

**REPORT
OF THE
NATIONAL COMMITTEE
ON
POLITICAL TRIBALISM**



July 23, 1997

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PART I

ESTABLISHMENT

On 30th August, 1996, the Prime Minister, Rt. Hon. P. J. Patterson, PC., Q.C., announced that after consultation with the three major political parties and other organizations, he had decided to appoint a broad-based National Committee on Tribalism to consider and recommend practical steps to reduce political tensions and violence. The members of the Committee so appointed comprised:

- Hon. Justice James Kerr, O.J., Q.C., Political Ombudsman & Chairman
- Rev. Livingston Thompson Asst Secretary to the Jamaica Council of Churches, Church Representative
- Mr. Earl Jarrett Local Non-Government Organization Community Representative
- Mr. Bethune Morgan Youth Representative
- Sen. the Hon. Maxine Henry-Wilson Representing the People's National Party
- Senator Dr. Percival Broderick Representing the Jamaica Labour Party
- Dr Stephen Vasciannie Representing the National Democratic Movement
- Mrs. Margaret Macaulay Representing the Association of Women's Organization of Jamaica (AWOJA)
- Mr. Herman Ricketts, C.D., LVO Representing Security
- Mr. Lester Spaulding Representing the Private Sector Organization of Jamaica
- Mr. Danny Roberts Representing the Trade Unions
- Mr. Dennis Morrison, Q.C. Representing the Bar Association

I. By letter dated 15th May, 1997, Colonel Trevor McMillan, O.D., J.P., was appointed a new member to represent the Private Sector Organization of Jamaica replacing Mr. Lester Spaulding, who resigned.

2. Mr. Neville Gibbs, O.D., who is also Secretary to the Constitutional Reform Committee, was appointed Secretary to the Committee.

TERMS OF REFERENCE

4. The Terms of Reference agreed on were:

- (i) To consider and recommend practical steps in order to eliminate political violence.
- (ii) To ascertain on the basis of factual findings, the primary causes of political tribalism and make appropriate and practical recommendations for its extinction.
- (iii) To examine what the entire range of groups that comprise the civil society can do to reduce social and political tensions that impact adversely on the level of crime.

MEETINGS OF THE COMMITTEE

5. The inaugural meeting of the Committee was marked by a public ceremony held at the Jamaica Conference Centre on October 3, 1996 and was addressed by the Prime Minister, Rt. Hon. P. J. Patterson, Q.C., the Leader of the Opposition, Rt. Hon. Edward Seaga; and the Leader of the National Democratic Movement, Mr. Bruce Golding.

6. In acknowledging the problems that political tribalism posed for law and order the President of the National Democratic Movement (NDM), Mr. Bruce Golding pointed out that one of the most fundamental problems plaguing Jamaica was the divisiveness and hostility which characterize relationship between individuals, communities and institutions. This nation, he said, can make no real progress economically, socially, spiritually so long as we uphold, strengthen and institutionalize those things which divide us, which set us against each other and which makes it difficult to find a common cause.

7. The Leader of the Opposition, Rt. Hon. Edward Seaga for his part noted "the Committee was on a mission to find solutions to a problem to which there was no adequate definition. He said that the problem that faces us today then is not that our system of Government, like all other democratic systems is based on adversarial politics practiced by political groups or tribes but the policies are often the cause of contention that caused men and women to engage in open conflict which goes far beyond the dialectic".

8. The Prime Minister, Rt. Hon. P.J. Patterson, Q.C., in his address pointed out that in setting up the Committee he had invited sectors and organizations with a broad base to provide the knowledge and intuitive insights that can help to reduce social tension and political tribalism, thereby making crime and violence less prevalent. He said he expected the Committee to "make recommendations not only as to what our political parties can do, but what the entire range of groups which comprise the Civil Society, the Church, the Private Sector, our women, our youth, our Trade Union, the Media, the Bar, Non-Governmental organizations can contribute".

9. The Committee held a total of 17 meetings including three closed session meetings for the purpose of hearing oral presentations and two Workshop Meetings to consider the representations received. Regrettably six of the overall meetings became informal for want of a quorum.

10. The Committee's final recommendations and the contents of the Report were eventually agreed at its meetings held on the 10th, 19th and 23rd July 1997.

PUBLIC EDUCATION PROGRAMME

Written Submissions

11. In keeping with its terms of reference the Committee endeavoured over a period of four months through the multi-media approach to obtain written submissions from a wide cross section of the Jamaican public as to some of the causes for political tribalism and violence and workable suggestions on how it can be eliminated.

12. Letters were also sent inviting submissions from some 39 persons and organizations who had expressed their concerns in the media and elsewhere on the subject matter being considered. Regrettably only six such persons responded.

13. A list of the persons and organizations that made written submissions is set out at Appendix I; while a list of individuals and organizations that met with the Committee and made oral presentations is at Appendix II.

14. The opportunity was also taken for a small Sub-Committee to meet with the Commissioner of Police, Mr. Francis Forbes on the whole issue of Garrison Communities and the role and conduct of the Police in general and in particular at Election time. +

Reference Material

15. The Committee in its deliberations also sought to be guided by the approach of other Commissions on matters of public interest and at the same time made requests for factual material on certain Government Departments. It also received sociological material provided by three of our Sociologists at the U.W.I. See list at Appendix II.

Public Fora

16. Although it was recognized that acts of violence were concentrated in the Corporate Area and Spanish Town, the Committee considered it desirable to hold a series of public fora in selected areas with a view to determining at first hand the views of those persons who might in some way be reluctant or unable to make written submissions.

17. A list of those persons and organizations who assisted with the public fora together with a summary of the findings of the Sub-Committee appointed for the purpose is attached as Appendix III.

Assessment of the Usefulness of the Public Fora

18. While attendance at none of the fora was overwhelming, the following can be said of the usefulness of the fora.

(i) They were for the most part attended by community leaders and others who were vocal in their communities thus helping to initiate discussions on the whole issue of political

tribalism. A record of the views of those people attending the fora was also recorded and noted by the Committee.

(ii) The publicity resulted in increased awareness and interest in the subject and as a direct result of this public education campaign, the number of proposals and recommendations from individuals and organizations was significantly increased.

(iii) Personal experiences which were related at the meetings showed how tribalism works in the distribution of scarce benefits, through violence and discriminatory practices.

Visits to Troubled Areas

19. The Committee also visited those areas plagued with politically motivated violence. In particular a special public session meeting organized with the assistance of the Spanish Town Minister's Fraternal was held in the constituency of Mr. Bruce Golding, as well as two meetings with community groups in West Kingston and South St. Andrew. A full Report on these visits is also attached as part of Appendix III.

ACKNOWLEDGEMENTS

20. The Committee wishes to place on record its recognition of the vital contribution of the part played by a number of its members in helping to find a solution to the grave problem of political tribalism and violence and in particular the tremendous support they gave by their regular attendance at the several meetings of the Committee held over the past 10 months.

21. The Committee also wishes to thank firstly Mr. Neville Gibbs, our Secretary for the dedicated manner in which he performed his duties, secondly Miss Gwyneth Harold our Public Relations Officer, from the Jamaica Information Service, who was primarily responsible for the organization of our Public Fora meetings and equally saw to the arrangements for our three visits to the troubled Garrison areas, thirdly Miss Judith Clarke, who undertook the duties of Legal Officer, Miss Cynthia Grey our Secretary/Stenographer and Mrs. Yvonne Jenkins, our Verbatim Writer, who overtook the verbatim recording and compilation of the meetings. They have all been constant companions in our meetings and have contributed much in the final production of the Report.

22. The Committee would also wish to express appreciation to Miss Lorraine Robinson and staff of the Office of the Prime Minister for the co-operation and support given in making their Conference Rooms and at times refreshments available for our meetings.

23. Finally, the Committee wishes to record its grateful and sincere thanks to those individuals and organizations who deemed it fit to submit memoranda and to meet with the Committee in finding suitable solutions to this grave problem of political tribalism and violence. The Committee's summary of findings and recommendations are set out for convenience in Appendix V.

PART II - DEFINITION OF POLITICAL TRIBALISM

POLITICAL TRIBALISM

Definition

24. At the inaugural meeting of the Committee, in his address, Prime Minister Patterson adopting the axiomatic approach of a certain Judge said, "there really was no need to define it because we know it when we see it".

Notwithstanding, for the information of those who have not this personal knowledge or may be of the view that this phrase was coined to describe a political phenomena peculiar to Jamaica and to satisfy the cravings of the pedant, some definition is desirable and essayed herein.

25. Political tribalism was a type of politics known to the ancient Greeks and Romans. It is political because the tribal grouping is not ethnic but based upon politics. In a tribe, members of the group and persons within the tribal confines must obsequiously obey and observe the rules and rituals of a tribe or suffer the consequences for disobedience and dissent, so in like manner political tribalism demands unswerving support for a particular political party by persons within the tribal area or suffer the consequences. Thus, political tribalism is the antithesis of our constitutional democracy, with its freedom of association and the incidental right of the citizen at will to join or support the party of choice.

Manifestations

26. Political Tribalism, the use of violence in political activities, the creation of political garrisons were not a natural outgrowth of a political process, but rather they were nurtured and nourished as strategic initiatives to secure or retain political power.¹

Garrison Communities

27. The most vulgar and dysfunctional manifestation of the process of political tribalism has been the development of "the garrison" within constituencies. These have evolved from the same process of partisan scarce benefit distribution.²

28. At one level a garrison community can be described as one in which anyone who seeks to oppose, raise opposition to or organize against the dominant party would definitely be in danger of suffering serious damage to their possessions or person thus making continued residence in the area extremely difficult if not impossible. A garrison, as the name suggests, is a political stronghold, a veritable fortress completely controlled by a party. Any significant social, political, economic or cultural

¹ Golding at the inaugural meeting

² Dr. Davidson on Constitutional Reform

development within the garrison can only take place with the tacit approval of the leadership (whether local or national) of the dominant party.¹

29. From the information presented to the Committee there were clearly recognized garrison communities in the Urban centres of Kingston and St. Andrew as indicated in the map in the map in Appendix IV, and in the Central St. Catherine constituency.

30. However, from the Police Reports, garrison style behaviour was evident in a number of comparatively small pockets in other parishes, but which clearly has had no significant effects on Electoral Results up to now.

Garrison Proximity

31. The border wars between garrison communities of different persuasions result in:

- i) the increased difficulty in maintaining law and order;
- ii) an inability to maintain social infrastructure (roads, water, sewage, garbage disposal, electricity, shops. Supermarkets, markets), which border or pass through disparate communities;
- iii) a restriction of movement through these areas which affects human rights, transportation and job attendance and opportunities;
- iv) a restriction of business opportunities to the localized area as customers from other communities are denied access by blocked roads and real or perceived threats of violence.

Creation

32. Garrison communities are created by:

- i) the development of large-scale housing schemes by the State and the location of the houses therein to supporters of the party in power;
- ii) homogenization by the dominant party activists pushing out the minority from within and guarding against invasion from outside, and ,
- iii) the expelled setting up a squatter community.

