

"Them are thief, them are big thief":
A History of Corruption and Anti-Corruption in a Small
Post-Colonial State, from 1967 to the Present.

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Abstract

This thesis examines the history of corruption and anti-corruption in post-colonial Antigua and Barbuda, from 1967 to the present. Established scholarship on corruption in the Caribbean, mostly written by political scientists, has explained corruption as a result of flaws in constitutional systems, particularly the Westminster political system as used in small states. But through a novel historical approach, this thesis shows that political culture has consistently played an equally important role in motivating and sustaining Antiguan corruption throughout the post-colonial period. This dissertation thus denies that long-term corruption can be explained by recourse to a state's political system alone and argues that the interaction between that system and the state's political culture is key. Such consideration highlights the erstwhile-neglected roles of voter apathy, tolerance, and even public complicity in systemic corruption. Through an original conceptualisation of a three-part anti-corruption strategy, this thesis also explains why safeguards against corruption that appear effective on paper have failed in practice. This speaks to two key questions motivating this research: why has corruption remained a constant feature of Antiguan history despite an increasingly robust anti-corruption institutional context? And how have corrupt actors adapted to a heightened international focus on good governance since the 1990s?

To explore Antigua's history of corruption and anti-corruption, this thesis uses an innovative interdisciplinary approach that draws on methods and theories from political science alongside more conventional historical sources. Key arguments are illustrated with carefully chosen case studies from across the post-colonial period, revealing consistencies as well as changes in the history of corruption and anti-corruption. Some important turning points have thus been identified, as have major missed opportunities. The findings from this study should act as a springboard for further investigation into the as-yet under-researched post-colonial period of Caribbean history whilst also informing anti-corruption strategies in Antigua and beyond.

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Maps

Map One: Location of Antigua within the Caribbean¹



¹ Google Maps, "Antigua", satellite image, 2023, accessed September 18, 2023, <https://www.google.com/maps/place/Antigua/@16.5760037,-72.0252423,2565001m/data=!3m1!1e3!4m6!3m5!1s0x8c12eafa63522caf:0xcbf5cd495f1ab5fe!8m2!3d17.0746557!4d-61.8175207!16zL20vMDY5cGJ2?hl=en-GB&entry=ttu>.

Map Two: Antigua from above²



² Google Maps, "Antigua", satellite image, 2023, accessed September 18, 2023, <https://www.google.com/maps/place/Antigua/@17.0865229,-61.7965137,27149m/data=!3m1!1e3!4m6!3m5!1s0x8c12eafa63522caf:0xcbf5cd495f1ab5fe!8m2!3d17.0746557!4d-61.8175207!16zL20vMDY5cGJ2?hl=en-GB&entry=ttu>.

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Author's Declaration

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for a degree or other qualification at this University or elsewhere. All sources are acknowledged as references.

Introduction

Is the Antigua I see before me, self-ruled, a worse place than what it was when it was dominated by the bad-minded English and all the bad-minded things they brought with them? How did Antigua get to such a state that I would have to ask myself this? For the answer on every Antiguan's lips to the question "What is going on here now?" is "The government is corrupt. They are thieves, they are big thieves."³

Jamaica Kincaid, *A Small Place* (1988)

In her 1988 book-length essay, *A Small Place*, Antigua's Jamaica Kincaid portrays a Caribbean island sweltering under the burden of corruption. She describes a country plundered by a self-aggrandising, all-powerful political elite; a piratical clique of ministers raiding Antigua's public resources for private gain, leaving in their wake a flotsam of despair and disrepair. This narrative has been the leitmotif of Antigua's modern history. It was repeated in 1991 by the Antiguan journalist Tim Hector, who lamented that a corrupt government 'drags this nation deeper into the pits – the immoral vagabond ditch.'⁴ The refrain was picked up again in 1994 by a British High Commissioner who said 'corruption is so blatant, all pervasive' that it made Antigua 'a blot on the landscape' of the Caribbean.⁵ It was echoed in 2002 by an editorial of *The Antigua Observer* which decried that an 'axis of corruption' controlled the country.⁶ And in 2017 the motif appeared in a calypso by Lena "Queen Ivena" Phillip, with lyrics accusing the government of 'corruption, scandal, and bribery'.⁷

³ Jamaica Kincaid, *A Small Place*, (London: Virago Press, 1988), 41.

