistic missile submarines, since they are not required to surface in the channels or passages, or provide notification to Caribbean States. Therefore, the legal deployment of these submarines is preserved under the Convention.

## Naval Diplomacy

It may be argued that traditional “gun boat” diplomacy is something of the past; however, naval diplomacy, like all forms of deterrence, compliance, or reassurance, is still essentially a proven psychological phenomenon. Naval diplomacy attempts to translate military movement into diplomatic influence by changes in the location, force structure, and weapons display of warships, with the hope that such changes will affect the perceptions of those it is intended to persuade. In this regard, traditional maritime powers have tended to rely on naval forces as important conveyors of state policy for the purpose of deterring aggression or other violence.<sup>33</sup> UNCLOS III, rather than threatening naval diplomacy, provided warships with an opportunity to increase the impact of their diplomatic signal. The unimpeded ability to cross the boundaries of the ocean legally has increased the ability for the naval powers to use military potential in order to show displeasure or to demonstrate support without using force.<sup>34</sup> There are several instances when the traditional maritime powers relied on their naval forces for deterring aggression and potential violence in the Caribbean region.

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<sup>32</sup> George Galdorski. “Who Needs the Law of the Sea?”, *Proceedings*, July 1993, 72.

<sup>33</sup> Roger W. Barnett. “U.S. Strategy, Freedom of the Seas, Sovereignty and Crisis Management”, *Strategic Review* (Winter 1992), 39-40.

<sup>34</sup> Booth, 385-389.

## **Surveillance and Intelligence Gathering**

Surveillance and intelligence gathering in different areas of the world oceans is important for the traditional maritime powers. The ability to survey the seabed and obtain oceanographic data particularly within the EEZ of other states is imperative for naval operations planning. As pointed out by Alabaster,<sup>35</sup> it is no secret that the intelligence gathering role of research vessels has always been important to naval operations. Consequently, although UNCLOS III declares that all maritime scientific research shall be conducted exclusively for “peaceful purposes,” there is no doubt that traditional maritime powers have conducted clandestine “research” in the Caribbean Sea in disregard of the Convention (Article 240). Undoubtedly, these activities are incompatible with the provisions of innocent passage and will, if detected, provoke strong protest from Caribbean States who may even invoke the right to self-defense. In reality, if past events are any indication for the future, it could be argued that the decision to conduct these operations is more likely to be determined by power and interest than by the law of the sea considerations.

## **Training and Operational Exercises**

In order to validate the operational capability, a variety of naval exercises which include weapon testing are conducted in the Caribbean Sea. With the activation of UNCLOS III, naval maneuvers and the deployment of military units are two activities whose legality under the Convention is controversial. Whilst naval maneuvers are not restricted on the high seas under the Convention, some Caribbean States may attempt to control the security of the EEZ. Lowe argues that while a coastal state may require a warship to leave the territorial sea immediately, (Article 30) there are no provisions in the Convention requiring warships to leave the EEZ.<sup>36</sup>

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<sup>35</sup> M.B. Alabaster. “How Might the Emergent Law of the Sea Affect the Operations of Traditional Maritime Powers.” *Naval Review*, (January 1991): 11.

<sup>36</sup> Lowe, 179.

## **Future Implications for Operations in the Caribbean**

It has been suggested that the waning of superpower rivalry in the Third World acted as an enabler for regional powers to exert themselves. This “warming” of relationships between East and West over the past quarter century has transformed the nature of the traditional maritime powers operations in the Caribbean and simultaneously led to significant reductions in their navies. It is therefore worth noting that naval capabilities are no longer confined to the traditional maritime powers. There is a proliferation of small- to middle-sized fleets capable of naval demonstrations to many regions in the world including the Caribbean. In the future, these fleets are likely to grow rather than shrink. Consequently, maritime security issues will remain high priorities on the national agendas of Caribbean States.

## **Conclusions**

The technological developments of the last century which led to the discovery of new ocean resources have changed the traditional use of the sea and made the maritime domain a coveted area. This led to unilateral claims by states and inevitably ushered in the Law of the Sea Conventions which sought to strike a balance between sovereignty and the freedom of navigation. UNCLOS III is by far the most ambitious attempt ever made to define a comprehensive legal regime for the seas. Although the Convention has made constructive achievements towards bringing stability to the law of the sea, there are still several problems.

In examining to what extent the United Nations Law of the Sea Convention impacts maritime powers operations in the Caribbean, it is apparent that the Convention has no direct major effect on the legal deployment of naval forces in the Caribbean waters. Even though the traditional maritime powers had not ratified the Convention a decade after it entered force, their participation in the negotiation process during the development phase, ensured that their right of naval mobility remained unaffected.

As mentioned previously, the deployment of submarines in their strategic deterrence role and in naval exercises can still be conducted in the EEZs of Carib-

bean States. Therefore some Caribbean States' attempts to restrict the mobility of warships will no doubt be challenged by the traditional maritime powers. On other hand, surveillance and intelligence gathering is not covered under the provisions of the Conventions and therefore will be challenged by Caribbean States if conducted within their territorial waters.

Considering the lack of enforcement mechanisms within the Convention, the decision by the traditional maritime powers to conduct these clandestine operations is more likely to be determined by power and national interest than by UNCLOS considerations. Finally, the international community is characterized by the rule of law rather than the resort to force. Based on this premise, it is evident that the United Nations Law of the Sea Conventions has led to a more orderly and lawful use of the sea for peaceful purposes in the Caribbean.

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# Global Warming and Climate Change in the Caribbean

***Pat Paterson***

*“No challenge poses a greater threat to our future and future generations than a changing climate.”* U.S. President Barack Obama, 03 August 2015.

## **Introduction**

Global warming presents one of the most serious threats to nations in the Western Hemisphere. Caribbean countries in particular are the most vulnerable. Sea rise, increased storm volatility, droughts, heat waves, coral bleaching, food shortages, and increased temperatures present significant risks to Small Island Developing Nations (SIDS) in the Western Hemisphere in the 21<sup>st</sup> Century.

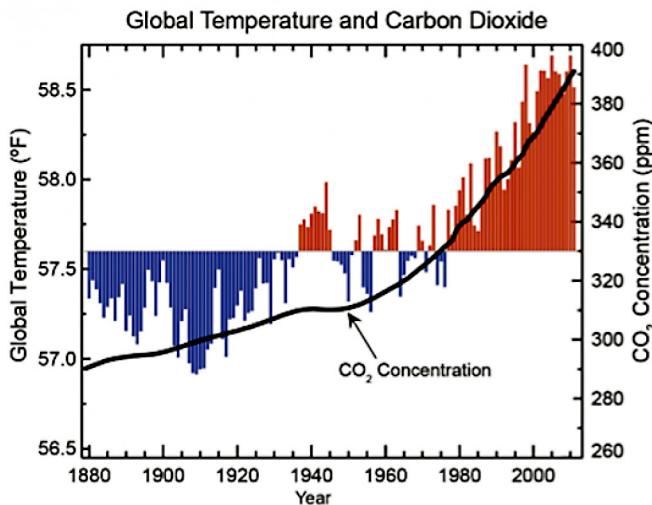
This article examines global warming, what is causing it, and the associated risks. The article’s main focus addresses the specific problems presented by climate change to Caribbean island nations. Worsening conditions from combined effects of global warming and climate change may make some of these countries nearly uninhabitable in the next 100 to 200 years. Risks from monster storms, rising sea levels, and lengthy droughts that strain limited potable sources on some islands may force a mass migration of citizens to safer habitats.

Global warming may represent one of the most existential threats mankind has ever faced. After years of foot dragging, the international community has finally mobilized to try to implement changes to minimize the damage. Many countries are now developing alternate energy sources, trying to minimize the introduction of additional greenhouse gases in the atmosphere. But our actions may be too little, too late: for the next 100 to 200 years, we can only slow the process of global warming, not stop it. For Caribbean and Latin American nations, the danger is here to stay. Despite our best efforts, the problem will get worse – much worse – before it gets better.