33. The hard core garrison communities exhibit an element of autonomy in that they are state within a state. The Jamaican State has no authority or power except in as far as its forces are able to invade in the form of police and military raids. In the core

¹ Mr. Mark Figueroa's Paper

garrison disputes have been settled, matters tried, offenders sentenced and punished, all without reference to the institutions of the Jamaican State.¹

The Garrison Process

34. The following extract from Mr. Mark Figueroa's important contribution on the topic speaks eloquently for itself and merits quotation in full:

"Encompassed in this process are all those activities that are associated with the establishment, the strengthening and the extension of the influence of garrisons and their associated psychology. In using the notion of a garrison process, I am linking the presence of the large scale garrisons such as Jungle, Payne Land, Rema, Tivoli and other less known strongholds, to a political culture. This political culture extends well beyond the boundaries of the communities that have come under the tight control of politicians, their thugs, and/or local enforcers.

"Those who promote the garrison process seem intent on extending its dominance over larger and large sections of the country, yet to date there are few constituencies where the vast majority of the territory has been garrisoned. To focus on constituencies alone is to miss the significance of the garrison phenomenon as a whole. The presence of a relatively small garrison within a constituency or the presence of a garrison in a neighbouring constituency can fundamentally alter the course of an election in a constituency that is relatively garrison free. The ability of the garrisons to do 'outreach work' greatly enhances their significance. My central concern is therefore with the concept of a garrison community not a garrison constituency.

"Stone worked with a notion of eight garrison constituencies. Based on my analysis of the 1993 election results I have also identified eight unambiguously garrisoned constituencies. In addition there are four other constituencies where I estimate that garrison control is at or just above 50% and three where control is between 25% and 35%. In most cases the garrison process is a bipartisan one. That is, in the most garrisoned constituencies vast areas are under garrison control but not by just one party, rather each party has its garrison areas with a number of contested areas in between. In many more constituencies the garrison communities constitute pockets of tight control surrounded by much broader zones that represent contested areas. Here we see the relevance of the concept of a process in two ways. First, there is an effort over time to expand these pockets to the point where the constituency is transformed into a garrison and second, the presence of garrison within a constituency fosters certain types of actions. In terms of this paper these activities are mainly seen within the context of vote manipulation and efforts to rig the results.

"I argue below that the garrison phenomenon has become central to the practice of electoral manipulation in Jamaica. Although the garrisons may in fact be relatively confined political strongholds their significance extends beyond their borders. This can be seen in terms of the connection between the garrisons and two other related aspects of the Jamaican political system.

¹ Mr. Mark Figueroa's Paper

.'The first of these is turf politics. That is, the process by which political parties seek geographical or positional control over given areas as an electoral strategy. Beyond this we have bogus voting or electoral rigging. In this paper I am treating the garrison process as the core. Hence I encompass the other related aspects in the discussion as part of a broad strategy based on the building of garrisons.'

35. Mr. Mark Figueroa therefore emphasised, and we accept that the creation, development and maintenance of garrisons are neither accidents of history nor geography, but part of a process deliberately fostered for political ends. Equally important is his focus on the concept of a garrison community, rather than a garrison constituency, the point being that the existence in a constituency of a garrison community can have as significant an impact on the electoral process as the garrison constituencies themselves, and an impetus to transform the garrison community into a garrison constituency.

Common Features of Garrison Communities

36. Dr. Barry Chevannes described the common features in this way:
"Just as the political tribe of ancient Greece and Rome was under the leadership of a demagogue so in Jamaica the garrison towns were controlled by the Dons.

"Entry and exit to and from these communities are controlled by the so-called 'top ranking', and gang leaders who have close relationships with the constituency Member of Parliament, get preferential access to contracts and jobs and function as key elements of the local level community political leadership in both parties in these inner city poor areas. These constituencies are made up preponderantly of these 'garrison communities' where organized political gangs with high powered M-16 and AK-47 assault rifles and sub-machine guns control clearly defined political boundaries and territories where political protection insulates them from the reach of the security forces."

37. We interpret this to mean that on occasions political influence has impeded the Security Forces in the performance of their duties.

38. "There is a link between garrison forces and the party's political leadership which provides two functions:

i) it provides the main conduit for accessing and distributing scarce benefits. The top rankings thus become the main brokers between the Members of Parliament and the local communities;

ii) in a transactional sense, the Member of Parliament is sure of retaining his territorial support, while the rankings are able to acquire wealth and local power as well as protection from the forces of law and order." - Dr Chevannes.

39. We accept this as a correct description of the relationship between the Members of Parliament in certain garrison communities.

40. Doctors Sangster and Chevannes and Mr. Figueroa all resort to electoral results as a method of identifying garrison communities. On the basis of a 75% of those voting for the candidate of a particular Party, Dr. A. W. Sangster, in the submission, "Point of View" states that between 1989-93 the garrison communities increased from 3 – 11, an increase of 1 JLP and 7 PNP.

41. Mr. Figueroa's more detailed method by assessing electoral results on a polling-station by polling-station basis and the extent to which homogeneous voting has taken place, is to be preferred as he points out that consistent homogeneous voting in certain rural areas may be based on a legitimate preference of long standing. Despite the differences in methodology, Dr. Sangster and Mr. Figueroa both agree that the following eight constituencies have dominant garrison communities.

They are: Kingston, West; St. Andrew, South; St. Andrew, South West; Kingston, East and Port Royal; St. Andrew, West; St. Andrew, East Central; St. Catherine, Central; St. Catherine, East Central.

The Immediate Effect on the Garrison Communities

42. Among the more visible physical effects are the abandonment of legally owned houses and business premises followed by the capture of some of these by illegal occupants and/or the destruction of others through vandalism and inappropriate usage. By this process, large areas of some garrison communities remain in a permanently derelict condition, which in turn fosters criminality and violence.

43. Another attendant consequence of the relocation to other communities - Portmore and the like - would be the considerable economic costs and the unduly heavy burden in those communities in providing for the new residents suitable accommodation with the necessary infrastructure and amenities, while the communities they have left remain with abandoned and unoccupied buildings.

Consequential and Continuing Effects

Increasing incidence of violence and attendant spate of murders and serious bodily injuries

44. It is agreed by all that party politics was not the only or may even not be the dominant cause of the record number of homicides in 1996, which was not an election year. The others include drug trafficking and gang related activities. It is, however, beyond debate that party politics was the cradle for factional conflicts, that the political clashes of the late 1960's particularly in the election period of 1967 ushered in the era of firearm offences against the person and that party politics remain a major cause.

45. Criminal gangs tend to identify themselves with particular garrison communities and remain affiliated or aligned to their particular party. During the

election period they surface as perpetrators of political violence and election malpractices.

Area Branding

46. Residents in garrison communities often suffer from "area branding" in significant respects, including the following:

- a) retaliation from areas of supposed differing party affiliation,
- b) victimization by employer's averse to violence prone areas or themselves politically biased,
- c) political and economic victimization should their party not form the government, an immediate risk of losing projects in progress when their party loses and, not least, the general deterioration of market values in real property within these areas.

PART III - THE PRIMARY CAUSES

PRIMARY CAUSES

Patronage

47. Patronage has been defined as "the disbursement of the discretionary favours of Government" or as in the submission of the National Democratic Movement (NDM), "the monopolisation of power by the party which forms the government and the use of that power to manipulate state resources to perpetuate its control. The concentration of power provides a strong motivating force to the politicians because if they are outside of the "power loop", they are rendered ineffective and impotent despite the fact that they may be duly elected representatives of the people. The manipulation of state resources provides strong motivation to party supporters since for many it offers the means to their existence and survival."

48. Gleanings from academic studies and submissions written and oral indicate indubitably that what began as mild clientelism in the decades of the '50s developed into a blatant display of favoritism including nepotism for the supporters and discrimination against others. It is now a case of "to the victors the spoils" and a contributory cause to gun violence as a form of political rivalry. At every forum and in the many submissions, oral and written, the discriminatory allocation of what has been euphemistically called "scarce benefits" has been urged as the fundamental cause of political tribalism.

Scarce Benefits

Housing Schemes

49. The practice of the party in power allocating houses to supporters in order to establish a homogeneous voting community resulted in recent proliferation of garrison communities - seven in Kingston and St. Andrew and one in St. Catherine (see Dr. A.W. Sangster's submission). This method of the allocation must be condemned and discontinued.

50. The cessation of the creation of garrison communities will not solve the problem as the establishment towns will continue to exist with their outreach influence and the violence between garrison communities or different political persuasion. The dismantling of the garrison communities by relocating some of the residents was discussed, but the Committee is of the view that this would involve the removal of persons from their homes, the break-up of families, the economic realities of finding comparable accommodation.

51. The impracticality of the method precluded feasible proposals. It must be left to the removal of the causes with attendant diminishing of the dominance of the don and the advent of political tolerance.

PROPOSALS AND RECOMMENDATIONS

I. The Committee approves of the criteria and method of allocation of housing schemes under the control of the National Housing Trust.

2. For housing schemes not under the control of the National Housing Trust, including slum clearance schemes, the allocation should be entrusted to an impartial committee.

3. The Committee commends to the Government the adoption for areas in similar circumstances the "Strategy for Revitalization of Blighted Areas" as set out in the Report of the National Inner City Committee and implemented in 1993 in Jones Town.

Land Settlement Schemes

52. The widespread belief in political preference in the allocation of lots under Government Land Settlement Schemes has been strengthened by recent complaints to the Ombudsman - for Political Matters and the public outcry of the farmers of Holland in St. Elizabeth that their applications for the purchase of lots will not be given the promised priority, because of the publication list of an approved list of approved purchasers who were not farmers from the area.

53. The Committee has considered the statement to Parliament on February 22, 1994, by the Honourable Prime Minister on the disposition of land and unreservedly approves of the process for disposition, the criteria for disposal and the proposed membership of the Committee to consider and recommend applications of potential purchasers thus:

"----- When Government is preparing to sell or lease lands, the process of disposition will involve a sequence, along the following lines:

- A. A sub-division survey
- B. Valuation of the lots.
- C. Advertisement of sale of lots.
- D. Issue of prescribed application forms.
- E. Receipt of completed forms.

The criteria for disposal for lands will include:

- A. Making lots available to the landless and to small farmers to the extent possible.
- B. The encouragement of youth and women in agriculture.

- C. Favouring viable production, especially for exports.
- D. Minimizing use for speculative purposes.
- E. Ensuring security of tenure for those to whom lands have previously been allotted and are in good standing.

Applications will be considered by a Committee comprised of :

- Two representatives of the RADA Board for the Parish in which the land is situated
- One representative of the Ministers (of Religion) Fraternal for the Parish
- One representative of the Jamaica Agricultural Society (JAS)
- Three persons selected from a panel established by the Contractor General, two of whom must be residents of the Parish
- One representative of a recognized Youth Organizations in the parish
- The Commissioner of Lands or his/her " representative."

54. We are of the view that the recommendations of the Land Disposal Committee to the Minister of Agriculture should be submitted through the Permanent Secretary rather than the Commissioner of Lands, as proposed by the Prime Minister. These recommendations, once approved by the Minister, will be made public with information as to price and size of lands and other terms and conditions of sale or lease.