⁴ Tim Hector, "Editorial: We The People Will Demand Respect on Freedom From Corruption Day", *Outlet*, January 11, 1991, ANA, 2.

⁵ Emrys Davies to Douglas Hurd, January 14, 1994, "Diplomatic despatches, 1994", FCO 160/327, TNA.

⁶ "Editorial: Antigua people are lost", *Antigua Observer*, February 8, 2002, ANA, 2.

⁷ "Nasty - Queen Ivena (Antigua and Barbuda Calypso 2017)", Grassroots Antigua, YouTube, July 6, 2017, accessed September 19, 2023, <https://www.youtube.com/watch?v=1li3WdY4tpo>; "New Trial Date Set For Defamation Case Against Queen Ivena", *Antigua News Room*, November 22, 2019, accessed September 19, 2023, <https://antiguanewsroom.com/new-trial-date-set-for-defamation-against-queen-ivena/>.

The negative consequences of systemic corruption are apparent for all to see in Antigua.⁸ In *A Small Place*, Kincaid identified many of them, including crumbling infrastructure, social discord, underdevelopment, and poverty. Antigua has been and remains a very wealthy country. For much of its postcolonial history, it had the highest GDP per capita of any anglophone Caribbean nation and now ranks only marginally behind Guyana and St Kitts.⁹ Despite this, many Antiguan are poor, welfare and public amenities are underfunded, national infrastructure is crumbling, and essential services are both expensive and substandard.¹⁰ Beyond the visibly obvious, research by political theorists and testimony from in-field practitioners throughout the world have attested to the deleteriousness of corruption with regards to the economy, society, democracy, and good governance.¹¹ Corruption thus generates impoverished societies within wealthy states. Many, like Kincaid, lay the blame for this disparity directly at the feet of a corrupt political elite.¹²

⁸ Throughout this dissertation, 'Antigua' is used as short form to refer to the state of Antigua and Barbuda, not just the island of Antigua.

⁹ Throughout this dissertation, the term 'anglophone Caribbean' refers to Caribbean states that were British colonies prior to independence, namely: Antigua and Barbuda, Barbados, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, and Trinidad and Tobago. I do not include British Overseas Territories or english-speaking dependencies of other states, like the US Virgin Islands, in this terminology. "GDP per capita (current US\$) - Antigua and Barbuda, Jamaica, Trinidad and Tobago, St. Lucia, Caribbean small states, Dominica, St. Kitts and Nevis, St. Vincent and the Grenadines, Grenada, Belize, Guyana", The World Bank, 2023, accessed September 19, 2023, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2022&locations=AG-JM-TT-LC-S3-DM-KN-VC-GD-BZ-GY&start=2022&view=bar>.

¹⁰ Statistics from recent decades indicate that around 20 percent of all Antiguan and a quarter of children were classified as poor, with a further 10 percent considered vulnerable. 20 percent of all people lived in 'poor quality housing' wherein the toilet was a 'pit latrine or worse'. OECS Commission, "Final Report: Child Poverty in the Eastern Caribbean Area", (Castries: The Commission of the Organisation of Eastern Caribbean States, 2017), 25; UNDP, UNICEF, and UN Women, "Antigua and Barbuda: Covid-19 HEAT Report - Human and Economic Assessment of Impact", 2020, accessed November 13, 2023, <https://www.undp.org/sites/g/files/zskgke326/files/migration/bb/88f28021d19d9532b816af767316aaf783d7fed8edf4b1ebab8b67113d713156.pdf>, 10; Kairi Consultants Ltd in Association with the National Assessment Team of Antigua and Barbuda, "Living Conditions in Antigua and Barbuda: Poverty in a Services Economy in Transition - Volume 1", 2007, accessed November 13, 2023, <https://statistics.gov.ag/wp-content/uploads/2017/12/Antigua-and-Barbuda-CPA-Main-Report-Vol-I.pdf>, 38.