## What causes global warming and climate change?

The Earth is warming because of greenhouse gases in the atmosphere that act as a blanket trapping heat that normally escapes or can be absorbed by the planet's oceans and forests. Whereas the Earth's temperatures fluctuate over time naturally, scientists are nearly unanimous in the belief that the planet's recent temperature increases are a result of human action, primarily the use of fossil fuels that emit large amounts of carbon dioxide and methane into the air.

Global warming and climate change are often used interchangeably but the distinctions between the two terms are important. Global warming refers to the increase in average temperatures across the planet. Climate change refers to the subsequent changes of atmospheric and meteorological events as a result of global warming. For example, rising sea levels because of melting ice fields, increased surface temperatures, and ocean acidification are caused by global warming. More intense storms, changes in weather patterns that create drought conditions, and heavier rainfall are products of climate change. Some natural disasters – wildfires, avalanches, hurricanes, heat waves – may be attributable to both global warming and climate change.



*Graph caption: Global annual average temperature has increased by more than 1.5°F (0.8°C) since 1880 (through 2012). Red bars show temperatures above the long-term average, and blue bars indicate temperatures below the long-term average. The black line shows atmospheric carbon dioxide (CO<sub>2</sub>) concentration in parts per million (ppm). Source: U.S. National Climate Assessment, 2014.*

Fossil fuels currently supply over 80% of the world's energy and are currently the most convenient and inexpensive way to meeting growing energy demands in many countries. However, fuels like petroleum, coal, and natural gas produce large amounts of carbon dioxide, methane, ozone, and nitrous oxide, the primary components of greenhouse gases. These gases trap heat in the atmosphere, increasing the temperature of the planet. Ninety percent of the heat is absorbed in the ocean. As the ocean temperatures rise, polar ice caps are melting at an alarming rate. At the same time, surface land temperatures also rise, generating heat waves and droughts to a degree mankind has never before experienced.

For decades, countries were reluctant to take actions to reduce emissions of these harmful gases. The science of global warming was too uncertain to justify drastic changes. The expenses and technology of switching to alternate sources of renewable energy were cost prohibitive and damaging to fragile economies. There was minimal political will among leaders of nations to pursue a collective action.

***The cost of inaction outweighs the cost of action to mitigate the effects of global warming and climate change.***

Scientists have been warning about the ramifications of global warming and climate change for decades. But recent scientific research reached two new conclusions that have elevated the urgency of the problem. First, scientists confirmed that global warming was a result of man-made pollutants entering the atmosphere and surpassing the planet's natural ability to absorb it. The amount of greenhouse gases has increased 50% since the start of the Industrial Revolution in the 18<sup>th</sup> century.<sup>1</sup> Second, the research predicted the amount of warming that may occur in the 21<sup>st</sup> century. Consequently, scientists were able to estimate the potential level of sea rise and polar ice cap melt that will result. Those reasons, coupled with clear examples of rising temperatures, reduced polar ice caps, and heightened sea levels, have spurred leaders to action. For many leaders, the cost of retooling

<sup>1</sup> According to the Intergovernmental Panel on Climate Change (IPCC), "human activities have caused more than half of the observed increase in global mean surface temperatures from 1951 to 2010." Source: The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), Climate Change 2013: The Physical Science Basis. See Frequently Asked Questions, page 43.

national energy industries away from fossil fuels to renewable energies like solar power, hydro power, and wind energy were too costly. However, these same leaders have recently come to the realization that the potential damage from global warming now exceeds the costs of preventive measures that a nation may take. In other words, the cost of inaction outweighs the cost of action to mitigate the effects of global warming and climate change.<sup>2</sup>

## **Dangers of Global Warming and Climate Change**

News about risks of climate change are foreboding warnings to Latin American and Caribbean nations. 2014 was the hottest year on record. 2015 was even hotter.<sup>3</sup> Of greater concern is that the temperature increases may be advancing faster than before. 2015 was 0.29 degrees higher than 2014, which itself marked significant temperature increases over previous years. The increased temperatures had a series of immediate effects which Latin American and Caribbean nations are already feeling.<sup>4</sup>

***“Go back in your life to think about the hottest, most traumatic event you have ever experienced. That event is going to become the norm.”***

Scientists in Hawaii studying the rapid acceleration of global temperatures have issued an alarming forecast. In a report published in the prestigious science journal *Nature*, scientists from the University of Hawaii predicted that by the middle of the 21<sup>st</sup> century average temperatures will be hotter than anything ever experienced since 1860. In other words, “the coldest year in the future will be warmer

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<sup>2</sup> For an account of the economic costs of climate change prevention, see Eduardo Porter, “Counting the Costs of Fixing the Future,” *New York Times*, 10 Sept 2013.

<sup>3</sup> In January 2016, the U.S. National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) reported that 2015 and 2014 were the warmest years on record since 1880. Before 2014, 2005 and then 2010 were the hottest on record. The ten hottest years in modern history have all occurred since 1997. See Joby Warrick and Chris Mooney, “Hot in. . . everywhere: 2014 breaks all records.” *Washington Post*, 27 Jan 2015; Justin Gillis, “2015 Far Eclipsed 2014 As World’s Hottest Year, Climate Scientists Say,” *New York Times*, 20 Jan 2016.

<sup>4</sup> John Schwartz, “Studies Look for Signs of Climate Change in 2014’s Extreme Weather Events,” *New York Times*, 6 Nov 2015.

than the hottest years in the past.” The lead scientist of the study put it in more dire terms. “Go back in your life to think about the hottest, most traumatic event you have ever experienced. That event is going to become the norm,” he said.<sup>5</sup>

Warmer temperatures also mean bigger and more dangerous hurricanes and typhoons. Warmer atmospheric conditions hold more water vapor and produce heavier rainfalls.<sup>6</sup> Notable differences in weather patterns have already been noticed in the U.S. According to U.S. National Climate Assessment of 2014, heavy rainfall events increased by 71% in the northeast of the country, by 37% in the Midwest, and by 27% in the south.<sup>7</sup>



*Photo caption: The Qori Kalis glacier, part of the Quelccaya ice cap in Peru, as seen in 1978 and again in 2008. The part of the glacier that took 1600 years to grow melted in just 25 years, an indication of how rapidly the planet is warming.<sup>8</sup>*

In South America, one of the biggest worries is the disappearing glaciers that sit high in the Andes Mountains, the source of potable water for millions of citizens of the region. Peru, for example, is home to 70 percent of the world’s tropical glaciers. Bolivia, Ecuador, and Chile are also dependent on icefields and glaciers as a source of water. Peruvian glaciers have melted by 40% of their original size since 1970. In Colombia, just 16% of the snow cover in the country’s mountains remains from 1850. Some environmentalists predict that many of the 18 glaciers

<sup>5</sup> Justin Gillis, “By 2047, Coldest Years may be Warmer than Hottest in Past, Scientists Say,” *New York Times*, 10 Oct 2013.

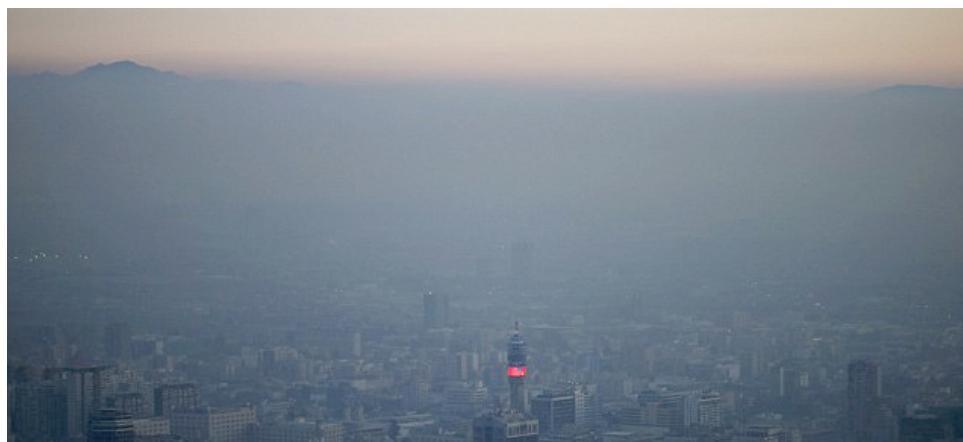
<sup>6</sup> Justin Gillis, “2015 Far Eclipsed 2014 As World’s Hottest Year, Climate Scientists Say,” *New York Times*, 20 Jan 2016.