55. The Committee has also taken note of the complaint of the Contractor General at the delay in establishing the Parish Land Disposal Committee.

56. In the light of consistent criticisms of Operation PRIDE we share the Contractor General's concern at the delay in implementing measures to ensure that there will be equity and fairness in the disposal of Government Land Settlement Schemes in word, appearance and deed.

57. The Committee recommends the immediate implementation of the approved proposals.

Management and Award of Contracts

58. The entrenchment and perpetuation of a process by which government contracts are awarded along partisan lines has served to sharpen divisiveness in political relations. This finding of the Committee is applicable to the allocation of parochial as well as general government contracts.

59. Partisan manipulation and control of the process of awarding government contracts have become an undesirable, deeply entrenched feature of our politics and the observations and

recommendations of this Committee are neither novel nor original. More than two decades ago, the late Right Honourable Michael Manley, former Prime Minister and President of the Peoples National Party had pronounced on the undesirability of a political system which seeks to define and sustain itself by distributing government controlled facilities and benefits along partisan lines:

"If the purpose of politics is the distribution of favours one had better make sure that there are enough favours to go around or those who are not favoured will rise up in due course and smite those who are..."

He also decried the excessive and undue involvement of the MP's in the functioning of the local government authorities:

"The inhibitions that the local authorities suffered through the undue influence of MPs resulted in considerable conflicts and sharpened the divisiveness in political relations between the two major parties".

(THE POLITICS OF CHANGE (citation) pg. 74).

60. Former Contractor General, Mr. Ashton Wright, though hailing the establishment of the Government Contracts Committee as a "laudable concept", concluded from his findings that its location and composition do not encourage the desired purity and candor in the management of Government Contracts.

61. The views of these and other forerunners were reiterated by all the persons and institutions who made representations to this Committee. Quite unsurprisingly, both the JLP and NOM representatives expressed their dissatisfaction with their very limited involvement in any decisions regarding the award of Government Contracts.

62. The ruling PNP reported to the Committee that:

"The incumbent PNP administration has begun to point the way with the change in the methods and procedure for award of contracts, the establishment of land divestment committees and the continued unquestioned integrity of distribution used by the National Housing Trust and other housing agencies"

63. The methods and procedures in contemplation were set out in Ministry Paper No.44 of November 24, 1995.

64. The Committee recommends the expeditious enactment of the relevant legislation and prompt implementation thereafter of the proposals therein and in particular, the institution of a National Contracts Commission with such membership as to create the appearance of integrity, independence and impartiality.

65. In general the Committee, mindful of the present levels of political involvement in the management and award of Government Contracts, in relation to the award of contracts within the competence of Parish Councils, recommends the following policy guidelines:

i) Local authorities should be given responsibility for minor works and such as are contemplated in the reform programme and be allowed to execute them without the influence or interference of the Members of Parliament.

ii) Local authorities should establish a register of small contractors based upon clearly defined objective criteria for qualification. Technical competence and proven capability should be pre-eminent factors in deciding qualification.

No contract should be awarded to anyone not on the list of qualified contractors.

iii) Local authorities should establish contract committees comprised of technical and professional staff only, whose recommendations should form the basis for the award of contracts by the Councils.

iv) The position of ii) above should be reinforced by non-discriminatory regulations within the body of local authorities by-laws.

v) Members of Parliament should have no direct personal role in the disbursement of public funds in their constituencies.

CONTRIBUTORY CIRCUMSTANCES

66. After three decades of independence the deplorable conditions in the inner cities continue - notwithstanding the manifest improvement of living standards in some parts of the Corporate Area. Many politicians have benefited from the unrest and displacement that are features of communities with high levels of unemployment, a proliferation of unskilled and virtually unemployable youth, pervasive poverty of purse and spirit. The focus of positive attention on the needs of these persons could elevate their self-esteem and no doubt define for them a purpose beyond their usefulness as partisan puppets.

Poverty

67. The living conditions of the people in most of the "tribalised" communities (some which we visited) reek of abandonment and neglect. Sub-standard housing, poor sanitation and numerous environmental hazards are immediately visible. The National Inner City Committee highlighted these conditions in its **1993 Report on Strategy for the Revitalization of Blighted Youth**. Similar observations were made by the Centre for Population, Community and Social Change in its Study on **Urban Violence and Poverty in Jamaica ("They Cry Respect")** published in 1996.

68. Poverty facilitates the development of political tribalism. The slum communities around the parish capitals, particularly, Kingston, St. Andrew, and St. Catherine continue to grow as unemployed and under educated youths migrate from rural communities in search of a better opportunity.

69. The fact is that the Jamaican economy has not performed well over the past thirty-five years and therefore the country has not been able to provide enough jobs to meet the needs of a growing population.

70. The conditions in the communities also reflect the failure of the education process, where young people, the regenerative capacity of the future, are graduated from schools without the basic skills required to perform in the formal economy.

71. It is very clear that poverty and illiteracy provides the opportunity for politicians to create and nurture political tribalism. In our visit to South St. Catherine a young man defined the problem clearly when he said. "the politician makes us feel important, we have nothing else to do otherwise".

72. The needs of the poor are great, it is estimated that the poorest household contributed five percent to gross domestic product in 1950; by 1980 the contribution was reduced to two percent.

73. We submit that any solution to political tribalism must address poverty, and unemployment by the ways and means advocated hereafter.

74. The Committee recognizes with approval the "points" system developed by the National Housing Trust in the sale and allocation of government-aided housing solutions.

We recommend however that attention be paid to those persons so far below the poverty line that they are unable to access the benefits offered by the National Housing Trust.

Any assistance offered by the government of the day in this regard should be on the basis of need. This neutral and non-parish approach may be achieved if it sought to involve non-governmental and non-partisan organizations in the process of implementing programmes for those persons in need of adequate shelter. In any event the allocation mechanism should be manifestly impartial.

Closer attention should be paid to the basic requirements of public health and cleanliness in the inner city areas. Broken sewer mains which create unwholesome and unpleasant atmosphere must not await public disturbance in the form of roadblocks, demonstrations or otherwise.

Skills Training and Unemployment

75. There is little or no emphasis on personal empowerment and the promotion of healthy self esteem for the numerous unemployed and unemployable inner city residents (particularly among the youth). The large body of unskilled persons who reside within these communities must await the hand-outs of odd jobs (very often the offshoots of small parochial contracts distributed by politicians to known supporters). Jobs are regularly tied to political affiliation. The sources of work are also limited by the high concentration of persons who have no skills and therefore form part of a very large group of common labourers. Many young males sit idly by unless and until there is a programme or development which requires labour intensive input. And the devil finds work for idle hands.

76. A survey done by the National Inner City Committee (ante) revealed that in 1993 a mere 18% of the residents of Jones Town had proper training in any particular skill. Another 53% admitted to having no particular skill whatsoever.

76. The Committee recognizes the need on the part of Government to:

Provide safe places for our young to learn and grow. Businesses, churches and other organisations could assist by offering structured activities for young people.

Help young people to develop marketable skills.

Focus on establishing and developing community centres for skills training, youth programmes and encouraging meaningful social activity.

Job Creation/Youth Empowerment (National Service)

77. The Committee is of the opinion that the country has to commit to providing gainful occupation for unemployed youths in the inner-city communities. We believe that failure to address this problem will only perpetuate political violence and crime in general. We suggest the following:

that the Government seeks the co-operation of the private sector to spearhead all inner-city job initiative. Essentially, the programme will be funded by the State by means of a tax credit equal to twice the cost of employing and training inner-city youths for a period of three years. The Church, Council of Voluntary Social Services, the NGO Community and other approved non-governmental organizations will determine the list of qualified youths.

Reducing the cost of national security and the savings from the National Food Stamps Programme could fund this initiative. It is also suggested that any private sector company participating in a government project or obtaining financial support from the government should provide employment to inner-city youths.

The Committee has determined that in many communities, there are few examples of good role models for young men. Presently, the politicians and the community "dons" are the models of success and masculinity. We believe that balance could be obtained by resuscitating youth programmes such as Boy's Scout, Girl's Guide, Cadet movement and the Four-H Programme. The State would encourage companies to allow their employees approved time off to volunteer in such community-based projects. These efforts could be supervised and monitored by the Council for Voluntary Social Services and other umbrella non-governmental organizations.

The Social and Economic Support Programme (SESP)

78. The SESP was set up in October 1990, with the aim of seeking "to mitigate the effects of major changes in economic strategy on the most vulnerable in the society". The Co-ordinator of

the SESP unit stated that his unit would not consider "the SESP activities to be related to allocation of scarce benefits which are usually seen from a political stand point as payback for favours and or works rendered for the party".

In a memorandum dated January 13, 1997, he went on to emphasize that the focus of the programme was on "developmental issues... to pull up those persons who fall on or under the poverty line with a view to improving the quality of life."

79. These are obviously laudable objectives and the Committee was provided with a copy of a letter dated January 31, 1997 from the Ministry of Finance to the Office of the Prime Minister, which set out detailed guidelines on the accounting and accountability requirements of the disbursement process under the programme. However, it does appear that -apart from a component for project proposals received through non-governmental organizations -the identification of projects generally is to some extent what the Co-ordinator himself described as "MP driven". Indeed, one component relates expressly to a reserve maintained by the Office of the Prime Minister (described as the "OPM Reserve"), which seeks to address requests from "Sundry organization and institutions. ...(which) ...from time to time make appeals to the Rt. Hon. Prime Minister, the Ministers in the Office of the Prime Minister and other Ministers and Members of Parliament." Apparently where various requests for assistance received" cannot be fitted in other government programmes, the Rt. Hon. Prime Minister and his Ministers attempt to satisfy them from the Reserve".

80. It does seem clear that the structure of the SESP does not insulate it from potential abuse as a vehicle for the distribution of "scarce benefits" along political lines. To this extent, laudable though it aims, the SESP remains capable of assuming a role in the machinery of political tribalism.

RECOMMENDATIONS

The Committee having reviewed the objectives and structure of the SESP, recommends that the programme be abolished. Programmes of the SESP can be adequately achieved through the various Ministries and Agencies of Government without direct involvement of the Member of Parliament.

PART IV - THE CONTRIBUTORY FACTORS

THE POLITICIANS

81. The politicians are to a great extent responsible for our type of party politics and the resultant factional conflicts in the country and, therefore, have a special obligation to join in the efforts to put an end to political tribalism. It cannot be denied that in the past they have reaped and continued to reap the short-term benefits of political tribalism. The political leaders are aware of this and the signing by them of the Peace Agreements on 1989 and 1993 is manifest admission of such knowledge.

THE PEACE AGREEMENT

82. In 1988 the Leaders of the Jamaica Labour Party and the People's National Party demonstrated their concern at the rising incidence of violence and malpractice as evidenced in the Elections of 1980 by entering into a Peace Agreement including, inter alia, a Code of Ethics. The Agreement was signed by the President of each Party and intended to be binding on party officials, candidates and members. An Ombudsman for Political Matters was appointed to investigate complaints of breaches of the Agreement. The sanctions were political impositions including withdrawal of party support for a candidate.