<sup>7</sup> Justin Gillis, “U.S. Climate has already changed, study finds, citing heat and floods,” *New York Times*, 07 May 2014.

<sup>8</sup> Justin Gillis, “In Sign of Global Warming, 1600 Years of Ice in Peru’s Andes Melted in 25 Years,” *New York Times*, 04 Apr 2013; Justin Gillis, “Study Links Temperature to a Peruvian Glacier’s Growth and Retreat,” *New York Times*, 25 Feb 2014.

in the Peruvian Andes will disappear altogether by 2021. The problem may have severe impact on potable water, irrigation for crops, and electricity.<sup>9</sup>

There is another atmospheric problem that is often overshadowed by the attention on climate change. Atmospheric pollution in many parts of the Western Hemisphere – primarily from fossil fuels used in power generation and transportation – have reached epidemic levels. According to a report presented at the February 2016 annual conference of the American Association for the Advancement of Science in Washington DC, more than 5.5 million people die each year from air pollution caused by fine particles generated in coal-fired power plants. Worldwide, air pollution is now the second leading cause of premature deaths behind smoking. The problems are concentrated in China and India because of those countries' dependence on coal to produce electricity but the contaminants are carried aloft by wind patterns that deliver the pollution to many parts of North and South America.<sup>10</sup> Latin America has its own problems with smog. In Santiago, Chile, for example, the government declared an environmental emergency in June 2015 when smog blanketed the city, nearly blocking out the sun. Santiago and Mexico City are considered some of the most polluted cities in the world.



*Photo caption: A heavy blanket of pollution covers Santiago, Chile in June 2015, forcing the government to shut down nearly 1000 factories and order 40% of the cars off the streets. Photo credit: Quartz.com.*

<sup>9</sup> AFP, "Andes Glaciers, Ailing Giants Hit by Climate Change," 02 Dec 2014; Heather Somerville, "Glacier melt in Peru becomes more than a climate issue," *Washington Post*, 16 Jan 2011.

<sup>10</sup> Darryl Fears, "More than 5 million people a year will die from polluted air," *The Washington Post*, 13 February 2016, p. A3.

*Computer models predict an increase in the number of Category 4 and 5 Atlantic hurricanes by the end of the century. Rainfall averages in these events are expected to increase by 20 percent.*

## Security and Defense issues related to Climate Change

In 2014, the U.S. Department of Defense (DOD) declared climate change an immediate threat to national security. According to the Pentagon, climate change is a “threat multiplier.” Global warming can exacerbate problems on terrorism, infectious disease, global poverty, and conflicts over water and food shortages. The DOD tasked its subordinate commands to consider climate change risks in all of their operations and strategic planning.<sup>11</sup> Then-Defense Secretary Chuck Hagel told the Ministers of Defense from Caribbean and Latin American countries at a security conference in Lima, Peru that,

The loss of glaciers will strain water supplies in several areas of our hemisphere. Destruction and devastation from hurricanes can sow the seeds of instability. Droughts and crop failures can leave millions of people without any lifeline, and trigger waves of mass migration.”<sup>12</sup>

Climate change may be especially hard on economically delicate countries in vulnerable coastal regions. India, Bangladesh, and the Mekong Delta in Vietnam could suffer tremendously as sea levels rise, triggering a wave of new migration problems that would overwhelm the absorptive capacity of neighboring countries. Pentagon officials call it a “catalyst for conflict.” “In the past, the thinking was that climate change multiplied the significance of a situation. Now we’re saying it’s going to be a direct cause of the instability,” said retired General Charles Ward,

<sup>11</sup> Department of Defense, “National Security Implications of Climate-Related Risks and a Changing Climate,” 23 July 2015. <http://archive.defense.gov/pubs/150724-congressional-report-on-national-implications-of-climate-change.pdf?source=govdelivery>. In January 2016, the DOD issued additional instructions to the military services and other offices under its responsibility. See Department of Defense Directive 4715.21, “Climate Change Adaptation and Resilience,” January 14, 2016: <http://www.defense.gov/Portals/1/Documents/pubs/471521p.pdf>

<sup>12</sup> Coral Davenport, “Pentagon Signals Security Risks of Climate Change,” *New York Times*, 13 Oct 2014. Read the Department of Defense 2014 Climate Change Adaptation Roadmap at <http://www.acq.osd.mil/ie/download/CCARprint.pdf>.

who studied the situation for the Pentagon.<sup>13</sup> For example, scientists determined that a drought in parts of the Eastern Mediterranean from 2006 to 2009 was a factor in the Syrian civil war. Extreme dryness caused crop failures that forced 1.5 million Syrians to migrate to cities. This contributed to social stresses in urban areas that eventually triggered an uprising against President Bashar al-Assad in March 2011.<sup>14</sup> Since then, the Syrian civil war has raged unabated, taking the lives of 250,000 people.

*“Rising global temperatures, changing precipitation patterns, climbing sea levels, and more extreme weather events will intensify the challenges of global instability, hunger, poverty, and conflict. They will likely lead to food and water shortages, pandemic disease, disputes over refugees and resources, and destruction by natural disasters in regions across the globe,”*

*Former U.S. Defense Secretary Chuck Hagel, 2013.*

### **Conference to the Parties (COP-21) in Paris, December 2015**

For many Caribbean citizens, the reports from the December 2015 global Conference of Parties to the United Nations Framework Convention on Climate Change (COP-21) in Paris was welcome news. For the first time since the 1997 Kyoto Protocol, countries established limits on greenhouse gas emissions that aimed to reduce the impact of greenhouse gases on the planet. The 196 national representatives attending the conference agreed to try to limit global warming to an increase of 2.0 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels. Delegates also pledged to try to slow global warming even further, by trying to limit temperature increases to 1.5 degrees Celsius.<sup>15</sup> The event represents what could be a transformational global moment in which countries across the planet change

<sup>13</sup> Coral Davenport, “Climate Change Deemed Growing Security Threat by Military Researchers,” *New York Times*, 13 May 2014.)

<sup>14</sup> Henry Fountain, “Researchers Link Syrian Conflict to a Drought made worse by Climate Change,” *New York Times*, 02 Mar 2015; Peter Gleick, “Water, Drought, Climate Change, and Conflict in Syria,” Pacific Institute, February 2, 2014.

<sup>15</sup> The 12-page summary of the COP-21 accord is at <https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf>

their energy-producing industries from “dirty” greenhouse-producing fuels like coal, oil, and gas to carbon-free energy sources like wind, solar, geothermal, and nuclear power.

Despite the historical achievement in Paris – the first time in over 20 years that the international community reached a universal agreement on the problem of climate change – a number of participants in the COP-21 Conference have expressed doubts about the process. There is no enforcement mechanism to ensure countries follow through on their pledges. The conference agreement was non-binding; each country has only made a voluntary commitment to reduce their emissions. There are worries that the world’s biggest polluters - China, the U.S., India, Brazil, Canada, Russia, Indonesia and Australia – may not have the political will to curb greenhouse gases when faced with growing energy demands and fragile economies. “Whether or not this becomes a true turning point for the world, though, depends critically on how seriously countries follow through,” one conference delegate admitted.<sup>16</sup>

The global collective effort may have come a bit too late. So much greenhouse gas has accumulated in the atmosphere because of human activity that it will take centuries for it to be slowly absorbed by oceans. The COP-21 participants agreed to reduce the global emissions in order to slow global warming. However, that effort only delays the doubling of carbon dioxide in the atmosphere from current amounts by ten years from 2065 to 2075.<sup>17</sup> “The pledges are a big step forward but not sufficient. . . . not even close,” said one scientist about the conference participants’ efforts to reverse climate change.<sup>18</sup>

Scientists agree that the melting of ice fields in Antarctica and Greenland will continue for decades or centuries even if carbon dioxide and other greenhouse gases are brought under control. The melting will continue until the atmosphere can clean itself of residual contaminants – a process scientists refer to as “deep decarbonization” - and adjust to the new conditions. Some worry that we may have already passed the point of no return.<sup>19</sup>

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<sup>16</sup> Coral Davenport, “Nations Approve Landmark Climate Accord in Paris,” *New York Times*, 12 Dec 2015.

<sup>17</sup> Steven Koonin, “Tough Realities of the Climate Talks,” *New York Times*, 04 Nov 2016.

<sup>18</sup> Justin Gillis and Somini Sengupta, “Progress Seen in New Goals on Warming,” *New York Times*, 28 Nov 2015.

<sup>19</sup> Kenneth Chang, “The Big Melt Accelerates,” The New York Times, 20 May 2014, p. D1.

## Political Obstacles

The United States is the second largest emitter of greenhouse gases in the world. For many years, the U.S. refused to join international efforts to reduce emissions. Under the Obama Administration, the U.S. has taken a different tack. In June 2013, the government released its Climate Action Plan and agreed to reduce its greenhouse gas emissions by 17 percent below 2005 levels. Just prior to the Paris COP-21 Summit in December 2015, President Obama made an even deeper commitment. He pledged that the U.S. would reduce emissions by 28 percent by 2025. This came on the tail of a major breakthrough brokered with the world's largest greenhouse gas producer, China.<sup>20</sup>

However, the U.S. and other countries still face significant obstacles to reducing global warming, particularly from skeptics who refute the science that shows the planet is warming. These doubters are a very small percentage of policy makers who seem intent on blocking any investment in reducing human-caused global warming conditions. Even with the modest accomplishments made at COP-21 in Paris in December 2015, conservative politicians and fossil fuel industries continue to raise uncertainty on the issue that distracts government and industry officials from making meaningful progress. Since the 1970s, top executives and scientists of fossil fuel corporations have banded together to block or delay legislation. In 1989, a group of automobile, utility, and fossil fuel industries joined forces to form the Global Climate Coalition, a group dedicated to blocking U.S. ratification of the Kyoto Protocol.

The Kyoto Protocol was the 1997 United Nations effort to reduce greenhouse emissions based on the assumption that global warming exists and man-made CO<sub>2</sub> emissions have caused it. 192 countries ratified the Protocol including Russia, China, and India, countries that produce the largest amount of CO<sub>2</sub> emissions. The U.S. was the only major developed country in the world that didn't ratify the Kyoto Protocol. The U.S. Senate voted 95-0 to not ratify the Kyoto Protocol if it harmed the U.S. economy claiming that such efforts were futile unless

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20 Coral Davenport, "A Climate Accord Based on Global Peer Pressure," *New York Times*, 15 Dec 2014.

developing countries were also tasked to reduce emissions.<sup>21</sup> The Global Climate Coalition and, particularly, fossil fuel companies lobbied to oppose any legislation intended to reduce human emissions.

In March 2015, Senate Majority Leader Mitch McConnell, a Republican from coal-heavy state Kentucky, wrote governors of the fifty U.S. states, urging them to “reject Obama’s mandate for clean-power regulations” and urged them to refuse to submit climate change compliance plans to the U.S. Environmental Protection Agency (EPA). In November 2015, conservative politicians in the U.S. Senate passed legislation that would repeal new EPA rules to reduce heat-trapping carbon emissions from existing coal-fired power plants.<sup>22</sup> The Senate vote, passed on the eve of the COP 21 conference in Paris, carried an important symbolic message to the international community: the conservative Republican leaders in the U.S. Congress do not support the Obama administration proposed legislation backing climate change efforts by the international community.<sup>23</sup>

Republican Party presidential candidates are some of the biggest skeptics of climate change. Many have vowed to reverse the efforts of the United States at the Paris climate talks. “I don’t believe in climate change,” Donald Trump told CNN in an interview in September 2015. Marco Rubio, Republican Senator from Florida, said, “I do not believe that human activity is causing these dramatic changes to our climate the way these scientists are portraying it.” Ben Carson said, “There is no overwhelming science that things that are going on are man-caused and not naturally caused.”<sup>24</sup> The Obama Administration efforts to assist developing coun-

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<sup>21</sup> Robert Bruelle, “America has been duped on climate change,” *The Washington Post*, 06 Jan 2016. For a comprehensive summary of the U.S. legislative efforts on climate control, see “Jane A. Leggett, “A U.S.-Centric Chronology of the International Climate Change Negotiations,” *Congressional Research Service*, 08 Feb 2011).

<sup>22</sup> In 2006, President George W. Bush’s senior associate on climate research, Rick Piltz, resigned in protest from the Bush Administration. Piltz complained that the Administration was guilty of a “conspiracy of silence” for watering down government reports on climate change in order to hide the severity of the problem from the American people. In his resignation letter, he accused the Bush White House of “undermining the credibility and integrity of the program.” Coral Davenport, “Senate Votes to Block Obama’s Climate Change Rules,” *New York Times*, 17 Nov 2015.

<sup>23</sup> According to one recent U.S. poll, nearly 70% of Democrats believe global climate change is a serious problem as compared to only 20% of Republicans. Source: Sewell Chan, “Poll Finds Global Consensus on the Need to Curb Emissions,” *New York Times*, 06 Nov 2015).

<sup>24</sup> Heather Haddon, “Donald Trump: I Don’t Believe in Climate Change,” *Wall Street Journal*, 24 September 2015; Coral Davenport, “Many Conservative Republicans Believe Climate Change is a Real Threat,” *New York Times*, DATE; Coral Davenport, “Why Republicans Keep Telling Everyone They’re Not Scientists,” *New York Times*, 31 Oct 2014; Emmarie Huetteman, “Rubio Denies Humans Have An Effect on Climate Change,” *New York Times*, 11 May 2014;

tries (like those in the Caribbean) with \$3 billion of aid so that they may adapt their economies to new clean energy standards have been blocked by conservatives in the U.S. Congress.<sup>25</sup>

This philosophical sentiment may be soon obsolete. Recent public opinion surveys in the U.S. show that climate change is a significant concern of both Republicans and Democrats alike. Seventy-nine percent of Americans now say they have witnessed evidence of climate change. Sixty-seven percent support limiting greenhouse gas emissions from power plants. Even multinational companies like ExxonMobil have acknowledged that humans are causing climate change and are seeking to reform their operations to eliminate dangerous greenhouse gases.<sup>26</sup>

## **Climate Change and Global Warming Impact on the Caribbean**

For a number of reasons, Caribbean nations have a heightened vulnerability to climate change and global warming. In particular, two factors portend the greatest risk to Caribbean nations: more destructive storms and increased sea level. Warmer Atlantic Ocean water temperatures will produce stronger and more frequent hurricanes. The United Nations Intergovernmental Panel on Climate Change (IPCC) noted an increase in the intensity, frequency, and duration of Atlantic hurricanes since 1980. Higher sea surface temperatures, expected as global warming increases ocean temperatures, produce stronger hurricanes. Computer models based on these indicators predict an increase in the number of Category 4 and 5 hurricanes by the end of the century. Rainfall averages in these events are expected to increase by 20 percent.<sup>27</sup>

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<sup>25</sup> The Caribbean Planning for Adaptation to Climate Change (CPACC) and the Global Environment Fund (GEF) are two examples of financial assistance packages sponsored by wealthy nations to Small Island Developing Nations (SIDS) to ease the financial shock of implementing changes to industry and other preventive measures. Coral Davenport, “Global Climate Pact Gains Momentum as China, U.S. and Brazil Detail Plans,” *New York Times*, 01 July 2015, p. A12.