83. The Reports on the Elections of 1989 showed a significant all-round improvement on those of 1980. With the expectation of further improvements, a new Agreement with additional terms was put in place. Despite this the malpractices and violence of the 1993 election was described as "the worst" ever.

84. The Committee takes note of the recommendation of the National Task Force on Crime under the heading "Political and Social".

85. In addition to these proposals and recommendations and the terms and ethics of the Peace Agreement of 1993, this Committee recommend as desirable guidelines:

1. Politicians must not only pay lip service to, but must also become actively involved in the eradication of a political arena where gunslingers establish and operate tribal boundaries.
2. Politicians must divest themselves of the responsibility of issuing scarce benefits and leave the civil servant and impartial committees to implement policies in an objective and unbiased fashion based on set criteria.
3. The distribution of houses, social services or determination of where an industry is sited ought not to be dependent upon whether or not the area supports the government of the day. The only criteria for the distribution of such benefits should be VIABILITY and NEED.

4. Politicians must begin to get people to understand that involvement in politics is not a prerequisite to receiving the benefits that it is incumbent on Government to provide for its citizens.

5. Members of Parliament representing garrison constituencies or constituencies in which there are areas of political violence must by example, exhortation and rebuke, inculcate political tolerance and respect for the constitutional right of freedom of association.

6. Political leaders must publicly denounce officers and members who are associated with criminals, political and otherwise, and take disciplinary action to remove from office those found in breach of the terms and ethics of the Peace Agreement.

7. Political leaders of all levels should disassociate themselves from reputed criminals, in particular those committing crimes of violence or offences in breach of the Representation of the People's Act and their kindred laws.

Legislation

Should there be legislation incorporating such terms and ethics from the Peace Agreement as can conveniently be accommodated in the Representation of the People's Act?

86. The jurisdiction of the Ombudsman for Political Matters at the inception rested on the express consent of the parties to the Peace Agreements of 1988 and 1993. However, by the Amending Act -No.5 of 1994 - statutory jurisdiction was specifically conferred.

The Committee recommends:

That the Representation of the People's Act should be amended to include as offences such terms and conditions of the Peace Agreement of 1993 as can be conveniently accommodated there in.

GENERAL ELECTIONS

Police Preparation for Elections

87. In responding to the Committee's concerns in relation to General Elections which are imminent, the Commissioner of Police advised that a programme of education and training had commenced for the Officer Corps on election policing; also that he had made submissions for basic equipment which the Force would need to be prepared for Elections, with the expectation also, that the Force's Human Resources would be sufficiently beefed up to the full complement of 6,000 men required, as well as additional assistance from Parish Specials and the Military. It was noted that where the Military was concerned the deployment would depend on the area and needs of the particular community.

88. Meanwhile specially trained personnel who were good managers and could maintain order were being assigned to the very sensitive areas such as Maverley to carry out duties on Election Day.

89. The Committee is strongly of the view that there should be a cadre of officers from the Force for the investigation of breaches of the Representation of the People's Act and other political offences. The statements from the Investigation should be submitted to the Director of Public Prosecution for his opinion and directions.

Nomination Day to Election Day

90. The Committee took note that on occasions in the past, political leaders responding to reports of improprieties or apprehensions of malpractices have visited polling stations attracting in the process a host of zealous followers. The results of such visits have been the increasing of tension and the setting of the stage for serious breaches of the peace.

91. The Committee is of the view that the proper course is for the recipient of such reports to relay them promptly either to the Station for the particular area or the Office of the Commissioner of Police. Further, such visits are in contravention of the Representation of the People's Act and in particular Section 41 which limits attendance at a polling station while the poll remains open to a candidate and/or his agent -but subject to the proviso that both may only be together in the polling station for five consecutive minutes, and Section 77 - prohibiting the assembly or congregation of persons within a hundred yards of the polling station building save electors waiting to poll and persons expressly permitted by the Act.

92. The Committee advocates the prompt institution of proceedings against those found in breach of these provisions and commends for consideration by the Legislature an increase in penalties for all breaches of the Representation of the People's Act committed during the election period i.e. between Nomination Day and the Election Day.

Campaigning

93. The Committee considered the submission of the Commissioner of Police that there should be a breathing space between the end of political canvassing and Election Day. In that regard and mindful of the fervour created by political rhetoric and the police presence required at political meetings, the Committee recommends that:

canvassing by political meetings and marches should end 72 hours before

the opening of the polls.

Motorcades

94. The Committee expressed anxious concern with respect to motorcades during the election period (i.e. between Nomination Day and Election Day) as there has been a history of violence and vandalism during the passage of motorcades in certain areas. There is a real risk of an outbreak of violence and other breaches of the peace when a motorcade of one political party in which there are often thugs passes through a town, village, or district in which there is a predominant support for an opposing party.

95. The Committee considered the provisions of the Public Order Act and as motorcades fall within the definition of a public march and are subject to the provisions of the Act, are lawful. In that regard, the Committee advocates:

I. Strict compliance with the provisions of the Act and in particular those prohibiting motorcades during the night.

2. In considering an application for a motorcade, the proper police officer should demand that the particulars in the application for permit comply with the requirements of Section 7 (2) - point of departure, route, point of termination, the hours between which such march will take place and an estimate of the number of persons who are expected to participate in such march, and the permit granted should specify route and time as required by the provisions of the Act.

3. In the exercise of the discretionary power conferred by the Act, the proper Officer, in the appropriate circumstances as described in the Act should require the leader to call upon the motorcade to disperse.

96. The Committee also considered the wide powers conferred on the Minister to prohibit meetings and marches conferred by Section 14 of the Public Order Act.

In the light of certain incidents of violence to persons and malicious destruction of property occurring during the passage of motorcades during the last election period, there was a strong call from certain members that the Committee should recommend that the Minister in exercise of these powers prohibit motorcades throughout the entire island during the forthcoming election period.

The relevant provisions of the Act read: Section 14 (I)

1. Notwithstanding anything contained in Part II or in any other enactment, rule or regulation, where at any time it appears to the Minister to be in the interest of good order or the public safety so to do, he may, by order, subject to such exemptions as are, or from time to time hereafter may be included in the First Schedule, prohibit in any area, or in any parish, district, village or town in the Island:

a) all public meetings and all public marches;

b) all persons from organizing, holding or speaking at, or attending, any public meeting or any public march; save in cases where a permit is issued in accordance with the provisions of Section 15.

2. Every order under this Section:

a) shall remain in force for a period of not more than one month (without prejudice to the power to issue a further order at or before the end of such period);

b) shall be published in the Gazette;

c) may at any time be varied, altered, amended or revoked by the Minister Section 15 - Where any person desires to organize or hold in any place to which an order under Section 14 applies a public meeting or a public march, he shall, at least twenty-four

hours before such intended event, make application for a permit to the Resident Magistrate or the senior officer of the Jamaica Constabulary Force for the parish in which the event is to take place, or to the Commissioner of Police if the application relates to the Corporate Area of Kingston and Saint Andrew.

97. In the light of those Sections, the majority was of the view that the following recommendation would be adequate:

That the Minister exercises the discretion conferred by the provisions of the Act in prohibiting motorcades during the election period at such times and in such areas when on credible information he believes that the prohibition would be in the interest of good order or the public safety.

98. Taking note that there are proposals from the Electoral Advisory Committee for the amendment of the Representation of the People's Act, the Committee is of the view that after the count or relevant recounts, as the case may be, of the votes cast in any constituency, the candidate who obtained the majority is prima facie the people's choice and, therefore, the only body who should have the right and power to declare such an election void should be the Supreme Court - the highest Court of first instance –

the judiciary being the third arm of the State and the one truest to the doctrine of the Separation of Powers in that it has jurisdiction to declare the Acts of Parliament unconstitutional void and the Acts of the Executive contrary to Law.

99. Instead, there should be legislation :

1) conferring on the Supreme Court the jurisdiction to declare void the Election Result on the finding of certain malpractices of a grave nature or conviction for certain offences relating to the electoral process and proceedings with attendant discretionary power of disqualification from public office or candidature in an election of persons found involved therein; and

2) empowering the Electoral Commission, through the Director of Elections to institute election proceedings in Court seeking Declarations that a particular election should be declared void with the appropriate attendant orders.

Schedule for Elections

100. It is considered that there should be a strict schedule for the institution of a proper process and procedure for hearing of Election petitions, and that failure to comply with this schedule, the Registrar may apply to the Court to strike out the petition for want of prosecution and the petitioner in default be condemned with costs.

POLICE

101. The Committee on the basis of submissions, oral and written, shares the following view of the National Task Force on Crime:

“The widespread perception among the general public is that there is improper political interference with the police in the performance of their duties.”

102. One of the causes is the perception of members of the Force that politicians can improve or impede their promotion. There is some support for this view in the rapid and successive promotions of members of the Force who have been assigned for significant periods as bodyguards to persons holding high political office.

Assignments are from the specially trained Protective Services Division.

103. While it was agreed by all members of the Committee present that assignment was eminently a matter for the Commissioner of Police, there were unresolved differences of opinion as to whether or not the political official should be consulted by the Commissioner. We endorse the recommendation of the National Task Force on Crime of an assignment for two years.

104. >From the discussions at the Fora, we affirm the finding of the National Task Force on Crime to the effect that it is the expectation of political preference which provides the inducement for policemen to act contrary to the professional principles in the performance of their duties.

Performance

105. There have been complaints of the police not taking any action or turning a blind eye when political offences are being committed. There have also been allegations of police partisanship in the form of consistent harassment. In the Report of the members of the Public Education Committee on their recent visit to Tivoli - the citizens were vociferous in their complaints of police harassment.

106. The Committee is of the view that willful neglect of duty should be reported to the Commissioner for appropriate action either as an offence under the Law or for disciplinary proceedings under the Constabulary Force Regulations.

Duties

107. The duties of the police fall into two broad categories:

- 1) prevention of crime and the keeping of the peace, and,
- 2) law enforcement.

For effective performance in both categories, the co-operation of the citizens of the community is essential:

"the power of the police to fulfill their functions and duties is dependent upon public approval of their existence, actions, and behaviour, and their ability to secure and maintain public respect .

Lord Scarman

Independence

As Lord Scarman in his Report on the Brixton Disorders puts it:

"The independence of the Police is the other principle of policing a free society to which I wish to refer. Neither politicians nor pressure groups nor anyone else may tell the police what decisions to take or what methods to employ, whether to enforce the law or not in a particular case, or how to investigate a particular offence. The exercise of police judgment has to be as independent as the exercise of professional judgment by a doctor or a lawyer. If it is not, the way is open to manipulation and abuse of the law, whether for political or for private ends."

On the matter of independence the Committee noted -

(1) the recommendation of the National Task Force on Crime that Section 3 (2) of the Constabulary Force Act and the action taken by the provisions of the (Amendment) (No.2) Act, 1994, with manifest intent of placing the "operational command" of the Force in the Commissioner but expressly conferring on the Minister the power to "give to the Commissioner directions as to the policy to be followed by the Force": and

(2) the (Amendment) Act, 1997, creating the Government Police Inspectorate" with wide and unchallengeable access to documents in possession of the Force.