<sup>26</sup> David Leonhardt, “American’s Concern over Climate Change is again on the Rise,” *New York Times*, 16 June 2015.

<sup>27</sup> Intergovernmental Panel on Climate Change (IPCC), Fifth Assessment Report, November 2014. Available at [https://www.ipcc.ch/publications\\_and\\_data/publications\\_and\\_data.shtml](https://www.ipcc.ch/publications_and_data/publications_and_data.shtml)

**Table 1 – Examples of Risks and Factors of Global Warming on Caribbean Nations<sup>28</sup>**

Increasing frequency of larger, more destructive storms.
Sea-level rise and flooding of coastal settlements and infrastructure.
Limited civil defense force capacity and response.
Potential damage to coastal and marine environments and resources (e.g., fishing industry).
Economic losses from climate change effects (e.g., reduced crop yield, drought, deforestation, decreased rainfall).
Economic risk heightened by dependence on limited natural resources.
Environmental damage impact on tourist industry (e.g., beach erosion, cruise ship terminals, coral bleaching).
Risk to potable water sources.
Decreased tourism due to increased frequency and severity of extreme weather.

Caribbean island nations have always been very vulnerable to Atlantic hurricanes. Aside from the death and injuries these storms cause, they can have costly consequences for the infrastructure and economies of the countries. In September 1995, Hurricanes Luis and Marilyn were back-to-back storms that devastated Antigua and Barbuda and Dominica. Both storms landed on the islands within the space of 10 days; Hurricane Luis on September 5 and Hurricane Marilyn on September 14. The storms caused extensive damage on the islands, estimated at over \$400 million. The entire banana crops on both islands were destroyed. Under future conditions of heightened storm activity due to global warming and climate change, these kinds of “country killer” storms may become more commonplace.

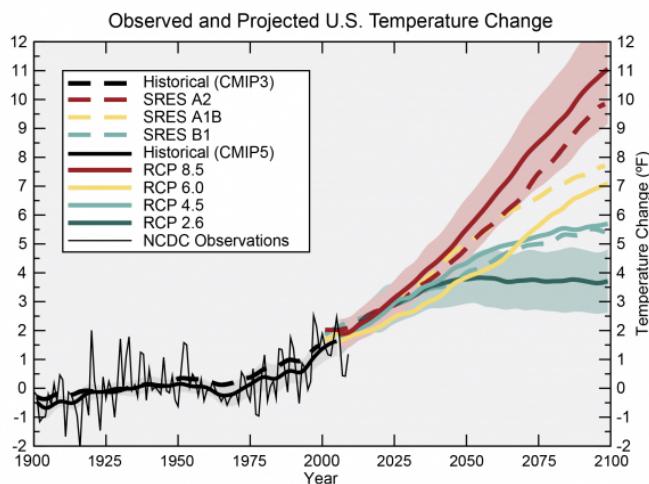
A second significant risk for Small Island Developing States (SIDS) in the Caribbean is from rising ocean levels. Temperature increases in the past few decades have caused an accelerated melting of the ice caps in Antarctica and Greenland, home to nearly all of the world’s ice. The Antarctic accounts for nearly 90% of all the ice on Earth. Greenland accounts for nearly all of the remaining 10 percent. The melt off on these two land masses has accelerated and some scientists now predict that the process is nearly irreversible. Greenland has enough ice to raise the sea levels by 23 feet if all the ice on the land mass melted. If the Antarctic

<sup>28</sup> Information collated from numerous sources including United Nations Environment Programme (UNEP), “Climate Change in the Caribbean and the Challenge of Adaptation,” 2008; United Nations Framework Convention on Climate Change, “Climate Change - Small Island Developing States,” 2005.

ice disappeared completely, sea levels would rise 215 feet around the globe.<sup>29</sup>

Since the year 1900, average global temperatures have increased 1.7 degrees Fahrenheit. As a result, sea heights around the planet have risen by eight inches. Recent international efforts were aimed at limiting the warming of the planet to 2 degrees Celsius or 3.6 degrees Fahrenheit. But the fear is that the conditions will grow much worse. By the year 2100, according to the IPCC, the global temperatures are expected to increase by 3.6 degrees Fahrenheit above pre-industrial levels. Global sea heights could reach three to five feet above current levels.<sup>30</sup>

Some scientific models predict something much more catastrophic: a temperature rise by as much as 12 degrees Fahrenheit. Caribbean nations with low geographic profiles, like the Bahamas, the Cayman Islands, Turks and Caicos, and the offshore islands of Belize would be consumed by the ocean rise.



*Projected average annual temperature changes over the contiguous United States. Graph shows results from numerous studies: CMIP (Coupled Model Intercomparison Project), SRES (Special Report on Emissions Scenarios), RCP (Representative Concentration Pathways), and NCDC (National Climatic Data Center). Differences in these projections are principally a result of differences in the scenarios. Source: 2014 National Climate Assessment.*

<sup>29</sup> In contrast, ice in mountain glaciers like those in the Andes in Peru, Ecuador, and Bolivia account for less than one percent of the planet's frozen water. Kenneth Chang, "The Big Melt Accelerates," *The New York Times*, 20 May 2014, p. D1.

<sup>30</sup> The Intergovernmental Panel on Climate Change (IPCC), established in 1988, won the Nobel Peace Prize in 2007 for its efforts to raise the alarm and rally governments to a response on climate change. Justin Gillis, "The Flood Next Time," *New York Times*, 14 Jan 2014, p. D1.

Approximately 70 percent of the nearly 40 million inhabitants of Caribbean islands live in coastal communities that are vulnerable to sea rise. The vast majority of the tourist industry is concentrated in this area in the form of hotels, resorts, marinas, restaurants, cruise ship terminals, and airports. The problem could cause a reduction in the number of foreigners visiting Caribbean islands to scuba dive and snorkel, one of the main tourist activities in many of the islands in the region. This is alarming for the economies of these countries; on average, Caribbean nations generate about 30 percent of their economies from the tourist industry. In Barbados, for example, tourism revenue generates 36 percent of its gross domestic product.<sup>31</sup> In 2004, almost 2.5 million people in the region depended on tourism for employment, about 15.5 percent of total employment.<sup>32</sup>

Global warming may also threaten fresh water sources on many Caribbean islands. Most Caribbean islands depend on a single source of freshwater, either groundwater, rainwater, rivers, or surface reservoirs in most cases. The Bahamas and Barbados, for example, are almost entirely dependent on groundwater supplies of fresh water. Scientists predict that rainfall will be less regular as a result of climate change. Rainfall may increase during intense hurricanes and tropical storms but, overall, average rainfall amounts will decrease.<sup>33</sup>

Consequently, many Caribbean island nations are suffering from droughts. The 2015 Caribbean drought, one that continues into 2016, has affected Caribbean countries from Cuba to Trinidad and Tobago. This is particularly worrisome for some islands that already suffer from freshwater supplies that are lower than the international limit of 1,000 cubic meters of potable water per person per year. For example, Antigua and Barbuda (800 cubic meters per capita), Barbados (301 cubic meters per capita), and St. Kitts and Nevis (621 cubic meters per capita) are all considered water-scarce countries according to international standards.<sup>34</sup>

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<sup>31</sup> Tourism rates retrieved from World Travel and Tourism Council, <http://www.wttc.org/datagateway/>

<sup>32</sup> United Nations Environment Programme (UNEP), “Climate Change in the Caribbean and the Challenge of Adaptation,” 2008, 12.

<sup>33</sup> United Nation Framework Convention on Climate Change (UNFCCC), 2007a. “Vulnerability and adaptation to climate change in small Island Developing States”. Background paper for the UNFCCC Expert Meeting on Adaptation for Small Island Developing States (SIDS) Part I - Caribbean and Atlantic Ocean SIDS, Jamaica, February 2007.

<sup>34</sup> United Nations Environment Program (UNEP), Caribbean Environment Outlook 2005. Nairobi, Kenya.

The atmospheric changes could have an impact under the water also. The National Oceanic and Atmospheric Administration (NOAA) announced in 2015 that the world was suffering from only the third global coral bleaching event ever recorded. Coral bleaching is caused by an acidification of the waters as excessive CO<sub>2</sub> is absorbed by the oceans. Severe bleaching can kill reefs, reduce food sources for marine life that depends on the reef as an ecosystem, and even decrease shoreline protection from storms. According to some scientists, coral reefs have been reduced by 40 percent worldwide. Caribbean coral reefs may be deteriorating even faster; one study cited by the United Nations indicates that as much as 80 percent of reefs in the Caribbean region may have been lost in the past two decades.<sup>35</sup> Mark Eakin, the director of NOAA's Coral Reef Watch declared, "This is absolutely the worst they have ever seen. We're very likely to see the bleaching get worse in 2016."<sup>36</sup>

## Conclusion

Among scientists, there is little doubt that human activity is responsible for rising temperatures, a byproduct of the pollution pumped into the atmosphere by an overcrowded planet and man's dependence on fossil fuels for energy. The American Association for the Advancement of Science, the world's largest science society with over 120,000 members, released a report in early 2014 attesting to the near-unanimity on human-caused global warming. "Based on well-established evidence, about 97 percent of scientists have concluded that human-caused climate change is happening," the report stated.<sup>37</sup>

Among Caribbean nations, there are a number of urgent actions that must be taken. Civil defense budgets have to be expanded. Regional agreements on disaster responses by CARICOM and other organizations have to be modified to reflect the

<sup>35</sup> Gardner, T., Côté, I., Gill, J., Grant, A., and Watkinson, R., 2003. Long-Term Region-Wide Declines in Caribbean Corals. *Science*: 301. No. 5635, 958 - 960. According to the 2006 Caribbean Sea Ecosystem Assessment (CARSEA), the continued decline of coral reefs could cost the region between US\$350m and US\$870m per year by 2050. See CARSEA Executive Summary. 2006. The University of West Indies. The Cropper Foundation.

<sup>36</sup> John Schwarz, "Pacific Ocean Becomes a Cauldron," *New York Times*, 03 Nov 2015; Carl Zimmer, "Ocean Life Faces Mass Extinction, Broad Study Says," *New York Times*, 16 Jan 2015.

<sup>37</sup> Justin Gillis, "Scientists Sound Alarm on Climate," *New York Times*, 18 Mar 2014.

new danger. Legislators have to work with private companies in their countries to retool their energy industry toward renewable and cleaner sources of fuel.

Individuals can also take steps as part of a collective effort to minimize the carbon footprint of their countries. The problem is so severe that no effort is too insignificant. Install proper insulation in houses to prevent excessive energy use. Switch to more efficient light bulbs and electrical systems. Invest in renewable energy like solar panels. Use public transportation when possible. Press political representatives who support these initiatives; vote out those who do not.

Every country, including Caribbean nations, has to deal with the risks of global warming and climate change. Caribbean countries only produce a fraction of the greenhouse gases of other developed countries like China, India, and the United States. But the region is heavily dependent on “dirty” fuel sources like gasoline, diesel oil, and fuel oil for energy production. In fact, 90 percent of atmospheric contaminants produced by Caribbean countries comes from fossil fuels. Everyone must do their part to reduce the introduction of additional greenhouse gases into the atmosphere. Caribbean nations have to wean themselves off of fossil fuel industries and invest and develop renewable clean energy technologies like wind, solar, and hydro power.

Climate change will affect the Caribbean nations and other countries in the Western Hemisphere for hundreds of years. Even if the nations of the world can reduce their reliance on fossil fuels and develop alternative sources of energy, the climate will continue to warm and create atmospheric difficulties. The question is not if conditions will worsen for Caribbean nations – they will – but how rapidly the problems will intensify.

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# Venezuela’s “9-Dash-Line” in the Caribbean

*R. Evan Ellis*

Venezuelan President Nicolás Maduro has resurrected century-old land claims over two-thirds of neighboring Guyana and its corresponding maritime borders. Venezuela’s aggressive rhetoric and stated plan to register Guyanese citizens living in the disputed territory as Venezuelans represent direct challenge to the hemisphere’s traditions of rule of law and diplomacy. The U.S. and other neighbors need to step up their condemnation of Venezuela’s aggression and urge a diplomatic solution.

In recent years, the People’s Republic of China has alarmed its neighbors by aggressively asserting sovereignty over vast portions of the South China Sea, a claim demarcated through what is commonly called the “9-dash-line.”

While the United States has abstained from taking a position on China’s claims, it has expressed strong reservations over the manner in which it has used military and administrative mechanisms to impose its position on its neighbors, rather than seeking to resolve the matter through negotiation and arbitration.

Much closer to the U.S., the “Bolivarian Socialist” Republic of Venezuela is similarly using a historical claim to assert its own “nine-dash-line” in the Caribbean, in a gambit with significant strategic implications for the U.S. and the security of the region.

Venezuela is staking a claim to the vast Essequibo region, representing approximately two-thirds of the current territory of its neighbor Guyana, along with the waters defined by the continental shelf of the claimed area. This also just happens to be where an international consortium led by Exxon Mobil, operating under a license with the Guyanese government, discovered a large oil deposit with an estimated market value of \$40 billion.

The area in question had been awarded to Guyana, then under British control, in an 1899 arbitration ruling. In 1962, Venezuela formally declared its desire to challenge the long-standing ruling, and, in 1983, declared that it would no longer defer settlement of the matter. The dispute was given relatively little attention

until October 2013, when Venezuelan military detained the oil exploration vessel Teknik Perdana for conducting exploratory operations in the area without a permit from Venezuela. Technically, the 2013 incident involved a different Venezuelan claim, based on a maritime line drawn from the current, internationally accepted land border—but the seizure suddenly heightened tensions between the two countries. The ship’s presence also confirmed there were significant commercially-recoverable quantities of oil in the offshore portion of the disputed area and Venezuela’s plan to aggressively press for control over the region.

*[The Essequibo region of Guyana] just happens to be where an international consortium led by Exxon Mobil, operating under a license with the Guyanese government, discovered a large oil deposit with an estimated market value of \$40 billion.*

On May 25, 2015, Venezuela issued presidential decree 1787, re-affirming its claim and linking it to a new “Integrated Defense Maritime Zone” to be defended by the Venezuelan armed forces. The decree eerily paralleled China’s declaration of an “Air Defense Identification Zone” over disputed territories in the South China Sea in November 2013.



*The Guyana-Venezuela border dispute centers around the Essequibo River. The disagreement originates from the era of independence and almost resulted in a confrontation between Venezuelan and Guyanese military forces in 2007. Background map compliments of the Library of Congress.*

Indeed, the action was so aggressive that Colombia, whose own maritime limits with Venezuela in the Caribbean were also threatened, protested the zone.

In the weeks following the assertion of the new military zone, Venezuelan President Nicolas Maduro has declared that his country would begin registering the people who live in the territory of Essequibo (under Guyanese administration even before the 1899 arbitration formally awarded Guyana control), with Venezuelan identity cards. How it would do so, though, remains unclear, raising such questions as whether Venezuelan military or government officials would physically enter Guyanese territory to register Venezuela's new citizens.

*Guyana's newly elected President David Granger has repeatedly affirmed his interest in settling the dispute through diplomatic and legal channels, yet has also vowed to defend Guyana's sovereign territory if necessary, and has reportedly convened Guyana's Defense Board on the issue.*

The Venezuelan government is also attempting to use economic pressure against Guyana in the matter. In July 2015, it announced that it was suspending its purchases of Guyanese rice, a significant blow given that Venezuela has traditionally bought 40 percent of the nation's rice export.

As with China's small neighbors sharing the South China Sea, Guyana lacks the military capabilities to prevail over Venezuela. Guyana's newly elected President David Granger has repeatedly affirmed his interest in settling the dispute through diplomatic and legal channels, yet has also vowed to defend Guyana's sovereign territory if necessary, and has reportedly convened Guyana's Defense Board on the issue.