108. On these amendments the Committee feels constrained to make the following comments: In establishing the Inspectorate by the Amending Act of 1997, the Government acted on the recommendations in the Hirst Report which were referred to with evident approval in the Report of the National Task Force on Crime.

109. The Committee was of the view that such a monitoring body may be necessary to ensure uniformity in the implementing of policy in a Country or State where there are different Forces with each having a degree of autonomy as the County Police Forces in England. Here in Jamaica, there is a unitary system with a pyramidal administration with a Commissioner at the head. The monitoring of implementation of ministerial policy could be effectively done through a Junior Minister or Parliamentary Secretary with the Permanent Secretary in tandem.

110. Secondly, consideration was given to the effect this amendment would have on the division of functions in the 1994 Amendment which was intended to be a prompt acceptance of the recommendation of the National Task Force on Crime. The legislative intent as expressed in the recommendation was "to make it clear that the day-to-day operations of the Force are the sole province of the Commissioner of Police and that the relationship of the Minister vis-a-vis the Force is restricted to the making of policies".

111. The Committee is of the opinion that the terms and tenor of this later amending Act are in conflict with the legislative intent of the Act of 1994, in that it tends to erode the division of functions in the earlier Act.

112. The Committee also considered the wide powers of access to documents conferred - Act 12 of 1997 - on the Inspectorate by Section 81 (3):

(3) An officer of the Inspectorate may, in the discharge of his functions, at any reasonable time -

(a) enter premises occupied by any division of the Force or by any of the Auxiliaries;

(b) require a member of the Force or of any of the Auxiliaries to furnish such information or to produce such documents or records as he may specify; and

(c) inspect and examine such documents or records and make copies thereof.

113. In the exercise of these powers there would be access to documents relating to pending criminal investigations including directions from the Director of Public Prosecutions. The legislative intent of the Constitution to vest criminal proceedings wholly in the Director of Public Prosecutions to the exclusion of any other person or authority could be obliquely evaded if confidential communications to the Commissioner of Police would be available for ministerial scrutiny.

114. The Committee expressed concurrence with the recommendations of the National Task Force on Crime in relation to the appointment of the Commissioner of Police and the criteria for promotion to all ranks up to Superintendent, the dismissal of any member of the Force found to be actively involved in partisan politics, and that Members of the Force should be encouraged to report any attempts by politicians or anyone to interfere with them in the execution of their duty with a view to having the allegation investigated by Public Complaints Authority.

115. With respect to the recommendation at para. 7.4 p.40 of the National Task Force on Crime, on the power of the Commissioner to dismiss members of the Force, the Committee is of the view that such wide powers could make the Commissioner a Judge in his own cause and accordingly, the following is suggested in lieu:

116. The Commissioner of Police should be empowered to dismiss members of the Force below the rank of gazetted officers on the finding and recommendation of a disciplinary tribunal appointed by him for the purpose with a right of appeal to the Police Services Commission. With respect to gazetted officers, the existing procedure should be retained.

GENERAL PROPOSALS AND RECOMMENDATIONS Political Education

117. While the Committee notes the present comforting emphasis by Government and Opposition on facilities for improvement in education, the existence of political tribalism is clearly indicative of certain misconceptions of party politics in our Constitutional Democracy,

in particular, the existence of garrison communities and the significant and increasing malpractices in the proceedings in the general election.

118. There is therefore, the need for political education in terms of basically outlining the role of the politician;

1) in particular, as Members of Parliament and/or of the executive and to make the people understand the responsibilities of the elected and the responsibilities of the citizens as electors,

2) that political power involves a duty and discretion to perform diligently and efficiently and for the benefit of the people, and,

3) for the citizens to recognize that to their constitutional rights there is the corresponding duty of upholding the law and the integrity of general elections which are designed as the peaceful process of choosing the persons to whom the governing of the country will be entrusted during the constitutional tenure of office.

Recommendations

119. That political education be taught as a special subject to:

- (a) schools beginning as part of the curriculum of the 12-year olds; and**
- (b) adult education at the community level.**

Community Relations

120. As the National Task Force puts it "Any successful campaign against crime requires the whole- hearted support of the people. In the present climate, that support will not be forthcoming. It is imperative that steps be taken to bring about a reconciliation between the Police and the people and both sides must show a willingness to right the situation".

121. The institution of a local Consultative Committee as exemplified by that in St. Thomas and Westmoreland is commendable and such a local committee for every Police Station is recommended. The membership of the local committee should be drawn from residents in the area served by the particular Station.

122. As the Police Administration is divided into Areas, the Committee recommends a Police Area Consultative Committee, the membership of this Committee to include a representative from each local committee.

123. We endorse the recommendations in the Report of the National Task Force on crime that: **there should be a Community Council with a membership including representatives from community leaders, Parish Council, the church, social and philanthropic organizations, members of the Private Sector Organization and a nominee of the Commissioner of Police. This Council's main purpose would be to formulate and implement a policy of the reduction of crime and the maintenance of peace and order in the constituency.**

124. On the other hand, as the Security Forces have an inescapable duty to act firmly against crime and to maintain law and order, the Committee appreciates that there will be occasions when the nature and extent of the criminal activities call for hard policing - the calling out of specially and appropriately trained units and even if the occasion so demands, the assistance of members of the Jamaica Defense Force. In any event then, the principle of using no more force than reasonably necessary is applicable and over-reaction should be avoided. The police must act within the law at all times. But, when a community becomes resentful and restless and there is widespread loss of confidence in the police, the particular circumstances may require a review of police methods. This attitude of the community is often due to a breakdown of the desirable rapport between members of the community and the Police and more often than not it is triggered by some incident or cause of conduct that the community feels was abuse or excess of police power.

125. When this occurs or is imminent, it is recommended that either on an address or complaint from a citizen or on its own volition, the Community Council should make the necessary enquiries and take steps to effect reconciliation between the people of the community and the police.

Public Duty in assisting the Police in the maintenance of Law and Order

126. The *laissez-faire* - "it's none of my business" - is an attitude that permits the garrison process to continue. As long as those outside the garrison communities are not directly affected even if it is their job to inform, they decline to do so.

127. "Many people are unwilling to participate in organizations and many are unwilling to take critical positions from an independent non-partisan position. In the context of strong clientelistic relations business persons are often inclined to play along with the process either with the hope of receiving benefits or out of a fear of the consequences of opposing forces." - (Mark Figueroa - p.29)

128. Residents in garrison communities or in areas with a history of political violence and gang warfare are understandably reluctant in giving information or witness statements in cases of crimes of violence and in particular firearm offences and murder. This is due to the fear of being targeted as stool pigeons and the knowledge that potential witnesses in pending cases of violence have been threatened and even murdered. This fear remains despite the existence of a witness protection programme. Others are unwilling because of misguided loyalty based upon close relationship by blood or intimacy or enforced obligation as beneficiaries of the system.

129. The Committee recommends for the consideration of Government the provision of asylum out of the island for witnesses who have given evidence in cases where there is reason to believe that their life would still be in danger from members of a gang or relatives and friends. To that end it may be necessary to enter into reciprocal arrangements with friendly Countries.

130. If the measures recommended to eliminate the causes and contributory circumstances of political tribalism as set out earlier are successfully carried out then the expected consequences will be not only an awareness of their responsibilities as citizens but the courage to discharge those responsibilities.

131. It is the duty of the citizen:

1. to co-operate with the police in the maintenance of peace and good order in the community and the prevention of crime;
2. to assist in the administration of justice as witnesses and jurors; and
3. abstaining from giving aid and comfort to anyone who has committed or is in the act of committing offences against the law particularly offences that are in breach of the Representation of the People's Act and kindred offences.

CONCLUDING GENERAL OBSERVATIONS AND PROPOSALS

Political Violence

132. Responding to the suggestion from members of the public that political leaders should walk and talk together in the troubled areas, we recommend:

- i) a joint meeting of political representatives in each constituency at which the leaders will publicly declare their disassociation with all or any person involved or reputed to be involved in violence or drug trafficking.
- ii) and joint visits to the troubled areas.

On Violence - Firearms

133. The firearm is by far the most frequently used weapon in the commission of offences of violence. It is the weapon used in the maintenance of garrison enclaves, the dominance of dons, the weapon of war between garrison communities of different persuasions and the on-going gang warfare for causes other than political.

134. The Committee was credibly informed that there are in the hands of criminals guns of power and firing rate never before seen in the country.

135. The Police in the recovery of illegal guns have been fairly successful. They have been less successful in uncovering the source and method of importation due to the deportees'

American connection, the difficulty of effectively patrolling the extensive coastline of Jamaica with our present fleet and the conspiracy of silence among the criminal element.

Amnesty

136. The Commissioner of Police has expressed the view that he is not averse to the notion of amnesty for illegal firearms and that any initiative that can lead to the reduction of the possession of illegal firearms is deserving of support.

137. He supports an amnesty on the basis that the weapons may be surrendered through confidential conduit.

138. As regards the importation of illegal guns it is suggested that resources be allocated for intelligence work in the countries in which guns are supplied to this country in order to significantly enhance the ability of the Jamaican Authorities in controlling and preventing the : illegal importation of guns.

139. The Committee considered these views and the question of an Amnesty. There was a minority view that a previous amnesty had not achieved the desired results, as such guns as were surrendered were not from the criminals but from householders who for one reason or another had failed to obtain the requisite Firearm Users License. Therefore in the present era of firearm and gang warfare, an amnesty now is unlikely to be any more successful than the previous one. The majority, however, accepted the views of the Commissioner of Police that it would provide an opportunity for the repentant to surrender his guns and that there was expectation from journalists and a significant number of citizens that there would be such an amnesty.

140. Accordingly, by a majority, an Amnesty is recommended for a short period and for surrender to be effected during the daylight hours.

TERM OF REFERENCE

3. To examine what the entire range of groups that comprise the civil society can do to reduce social and political tensions which impact adversely on the level of crime.

The Church

141. The statistics reveal that the overwhelming majority of offenders convicted of crimes of violence are young men -post Independence babies or those who had the formative years in that era.

142. Members of this Committee accepted the proffered opportunity for actively participating in a two-service session totaling four hours at St. Richards. There the terms of reference, the aims and objectives of this Committee and the need for public co-operation, if those needs were to be achieved, were discussed with members of the congregation who responded with observations, opinions and helpful suggestions. However, like the other special Services for Peace within the country there was a dearth of young men and few, if any of the "warriors". As they are reluctant to attend Church, the Church must go to them. An evangelizing campaign is necessary. In addition to providing members for the various committees mentioned herein and its charitable efforts in the communities, the Church in its role as peacemaker should increase its role in organizing peace conferences between the fighting factions.

143. The Committee has taken note that the Ministers' Fraternal in the Corporate Area and St. Catherine have gained the respect of political leaders in being able to create a forum for political exchange among the representatives of the political parties. Efforts to bring these persons together for worship, prayer and dialogue have proved successful.

144. We therefore recommend that the leaders of our churches seek consciously to promulgate this activity on a wide scale so that their efforts in the Corporate Area become more sustained and visible and are extended to other areas.

145. The Committee recognizes with approval the churches' outreach programmes which seek to address the fundamental socio-economic needs of inner city residents. However, it is felt that the church must focus more consciously on our young MEN who are indeed the primary pawns and the immediate victims of political tribalism.