### **Should the United States act?**

As in the East China Sea, the United States should avoid taking a position on the merits of Venezuela's legal claim. Yet the U.S. arguably has an interest in making a strong stand in support of the integrity of national borders, and in this case Guyana's security against Venezuelan attempts at intimidation. This should also include reinforcing the right of Guyana to manage Stabroek (the offshore oil block under dispute) and the country's other offshore oil blocks, as well as its maritime territories and land. Through this effort, the U.S. must also emphasize that any change to the internationally-recognized status quo can only be re-negotiated through international legal and diplomatic means.

If not strongly condemned by the international community, Venezuela's aggressive rhetoric and actions will have troublesome implications for the stability of the region. Would the states of the region be equally silent if Colombia began

to threaten Nicaraguan fishermen operating near San Andres Island, based on its discontent with the 2013 International Court of Justice (ICJ) decision? Should Chile have a similar right to declare a maritime defense zone in parts of its maritime frontier with Peru, awarded to the latter by the ICJ in 2014, if Chile were to decide that the award was unjust?

*If not strongly condemned by the international community, Venezuela's aggressive rhetoric and actions will have troublesome implications for the stability of the region.*

If there was ever a dispute which the Organization of American States (OAS) should play a role in resolving, it is this one. Venezuela has sought mediation from virtually every organization except for the OAS in the matter, including the United Nations and CELAC (Community of Latin American and Caribbean States). Yet the OAS is the only one of these organizations that is representative of the region's political and legal traditions, has the bureaucratic structures to resolve disputes of this nature, and includes the United States, which was a key party to the 1899 arbitration decision at the heart of the present dispute (ironically, the U.S. argued for Venezuela's claim, at the time).

Standing by Guyana against Venezuela's present pre-emptive actions and attempts at intimidation also advances the U.S. agenda of democracy and rule of law in the region. On May 11, 2015, Guyana held elections that were broadly characterized as free and fair by international monitors from at least 10 nations. In those elections, the multi-ethnic "A Partnership for National Unity" (APNU)—"Alliance for Change" (AFC) coalition successfully defeated the indo-Guyanese People's Progressive Party (PPP), which had ruled the country for 23 years.

To date, President Granger has shown himself to be a statesman and a democrat, responding with dignity and restraint to the accusations and insults of President Maduro. This is welcome in a region undergoing a dramatic transition, including the re-integration of Cuba into its economic and political structures, the slowly unfolding collapse of Venezuela, and the expansion of China's presence throughout the region.

As with China’s heavy-handed attempt to impose its territorial claims, embodied by the “nine dash line,” in the South China Sea, Venezuela’s assertion of rights over two-thirds of Guyana’s territory and associated waters must be resolved by diplomacy and international legal mechanisms—not by military, diplomatic, and economic attempts at intimidation. In standing up for Guyana’s freedom from coercion, the United States and other regional neighbors will be defending democracy, rule of law, the international normative order and those who share those values.

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A graduate of the Royal Military Academy Sandhurst, Major George Benson pursued a military career of 18 years service with the Jamaica Defence Force holding Appointments such as Force Training Officer, Assistant Staff Officer with responsibility for Training, Company Commander, Battalion Second-in-Command, Force Education Officer – among others. During his service, he lead CARICOM Forces on regional deployments including '*Operation Urgent Fury*' (Grenada) 1984, *Operation Carib* (Trinidad & Tobago) 1990, *UN Peacekeeping Mission* (Haiti) 1994, and many regional and international training exercises. He is currently the Director Principal of the Caribbean Regional Drug Law Enforcement Training Centre (REDTRAC) – a position he has held since 2012.

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fecting the countries of the Western Hemisphere. He was Acting Deputy Assistant Secretary for Western Hemisphere Affairs from January through October 2013. He came to the Defense Department from the Department of Commerce where he was a Latin America Country Director for international trade. His first government position was at the Congressional Research Service. Mr. Earle received his Bachelor's Degree, magna cum laude, from Harvard and a Master's Degree in Latin American Studies from Princeton University. He also attended the New York University Master's Degree programs in Madrid, Spain and Paris, France, as well as the Harvard Kennedy School's Executive Seminar for Senior Officials in National Security.

### **R. Evan Ellis**

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Dr. Ellis holds a PhD in political science with a specialization in comparative politics.

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Netty-Ann Gordon is an avid researcher in behavioural science and political science. She is a student of the University of the West Indies pursuing post graduate studies in Criminology and Criminal Justice. Her academic achievements include a Bachelor Degree in Bible & Theology from the West Indies School of Theology; a Bachelor of Science Degree in Management Studies (Hons) from the University of the West Indies, and a Master of Science Degree in Public Sector Management from the University of the West Indies. She is also an alumna of The University of Graz, Austria and the holder of numerous certificates in diverse disciplines from accredited institutions across the globe. Her research interest includes Crime and Criminal Justice, Economics, Terrorism and Counterterrorism, International Law, Human Rights, History, Climate and Religious Studies.

## **Wilbert Kirton**

Cdr. Wilbert Kirton is a retired Barbados Defence Force officer with over thirty (30) years of military service. He is a graduate of several military institutions including Britannia Royal Naval College, Greenwich Naval Staff College, Royal Military College of Science and the William Perry Centre for Hemispheric Defence Studies in Washington DC. He holds a MSc in Ports and Shipping Administration from the World Maritime University Malmo, Sweden and a MA in Defence Studies from Kings College London University. During his military career, Cdr. Kirton held several command appointments including Commanding Officer of the Barbados Coast Guard and Deputy Chief of Staff of the Force prior to retiring. Since retirement in 2006, he works as a national security consultant and serves as adjutant professor at the William Perry Centre for Hemispheric Defence Studies in Washington DC

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He graduated from the University of the West Indies Cave Hill Campus Barbados in 2004 with a certificate in Public Administration. In 2008 and 2010 he graduated with distinction from the Jefferson Community and Technical College in Kentucky USA with an Associate Applied Science in Fire and Rescue Technology and a Fire Chief Diploma. In 2012 he completed a BSc degree in management studies at the University of the West Indies and in 2014 he graduated as the best overall performer from the RSS Staff and Command Course 1/2014. He is also a graduate of the William Perry Center for Hemispheric Studies, CDSC/2015.

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### **Pernille Rasmussen**

Pernille Wohl Rasmussen has a Master Degree in International Business and Politics from Copenhagen Business School. She also served as a first lieutenant for the Danish armed forces in Afghanistan before joining the UN in East Africa in 2014. Pernille currently works with prison management and development in East Africa and Somalia. Her focus lies in particularly on Preventing Violent Extremism (PVE) and rehabilitation of prisoners.

### **Mark Wilkins**

Mark Wilkins is the Director of the William J. Perry Center. He joined the Perry Center after nearly four years working with Office of the Secretary of Defense (OSD) Policy's Defense Institution Reform Initiative (DIRI). He first served as the DIRI Latin American Program Manager, coordinating the development of four programs in the Western Hemisphere helping partners develop accountable, professional, and transparent defense establishments that can manage, sustain, and employ their forces. He then served as the Guatemala DIRI Country Project Manager, coordinating DOD efforts in support of Guatemalan plans to reform and modernize defense sector governance and bring modern business practices to the Ministry of Defense. He also worked as a Senior Mentor and Instructor for the Joint Foreign Area Officer (FAO) Skills Sustainment Program, an OSD initiative that supports the role of senior FAOs at the highest levels of U.S. Government (USG) policy formulation and execution, with a goal of raising their competence and situational awareness. In 2010, then-Colonel Wilkins retired from the U.S. Army after 30 years of service, having served as a Foreign Area Officer in a wide variety of senior

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### **Dianne Williams**

Dr. Williams is a Criminologist and Consultant. She has earned a Ph.D., and an MBA, and has done additional coursework at Harvard University's Kennedy School of Government, the International Institute for Restorative Practices as well as the National Defense University William J. Perry Center for Hemispheric Defense Studies. She is a Clinically Certified Criminal Justice Specialist, a Certified Sentence Mitigation Specialist in the Division of Counseling of the National Association of Forensic Counselors, a Certified Social and Behavioural Research Investigator and a Certified Mediator. She is a Licensed Trainer of Trainers in Restorative Practices and a Crime Prevention through Environmental Design Specialist. She is a member of the Academy of Criminal Justice Sciences and the American Society of Criminology. Dr. Williams has numerous publications the most recent of which are Seepersad, R. & D. Williams (in press 2016). Crime and Insecurity in Trinidad and Tobago, Ian Randle Publishers and Williams, D. (2016). U.S. Foreign Policy and the Caribbean Region: The Case of Trinidad and Tobago. In *The Obama Doctrine*. (Ed. Jonathan Rosen). Lanham, Maryland: Lexington Books.



## Appendix 1 - Caribbean Map

Map source: Perry-Castañeda Library Map Collection  
[http://www.lib.utexas.edu/maps/americas/central\\_america\\_ref\\_2013.pdf](http://www.lib.utexas.edu/maps/americas/central_america_ref_2013.pdf)

## Appendix 2 - Caribbean Political and Economic Highlights

Country	Population (as of 2014)	Area/Size	Independence date	Main commercial product / Industries	GDP per capital in Current USD (2013)	Religion	Government Type
<b>ANTIGUA AND BARBUDA</b> <u>Capital:</u> Saint John's <u>Official Language:</u> English	91,295	442.6 sq. km	1 November 1981 (from the UK)	Cotton, fruits, vegetables / Tourism, construction, light manufacturing	\$13,342.1 Tourism: 58%	Protestant 76.4% Catholic 10.4%	Constitutional monarchy with a parliamentary system of government and a Commonwealth realm
<b>THE BAHAMAS</b> <u>Capital:</u> Nassau <u>Official Language:</u> English	321,834	13,80 sq. km	10 July 1973 (from the UK)	Citrus, vegetables, poultry / Tourism, banking, oil bunkering	\$22,315.6 Tourism: 44%	Protestant 69.9%, Roman Catholic 12%, other 12%, Christian 13%	Constitutional Parliamentary democracy and a Commonwealth realm
<b>BARBADOS</b> <u>Capital:</u> Bridgetown <u>Official Language:</u> English	289,680	430 sq. km	30 November 1966 (from the UK)	Sugarcane, vegetables, cotton / Tourism, sugar	\$15,153.8 Tourism: 36%	Protestant 66.3% Catholic 3.8%	Parliamentary democracy and a Commonwealth realm
<b>BELIZE</b> <u>Capital:</u> Belmopan <u>Official Language:</u> English	340,844	22,966 sq. km	21 September 1981 (from the UK)	Bananas, cacao, citrus, sugar, fish / Garment production, food processing, tourism	\$4,719.1 Tourism: 39%	Roman Catholic 40.1%, Protestant 31.5%	Parliamentary democracy and a Commonwealth realm

<b>CUBA</b>	11,047,251	110,860 sq. km	20 May 1902 (from Spain)	Sugar, tobacco, citrus, coffee, rice, potatoes, beans, livestock / Petroleum, nickel, cobalt	\$6,789.8 Tourism: 20%	Roman Catholic 83%, Protestant, Jehovah's Witnesses, Jewish, Santeria (prior to Castro assuming power)	Communist State
<b>Capital:</b> Havana							
<b>Official Language:</b> Spanish							
<b>DOMINICA</b>	73,449	751 sq. km	3 November 1978 (from the UK)	Bananas, citrus, mangos Soap, coconut oil, tourism	\$7,036.5 Tourism: 26%	Roman Catholic 61.4% Protestant 20.6%	Parliamentary Democracy
<b>Capital:</b> Roseau							
<b>Official Language:</b> English							
<b>DOMINICAN REPUBLIC</b>	10,349,741	48,670 sq. km	27 February 1844 (from Haiti)	Sugarcane, coffee, cotton, cocoa, tobacco / Tourism, sugar processing, ferronickel and gold mining	\$5,968.7 Tourism: 16%	Roman Catholic 95%, other 5%	Democratic republic
<b>Capital:</b> Domingo							
<b>Official Language:</b> Spanish							
<b>GRENADE</b>	110,152	344 sq. km (Twice the size of Washington D.C.)	7 February 1974 (from the UK)	Bananas, cocoa, nutmeg / Food and beverages, textiles	\$7,956.1 Tourism: 24%	Roman Catholic 53%, Anglican 13.8% other Protestant 33.2%	Parliamentary democracy and a Commonwealth realm
<b>Capital:</b> Saint George's							
<b>Official Language:</b> English							
<b>GUYANA</b>	735,554	214,969 sq. km	26 May 1966 (from the UK)	Sugarcane, rice, beef, pork, fish / Bauxite, sugar, rice milling, textiles, timber	\$3,918.4 Tourism: 9%	Protestant 30.5%, Hindu 28.4%, Other Christian 17.7%, Roman Catholic 8.1%, Muslim 7.2%	Republic
<b>Capital:</b> Georgetown							
<b>Official Language:</b> English							

<b>HAITI</b>	9,996,731	27,750 sq. km	1 January 1804 (From France)	Coffee, mangoes, cocoa, sugarcane / Textiles, sugar refining, flour milling, cement	\$810.3 80% Protestant 16% (** roughly ½ population practices voodoo)	Roman Catholic 9%	Republic
<b>Capital:</b> Port-au-Prince							
<b>Official Languages:</b> French; Creole							
<b>JAMAICA</b>	2,930,050	10,991 sq. km	6 August 1962 (from the UK)	Sugarcane, bananas, coffee / Tourism, bauxite/alumina, agricultural – processing	\$5,226.1 Tourism: 27%	Protestant 64.8%	Constitutional parliamentary democracy and a Commonwealth realm
<b>Capital:</b> Kingston							
<b>Official Language:</b> English							
<b>SAINT KITTS AND NEVIS</b>	51,538	61 sq. km	19 September 1983 (from the UK)	Sugarcane, rice, yams / Tourism, cotton, salt	\$14,498.6 Tourism: 25%	Anglican, other Protestant, Roman Catholic	Parliamentary democracy and a Commonwealth realm
<b>Capital:</b> Basseterre							
<b>Official Language:</b> English							
<b>SAINT LUCIA</b>	163,362	616 sq. km	22 February 1979 (from the UK)	Bananas, coconuts, vegetables / Tourism, clothing	\$7,319.5 Tourism: 40%	Roman Catholic 61.5% Protestant 25.5%	Parliamentary democracy and a Commonwealth realm
<b>Capital:</b> Castries							
<b>Official Language:</b> English							
<b>SAINT VINCENT AND THE GRENADINES</b>	102,918	389 sq. km	27 October 1979 (from the UK)	Bananas, coconuts, sweet potatoes / Tourism, food processing, cement	\$6,591.6 Tourism: 20%	Protestant 75% Roman Catholic 13%	Parliamentary democracy and a commonwealth realm
<b>Capital:</b> Kingstown							
<b>Official Language:</b> English							

<b>SURINAME</b>	573,311	763,820 sq. km	25 November 1975 (from the Netherlands)	Rice, bananas, coconuts, beef, chicken / Bauxite and gold mining, alumina production, fishing	\$9,618.4	Hindu 27.4%, Protestant 25.5%, Roman Catholic 22.8%, Muslim 19.6%	Constitutional democracy
<b>TRINIDAD AND TOBAGO</b>	1,223,916	5,128 sq. km	31 August 1962 (from the UK)	Cocoa, rice, citrus, coffee, vegetables, poultry, sugar / Petroleum and petroleum product	\$20,217.1	Protestant 32.1%, Roman Catholic 21.6%, Hindu 18.2%, Muslim 5%	Parliamentary democracy

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