We challenge our church leaders to look afresh at initiatives to respond to the needs of our young men; to establish programmes which have as their direct and main focus the development, empowerment and indeed rehabilitation of our young men.

The Philanthropic and Social Organizations

146. It would contribute to removing the feeling of isolation if such organizations would occasionally hold an open affair in the depressed areas, particularly when making special contributions in particular fields -sports and arts.

The Non-Governmental Organizations

147. In this regard, the non-governmental organizations (NGO) have played a significant role in the development of the social sector of Jamaica. The grouping of NGOs represents a large number of private citizens who volunteer in communities. The work of the NGO sector includes health care, skills training, child caring, sports, care for the disabled, the aged and the indigent. Generally perceived as caring and non-political, these organizations can play a critical role in the delivery of state and private resources to the poor and needy.

148. The Committee recommends that the Government in conjunction with the CVSS should prepare a listing of approved NGOs. These organizations must be accountable, that is the financial statements must be prepared and audited annually. The body must be properly constituted under law, and the officers must be appointed by election at an annual general meeting. The NGO must have credibility in the community and be in existence for at least five years.

149. The approved NGO would be eligible to receive public and private funds to assist in the re-engineering of the politically divided communities.

150. The overcrowding in the city and the creation of the inner cities with substandard living conditions were foreseen by Governor Foote, who during his tenure of office warned against the concentration of industry and business in Kingston to the neglect of the rural parishes. But we "cannot undone what time has done" by "piety or wit". What is recommended is for the Private Sector in joint ventures with government to set up in the depressed areas feasible labour intensive industries.

The Business Community

151. The Committee recognizes the important role of the business sector in any solution to political tribalism. During the visits to selected communities, residents informed the Committee that business firms are reluctant to employ individuals from addresses in the politically troubled areas. The Committee is of the view that such a discriminatory practice can foster tribalism as employable individuals are effectively forced to offer their services to the community "don" or political activists.

152. The Committee recommends that the business sector review their employment policies with a view to eliminating such discriminatory practices and consider the suggestion made earlier in this Report for youth employment and the volunteering of time to civic organizations

The Public - Some General Observations and Proposals

153. Notwithstanding the prating of political leaders on equality and social justice there lingers on a socio-economic division of the people in this country. Formerly called the "haves" and the "have nots", now has been given by the Leader of the Opposition, Rt. Honourable Edward Seaga, the more up-to-date geographic description of "up town people" for the successful business and professional groups who live on the salubrious slopes of St. Andrew and the "down town people" for those who live in the inner cities with their garrison communities, and sub-standard living conditions.

154. Those who have had the experience of living in those communities or who for scholarly purposes have acquainted themselves with conditions in the inner cities are of the opinion that the overwhelming majority of the people are desirous of peace and order and an end to the garrison style of living but they lack the will and power to go up against the system. It would be like "kicking against the pricks". It is the complaint of persons in those areas that they suffer discrimination in the job market, that regardless of their qualifications or experience in the particular field of work, residence in these areas is often the ground for refusal of their application for employment. Residence should no longer be a relevant factor and qualification and experience the relevant criteria.

155. Disinterest and discrimination must give way to co-operation and in turn easy and unimpeded access from apprehensions of injury to the inner cities. We are all citizens of one country and each one is entitled to the fundamental but rebuttable presumptions of intelligence, integrity and innocence.

156. The improvement of life in these communities is essential to the well-being of the nation and as indicated earlier the improvement of the general standard of living of cardinal importance.

157. Even in countries of more extensive territories and resources and having a Government with considerable revenue, there are problems with poverty and living standards below the desired norm.

158. The Government of this small thickly populated comparatively young country, to achieve a measure of success in the endeavours of Government to improve the living conditions of persons in the lowest socio-economic strata, assistance is necessary from private organization and members of the public. Law enforcement, regardless how efficient, will not achieve the desired results in the reduction of violent crime if the country continues to produce replacements for the violent criminals that have been put away. Accordingly, the Committee commends for the consideration of the Government an earnest effort to induce the sort of volunteerism as contemplated in General Powell's endeavour in the United States of America.

In the scheme the suggested areas were to:

- encourage relationships with adult mentors,
- create more safe places to help keep children off the streets,

- provide better health-care for poor children,
- get teenagers the education and training to develop job skills, and,
- encourage children to do volunteer work on their own.

PART VI

CONSTITUTIONAL AMENDMENT AND THE REPRESENTATION OF THE PEOPLE'S ACT AND KINDRED STATUTES

159. The opinion has been expressed that the present constitutional form and system of government facilitated or contributed to political tribalism and there is a call supported by the National Democratic Movement (N.D.M) for a system more faithful to the doctrine of the Separation of Powers and in that regard, that the members of the Executive should be independent and not drawn from the legislature. There are, of course, views supporting the retention of the present system with amendments in relation to the composition of the Executive and to prohibit the abuse or excessive use of executive power. The Committee, after hearing certain submissions on this point, opted not to proffer any particular recommendation. Indeed, individual members hold diverse positions on the relevance of Constitutional Reform to the question of tribalism.

160. The point must be made, though, that political tribalism is contrary to the principles and expressed provisions of the existing Constitution and, in particular, those relating to freedom of association with its attendant right to support party or candidate of choice at all material times. The manifestations of political tribalism involve breaches of the law including unlawful conspiracies, incitement, aiding an abetting, the commission of various offences at common law and against the Offences Against the Person Act ranging from assaults to murders; forcibly entry, threats and offences against the provisions of the Representation of the People's Act. In whatever ways the Constitution can ultimately be improved, the words of the late Rt. Hon. Norman Manley will continue to be apposite:

“We can write the best constitution in the world, it is the people who will make it work”.

CLOSING SENTENCES

161. In pursuit of meeting the terms of reference, the Committee sought to be constructive in criticism and feasible in recommendation. It is our earnest hope that the response to the proposals and recommendations will render inapplicable the usual rhetorical question in relation to Commissions of Enquiry. “What good did come of it?”

162. In that regard, it is bona fide belief of the Committee that with the earnest endeavours of the politicians and the united effort of all right-thinking members of our society this era of political tribalism and violence will pass and “Peace, Order and Good Government” will prevail so that in the near future we can proudly proclaim -“

The old order changeth, yielding place to the new”.

APPENDIX I**LIST OF ORGANIZATIONS AND INDIVIDUALS WHO MADE WRITTEN SUBMISSIONS**

1. Mr. C. G. Anderson
2. Mr. Clarence Brodie (The News)
3. Mr. John Causwell
4. Dr. Barry Chevannes
5. The Commissioner of Police
6. Dr W. Davidson
7. Dispute Resolution Foundation
8. Mr. Glaister Duncan
9. Mr. E. E. Fraser
10. Mr. Mark Figueroa
11. Mr. Howard Fuller
12. Donna Denton-Hall
13. Mr. H. G. Honnigan
14. Jamaica Council of Churches
15. Jamaica Chamber of Commerce
16. Jamaica Labour Party
17. Mr. Horace Levy
18. Mr. Jasper McDonald
19. Mr. Lloyd McPherson
20. Mr. Jeffrey Mordecai
21. National Democratic Movement
22. People's National Party
23. People's National Party Youth Organization
24. Prime Minister's Advisory Council
25. Dr. Don Robotham
26. Mr. Julian Shaw
27. Sir Philip Sherlock
28. Mr. Edgar Spence
29. Fr. William Webb, S.J.
30. Mr. Gordon Wells – Contractor General
31. Mr. Sameer Younis
32. Young Leaders Council

APPENDIX II**LIST OF INDIVIDUALS AND ORGANISATIONS THAT MET WITH THE COMMITTEE**

1. Colonel Trevor McMillan – (Former Commissioner of Police)
2. Dr. Barry Chevannes – Sociologist, UWI
3. Mr. Jeffrey Mordecai – Attorney at Law
4. Father Michael Linden, S.J. (St. Anne's Church)
5. Mr. Mark Figueroa – Economist – UWI
6. Dispute Resolution Foundation (Donna Parchment)
7. Dr. Don Robotham – Pro-Vice Chancellor & Dean of Students, UWI
8. People's National Party Youth Organisation (Mr. Kirkland)
9. Mr. Horace levy – Sociologist, UWI
10. The Jamaica Labour Party – (Mr. Michael Williams)
11. The National Democratic Movement – (Mr. Bruce Golding)

APPENDIX III

PUBLIC FORA

To meet its mandate the Committee appointed a Public Relations Sub-Committee comprising Mrs. Margarette Macaulay as Chairman, Mr. Herman Ricketts, Rev. Livingston Thompson and Mr. Earl Jarrett together with the Secretary and Public Relations Officer Miss Gwyneth Harold to obtain the views of the public on the issue of political tribalism.

Ten such Meetings were held in the several parishes as well as a very inspiring Church Mass at the Church of St. Richards, of Chichester, Red Hills Road, where the Chairman was given the opportunity to address the congregation of some 300 persons and receive at first hand several proposals for curbing political tribalism and violence.

Set out hereunder is a summary of the several issues raised at the various public fora.

Constitutional Reform

The question of fundamental constitutional reform was discussed at several venues. Among the suggestions were (i) that the powers of the Prime Minister needed to be reduced; (ii) that politicians should be educated as to what was expected from them, while the electorate needed to understand the system better and know what the responsibilities of the M.P.'s and Councillors were.

It was also suggested that politicians (MPs) should be screened in a manner similar to how applicants for the police force are screened and that to curb political tribalism there was need for further constitutional reform.

Education

It was considered that the general electorate did not understand the political system, and that they needed to be educated. It was also felt that the adults in turn would be able to teach the youth better. Secondly, there was a general feeling among young people that politics was a crooked business, and those who could probably participate in a meaningful way, kept themselves out of it.

Thirdly, there needed to be more opportunities for young people to empower themselves. Drugs had now become a great attraction for young people. In addition, skills need to be taught to the youth, and they need to be given an opportunity to become independent. It was felt that when they are independent, they are not so easily induced to do wrong.

Fourthly, there needs to be more training programmes for the youth; also entertainment and sports centers. Indiscipline, was said to be a major cause of people adopting unlawful ways.

On the subject of the youth, it was pointed out that there was evidence of young men being influenced to commit acts of political terror in communities. It was said that young men without

work who sit on the corners become agents for wrongdoing. The solutions suggested included, education to make them more independent, have good role models as leaders, and a more equitable sharing of work among the youth. Business people were charged not to discriminate against persons because of their address, as this helped to deepen tribalism. It was generally felt that there needed to be more activities for young men.

Continuing the discussion on education, the view was expressed that the people and politicians need to be educated about each of their responsibilities and rights under our political system, as there were stronger divisive influences in Jamaica today other than politics, also that it was a breakdown in family and community life that created many of the problems of violence today.

Meaningful employment for young people to reduce dependence on political patronage, was put forward as part of the solution to the problem of deprived young people being led to commit acts of violence.

Scarce Benefits

On the distribution of benefits, it was agreed generally that parties should get together in the distribution, and eliminate the system where the winner takes all. A senior citizen was of the view that it was time for the people to take back the country.

In Montego Bay, the allocation of scarce benefits was seen to be a vexed issue. It was suggested that there needs to be a transparent system for their allocation, and that the names of persons who pre-qualify for government contracts need to be made public.

It was the view of one individual that politicians enter public life with more money than leadership skills, and that they begin to spread largesse and build support in that way. Poverty it was felt makes manipulation easier, and that good representation was necessary to raise the quality of life for the people.

It was suggested that tribalism had become a culture. Employment opportunities were divided along political lines, and this further opened the rift. An example was cited where after a General Election, the victor was found to have won by 200 votes, in a constituency of 10,000 electors. However, in the allocation of benefits -that is work and social services -80-90 per cent went to the MP's supporters.

Members of the "tribes" are known through canvassing activities. Therefore, if someone was not known to be a supporter of the MP, activists would cause that person not to benefit from employment. When there was a change in Government, these activities were simply replicated by the other side.

It was felt that the politicians should spend public funds after consultation with the people; and that all political parties should be involved in the sharing of scarce benefits.

It was said too that leaders tended to see things from the party's view, instead of the community's point of view. People tended to follow the example of leaders, including political leaders. These leaders needed to work with the police from day one, in their community work.

Another view was that political leaders were put under pressure by their supporters to behave in a particular way. It was suggested that the electorate thought that it was the duty of their candidate to reward them with benefits. This was especially so when it came to the allocation of farm work, and other agricultural benefits; and the issuing of licences. The feeling was that this led to tribalism and should be stopped.

Finally, the view was expressed that to combat tribalism, political representatives need to sit at the same table, work from the same agenda, and together, discuss policies and programmes for the people. It was also felt that it was important that good programmes were not changed with each administration, but for the good of the community, there needs to be continuity.

On the matter of the distribution of benefits, it was felt that there was no clear accountability for SESP funds, and that funds such as these, distributed through politicians, led to the gaffvanising of political support. An example of this was politicians paying school fees. It was also noted that as benefits were scarce, there is such expectation built up among the electorate that their Councillor will look after them if they get elected, that there was enormous pressure put on the politician. This pressure had caused many to become corrupt, and that there was no doubt that this system of partisan allocation of benefits had led to victimization.

The view was expressed that motorcades created political tensions and often led to acts of violence, and that this could be stopped by political leaders getting together to organize themselves in an orderly manner and so influence their supporters in this way.

On the subject of tribalism, it was felt that Dons or "bad men" involved in the drug trade have influence in communities. These Dons support a particular politician, and use their power in the community to strengthen the politician's support there. *It* may not be the politician's wish at all, but the Don acting independently.

At the Forum in Port Antonio, Member of Parliament Sam Lawrence expressed the view that the constituencies of East and West Portland are not divided by politics. He noted that the relationship politicians develop in their careers have a lot to do with how they conduct their activities and use their influence; and that the attitude of leaders, affect the conduct of their followers.

The Police who were strongly represented at the meeting expressed concern about election campaign practices which disrupted life in the parish and suggested that motorcades should be banned and that political meetings should have a cut-off period of 10:00 p.m.

Visits to the Troubled Areas

The Sub-committee approached the troubled areas through "gatekeepers". Here the members were introduced to community leaders, who organized a delegation to meet with the sub-committee.

In "Rema", this delegation was the Trench Town Community Development Corporation, in Tivoli, the West Kingston Development Trust, and in Spanish Town, the Spanish Town Ministers' Fraternal.

Rema – January 29, 1997

The residents of Rema said that they have not been the beneficiaries of any political spoils, whichever party is in power, and recently began loosening their ties with the JLP. With the death of a named respected "Don", who was the law, they said that the power struggle for supremacy in West Kingston began in earnest, and their community had borne the brunt of the violence.

The residents want the stigma of violence, to be removed from their communities, and say that the police and media have contributed to a wrong public perception of the area.

They gave examples of crimes happening far away from Rema but reported in the press and on police files as taking place there. This they said began as early as 1974-1975, when a robbery took place at 5th street, the report read that it was in Rema. Also, an incident which happened on Regent Street and Spanish Town road was assumed to border Rema. A bus was robbed on in Rose Town and it was said that the robber ran on Collie Smith Drive, which they say was not possible.

Tivoli - February 10, 1997

The residents of Tivoli at the onset wanted the term "political tribalism" to be defined. >From the discussion, it was determined that this referred to a state of affairs where a community was affiliated with a political party, and no dissention is allowed.

It was pointed out that based on public perception, West Kingston had been identified as having political tribalism. However, it was the opinion of the residents that incorrect reporting by the media had tarnished the community, and that there were no political tensions within Tivoli.

When asked about political tensions in West Kingston, the residents stated that problems which had been affecting Hannah Town and Matthew's Lane two years ago had been solved.

With the help of the Member of Parliament, the communities selected responsible leaders who were deemed responsible to control the conduct of their community members. For the most part this had worked, and today the West Kingston communities (Denham Town, Matthews Lane, Tivoli Gardens and Hannah Town), enjoy good relations.

On the St. Anne's question, it was stated that Rema residents had been robbing Tivoli vendors in Coronation market. They were also terrorizing pedestrians in that area. As evidence, they produced police statistics of murders committed in the Kingston West police division and showed that in 1995, 35 persons were killed in Tivoli, 31 in Denham Town and 10 in Rema. They show that Denham Town has been abandoned, whereas in Rema, families have not had to relocate.

The residents were concerned that there was a bias in the country against their Member of Parliament. They said that as a MP he had worked well to develop the community. They also said that he had shown them how to improve their lives through education. Therefore, when their MP was being unfairly judged, in their estimation in the press, they reacted in support of him.

The community had very strong views against the actions of the police, whom they felt were perpetuating political tribalism in the area. In one of the offices in the community centre, there is an aerial photograph of Kingston. About three panels together show Kingston from the Waterfront to above Heroes Park. The photograph covers an area of almost two square metres. There were several silver dots on the map which the residents say were put there back in the '70's by the police; who said the dots marked the location of guns. It was pointed out to the Committee that these dots were only in the West Kingston area.

They said that young men in the community were habitually terrorized by the police. An example given was the 17 youths who were rounded up and charged with criminal offenses. After many months they were all acquitted. It was incidents like these, they say, which lead to a building up of resentment against the police. The above example was also used to show how the legal system was oppressive to poor people.

They noted that during Commissioner McMillan's time there was improvement in police/community relations. This has been reversed, they say, since the appointment of the new Commissioner. It was the general opinion that the "crime fighters" were anti Tivoli. Some of those persons attending the meeting, in speaking about the police became very agitated and angry. There was general condemnation for the behaviour of the police, which they say was political.

It was the general consensus that tribalism has been perpetuated by others such as the police which has now been politicized, especially by senior officers,

Another example of tribalism was the unfinished market in the arcade that would have benefited West Kingston, South St. Andrew and Central Kingston residents.

The residents are of the view that the problems of violence in West Kingston today were not politically related, but because of drugs. They also felt that there were inter community problems, and that the pressures over the years had led to an upsurge in violence. Finally, the view was put forward that the Committee should try to visit Denham Town and see the destruction caused by gunmen outside the West Kingston constituency.

Visit to Central St. Catherine (Spanish Town) March 5, 1997

The Committee had been invited by Member of Parliament for Central St. Catherine Bruce Golding to look at the situation in Spanish Town as a case study to explore the effect political tribalism had on communities.

This did not prove feasible. However in association with the Spanish Town Ministers' Fraternal, a special meeting was held in Spanish Town on March 5, 1997, which saw representatives from Winter's Pen, Job Lane, Thompson Pen, Hampton Green, De la Vega City, Jones Pen, Tawes Pen, Ensom, Homestead, Riverly and St. John's Road in attendance.

In the discussions which ensued, the view was expressed that the lack of opportunities for young people in St. Catherine made them easy targets for disruptive influences in the society, and was among the mixed bag of causes for what was now being regarded as tribalism in their

communities.

The view that what had been labeled as political violence was really a cover for other types of activities, and that lack of proper education had caused the youth not to be able to reason properly, and to be used by politicians.

The communities were not short on solutions to the problems of political tribalism. It was suggested that politicians need to admit failure to the people first. Then they need to begin again by living up to their responsibilities, and for people to see politicians as their servants. Finally it was felt that the church needs to become more involved in education, and upholding moral standards.

Acknowledgements

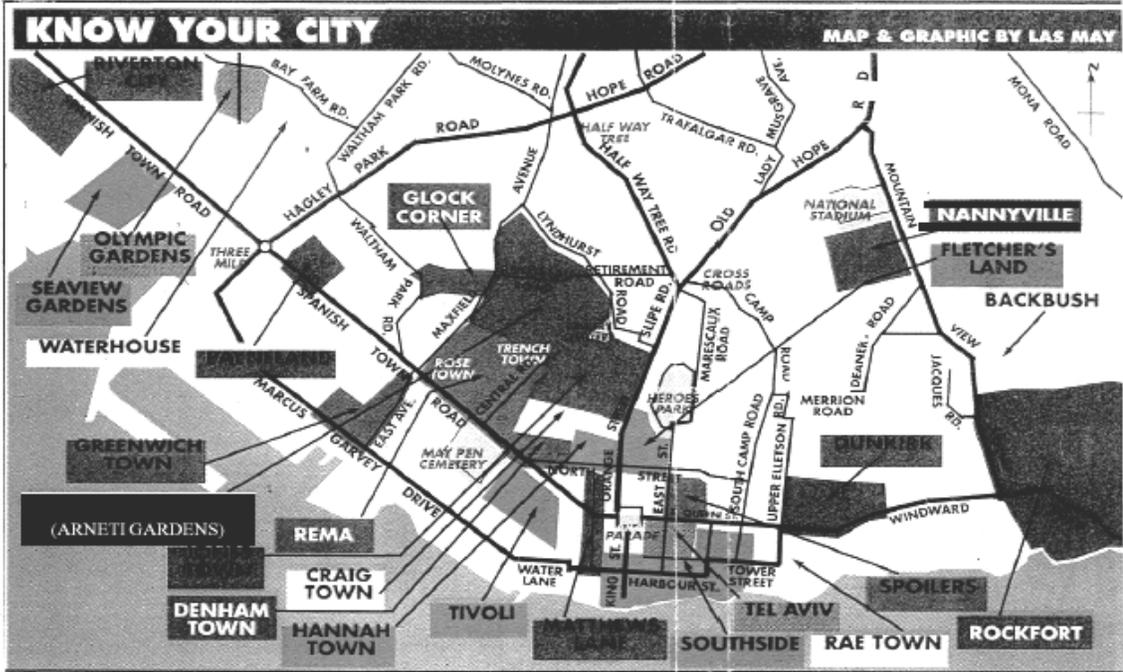
The Committee wishes to acknowledge the participation of interested members of the communities who came out to the various fora. There was the support of the following Custodes and Mayors; Cllcr. Marie Atkins, Mayor Kingston; Cllcr. Charles Learmond, Mayor Falmouth; Cllcr. Hezekiah Malloy, Mayor Port Antonio; Hon. Roy Barrett, Custos Rotulorum Trelawny; Hon. Clarence Nelson, Custos Rotulorum St. James; Hon. Noel Williams, Custos Rotulorum Portland; Hon. James DeRoux, Custos Rotulorum, Clarendon; Hon. Gladstone Lewars, Custos Rotulorum, St. Catherine; Mr. Robin Samuda, J.P. St. Elizabeth.

The assistance of the Jamaica Constabulary Force as well as the Jamaica Information Service Regional Offices and Social Development Commission also proved invaluable.

Finally the Committee wishes to express thanks to the several Churches that lent their support. They include Fr. Howard Rochester and the Church of St. Richard's of Chichester, Red Hills Road; St. Andrew Parish Church, Half Way Tree; St. Gabriel's Parish Church, May Pen; Phillippo Baptist Church, Spanish Town and Wildman Street Pentecostal Tabernacle, Kingston, also Pastor Terrence Brown and the Spanish Town Ministers' Fraternal.

APPENDIX IV

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APPENDIX V

SUMMARY OF FINDINGS AND RECOMMENDATIONS

PRIMARY CAUSES

Patronage see paragraphs 47 & 48

Patronage and the allocation of scarce benefits have been identified as being among the main causes of political tribalism. The allocation of scarce state resources by the political party in office and the award of public contracts on the basis of partisan favouritism have served to create violent divisions between potential beneficiaries and the supporters of opposing parties.

Housing Schemes see paragraphs 49 - 51

The allocation of housing benefits along political lines has had the effect of creating predominantly "single party" communities now classified as garrison communities and constituencies. In many instances, these areas have become safe havens for criminal gangs which tend to identify themselves with the particular communities while affirming their allegiance to one political party or the other. The continued existence of garrison communities has also resulted in "area branding" which has had negative implications for residents of these areas.

RECOMMENDATIONS see page 14

1. The Committee approves the criteria and method of allocation of housing schemes under the control of the National Housing Trust.
2. For housing schemes not under the control of the National Housing Trust, including , slum clearance schemes, the allocation should be entrusted to an impartial committee.

The Committee notes with concern the depressed state of many inner city communities and commends to the Government the adoption of the "Strategy for Revitalisation of Blighted Youth" as set out in the report of the National Inner City Committee. Essentially, the finding of the Inner City Committee highlighted the urgent need on the part of the Government to address problems of intense poverty, extreme overcrowding and poor sanitation in these areas.

Land Settlement Schemes see paragraphs 52 -53

The Committee has considered with approval the statement to Parliament on February 22, 1994 by the Honourable Prime Minister on the disposition of land:

“ Lots will be disposed of by a process of advertisement, formal written application and selection by a panel of non-partisan officers. The focus in making the selections will be on the landless, small farmers, youth and women interested in agriculture.

The Management and the Award of Contracts see paragraphs 58 -65

The Committee has taken note of Ministry Paper number 44 dated November 24, 1995, which sets out proposed new measures for the management and award of Government contracts. Some of these measures include:

Replacement of the Government Contracts Committee by a National Contracts Commission (NCC) serviced by the Office of the Contractor General.

The NCC will be comprised of representatives from various relevant Ministries, a representative from the Attorney General's Department, representatives from the wider public sector and representatives from the public sector who will not be open to the possibility of conflict of interest.

Small contractors will be chosen from a list of registered persons approved by the NCC.

This Committee underscores the need to eliminate systems which allow for direct involvement by Members of Parliament in these matters.

CONTRIBUTORY CIRCUMSTANCES

Poverty see paragraphs 67 - 74

The Committee has determined that poverty and decay are common features of tribalised communities. It is evident that many politicians benefit from the unrest and displacement that are features of communities with high levels of unemployment and pervasive poverty.

RECOMMENDATIONSZ see paragraph 21

The Committee recommends that there be renewed focus by the relevant authorities on the following:

Housing

Government should design strategies to formalise housing arrangements for inner city residents. Many of these persons have no legal status in the homes which they occupy. Assistance to these persons should be based solely on viability and need.

The Committee believes that where these residents have equity in their homes the foundation is laid for community revitalisation.

Youth Empowerment and Job Creation see paragraph 77

Government should seek the corporation of the private sector to spearhead an inner city job initiative. Essentially, the programme will be funded by the state by means of a tax credit equal to twice the cost of employing and training inner city youth for a period of three years.

The Church, Council of Voluntary Social Services (CVSS) and other approved non-governmental organizations (NGOs), will determine the list of qualified youth.

The Committee has determined that in many of these communities there are few examples of good role models for young men. Presently, the politician and the community "don" are the models of success. It is felt that the balance could be obtained by resuscitating youthempowerment programmes such as the Boys' Scout movement and 4-H clubs. The State would encourage companies to allow their employees approved time off to volunteer in\ such community based projects. The effort could be supervised and monitored by the CVSS and other NGOs.

The Social and Economic Support Programme see page 21

The Committee, having reviewed the objectives and structure of the SESP, recommends that the programme be abolished. Programmes of the SESP can be adequately achieved through the various Ministries and Agencies of Government without direct involvement of the Member of Parliament.

CONTRIBUTORY FACTORS

Conduct of Politicians see page 81

The Committee is of the view that politicians are to a great extent responsible for the emergence and continued existence of tribalism in our political process.

The conduct of out politicians could be circumscribed by legislative process, keen policing and the exercise of judicious statutory discretion, particularly in relation to the launching of motorcades, political meetings and election campaigning.

RECOMMENDATIONS see page 23

Legislation

1. The representation of the Peoples Act should be so amended as to incorporate a code of conduct for politicians as prescribed by the Peace Accord. The legislation should circumscribe the behaviour of politicians on Election Day. Such matters, as their attendance at polling stations and their conduct at political marches and processions, should clearly be addressed. The sanctions for breaches of the law in this regard should be a sufficient deterrent for unethical political conduct.
2. Politicians must be divested of the responsibility of issuing scarce benefits. This should be the responsibility of professionals in various Ministries and Government agencies.

3. Politicians must disassociate themselves from questionable characters in their constituencies. These include the dons, protectors and enforcers.

Political leaders must publicly denounce officers and members who are associated with criminals, political or otherwise and take disciplinary action to remove from office those found in breach of the terms of the Peace Accord.

Motorcades see paragraphs 94 - 98

The Committee was concerned at the violence that attended motorcades. Having considered the provisions of the Public Order Act, the Committee concluded that subject to the provisions of the Act, motorcades were lawful. It advocated strict compliance of the provisions in the Act with regard to the grant of applications for permits by the police.

With respect to the wide discretionary powers conferred on the Minister by Section 14 of the Act, to prohibit motorcades, there was a strong call for him to do so and prohibit motorcades during the forthcoming election period.

However, the majority were of the view that it should be left to the discretion of the Minister and that the recommendations in the report would be sufficient.

The Police see paragraphs 101- 116

The Committee considered the undue influence of politics in the police force and its effect upon the performance of duty.

The Committee views with some concern the most recent amendment to the Constabulary Force Act (Act 12 of 1997), creating the Government Police Inspectorate with wide and unchallengeable access to documents in the possession of the force. The independence of the police may be severely undermined in the face of a demand by this "government body" for access to confidential communications made to the Commissioner of Police.

We adopt and iterate the recommendation of the National Task Force on Crime in relation to the powers and duties of the Commissioner of Police save that this Committee is of the view that the suggestion that the Commissioner should have power to dismiss members of the force, could make the Commissioner a judge in his own cause.

RECOMMENDATIONS

1. The assignment of police officer to politician should be for two years. No additional benefits should accrue to officers so assigned.

2. The Commissioner should be empowered to dismiss members of the Force below the rank of gazetted officers on the findings and recommendations of a disciplinary tribunal appointed by him with the right of appeal to the Police Services Commission. The existing procedure as regards gazetted officers should remain.
3. Should be encouraged to report willful neglect of duty on the part of police officers who should be dealt with in accordance with the Law.

GENERAL PROPOSALS AND RECOMMENDATIONS

Political Education see paragraph 119

There is the need for political education in terms of basically outlining the role of politicians and elected persons, and our responsibilities as electors.

RECOMMENDATIONS

Political education should be taught in schools as part of the curriculum of twelve year olds as an aspect of adult education at the community level.

Community Relations see paragraph 120 131

Steps should be taken to bring about reconciliation between the police and the citizen.

RECOMMENDATIONS

We endorse the recommendations of the National Task Force in Crime that there should be established a Community Council to formulate and implement policies for the reduction of crime and the preservation of peace.

We urge right thinking men and women to co-operate with the police in their quest to maintain peace and order, to assist (where possible) in the administration of justice and to abstain from giving aid and comfort to persons who have committed offences.

Political Violence see paragraph 132

Members of the public suggested that political leaders should walk and talk together in troubled areas.

RECOMMENDATIONS

We recommend a joint meeting of political representatives in each constituency. There, leaders will publicly declare their disassociation with promoters of political violence and wrongdoing.

Firearms see paragraph 133 – 140

While it has been accepted that a previous attempt at firearm amnesty did not bear much fruit, this Commission concluded that nothing would be lost should there be another attempt.

RECOMMENDATIONS

There should be firearm amnesty of limited duration with provision that the amnesty should prevail during the daylight hours.

Resources should be allocated for intelligence work in countries from which illegal guns are sourced as a means of enhancing the ability of the Jamaican authorities to control and prevent illegal importation.

The Church see paragraphs 141 – 145

The initiatives of the Church to create a forum for political exchange among leaders and representatives of the different political parties is laudable, and every effort should be made to extend and maintain this activity.

The Church must focus more consciously on the needs of our young men who are primary pawns and immediate victims of political tribalism. In its effort to do so, it should develop programmes which have as their direct and main focus the development, empowerment and rehabilitation of your MEN.

Philanthropic and Social Organisations see paragraph 146

These bodies may assist in removing the feeling of isolation if they would, with sufficient frequency hold open affairs in depressed areas.

The Non-Government Organisations see paragraphs 147 – 150

These have played a significant role in the development of the social sector in Jamaica. They can play a critical role in the delivery of State and private resources.

RECOMMENDATIONS

1. The Government, in conjunction with the CVSS, should prepare a list of approved NGO's to undertake the management and disbursement of public and private funds allocated to assist in the re-engineering of politically divided communities.
2. The private sector in joint venture with the Government should set up, in depressed, areas, feasible labour intensive industries.

The Public see paragraphs 153 -158

Disinterest and discrimination must give way to co-operation, thus initiating the move to remove barriers and encourage open access to the inner city areas.

The improvement of life in these communities is essential to the nations well-being and we should all support initiatives in this regard.

We commend for consideration of Government earnest efforts to induce volunteerism as a means of re-integrating and improving the lives of marginalised inner city youth.

Constitutional Amendment see paragraph 159

There ought to be appropriate provisions in the Constitution imposing guidelines of conduct, restraints on executive power and standards of performance for those holding public and political offices and appointing independent and impartial tribunals for dealing with those found in breach of the provisions.

However, the problems posed by political tribalism are matters of public concern and cannot await the involved process of constitutional amendment. Suffice it to say that as it stands, political tribalism is contrary to the principles and express provisions of the Constitution.