¹¹ Susan Rose-Ackerman, *Corruption and Government*, (Cambridge: CUP, 1999), 2-3; Catherine De Vries and Hector Solaz, "The Electoral Consequences of Corruption", *Annual Review of Political Science* 20, (2017): 392; Issa Luna-Pla and Jose R Nicolas-Carlock, "Corruption and complexity: a scientific framework for the analysis of corruption networks", *Applied Network Science* 5, article no. 13 (2020). No pagination; Alvaro Cuervo-Cazurra, "Better the devil you don't know: Types of corruption and FDI in transition economies", *Journal of International Management* 14, (2008): 13; Susan C. Stokes, "Perverse accountability: A formal model of machine politics with evidence from Argentina", *American Political Science Review* 99, no. 3 (2005): 314.

¹² Most recently, see Akaash Maharaj, Ambassador at Large for the Global Organization of Parliamentarians Against Corruption, speaking on "The Big Issues: Corrupt Politics and the Crisis of Accountability in Antigua and Barbuda", first broadcast on Newsco Observer Radio 91.1 FM, (Antigua and Barbuda), October 31, 2021, 25:09-25:22.

Yet corruption appears to have thrived in Antigua alongside a seemingly robust and increasingly thorough anti-corruption framework. A strict set of constitutional principles govern the distribution of political power while a number of institutional conventions and procedures keep the use of that power in check. Politicians have been held accountable to the electorate through free and fair elections, and the public have been kept informed by a free and competitive investigative press. Over time a variety of anti-corruption institutions have been created with the express function of scrutinising government conduct and rooting out corruption. And Antigua has also instituted several high-profile inquiries to investigate and sanction the most egregious corruption scandals. On paper then, Antigua has always been very hostile to corruption and, if anything, has only become more hostile over time. But this creates a paradox that needs addressing: if Antigua has such a strong anti-corruption framework, how has the corruption observed by Kincaid and others remained such a consistent and embedded feature of Antiguan history?

To answer this question, this dissertation examines the history of corruption and anti-corruption in Antigua from Associated Statehood in 1967 up to the present. It argues that Antigua's Westminster-style constitutional framework and its perniciously polarised politics combined, in the context of a very small state, to create an environment where corruption could thrive. This combination not only gave political elites the means to pursue corrupt interests but also gave them the ability to adapt to changing contexts and overcome emerging obstacles to corruption. Consequently, anti-corruption safeguards that appear effective on paper have proved ineffective in practice. In making this argument, this research addresses several key questions: what caused anti-corruption systems to fail in practice? Why have Antiguan re-elected corrupt politicians? How have historical changes - particularly increased international scrutiny and technological advances - affected corruption? What does this history mean for ongoing anti-corruption efforts in modern Antigua? And what lessons can be learnt about the history of corruption, politics, and democracy across the wider Caribbean?

Modern Caribbean History

This dissertation offers a history of a modern, post-colonial Caribbean state.¹³ This is an area of history that has received limited attention by historians who have instead prioritised histories of slavery and colonialism.¹⁴ To an extent this over-focus is understandable. Slavery and colonialism in the Americas were among the most important, complex, and consequential processes of human history, with ongoing ramifications demanding thorough and detailed investigation. New approaches in history, as well as shifts in the popular zeitgeist around issues like reparations, routinely make it necessary to revisit well-trod ground in the pursuit of new understandings and insights. Vincent Brown's work on slave-revolts and geography or Rashauna Johnson's work on slavery and mobility are prime examples.¹⁵ Recent histories have also sought to challenge the 'historiographical paradigm of sugar and slaves' whereby colonial Caribbean history focussed on binary narratives of race, class, and economic production, to the exclusion of more complex and subversive stories about people 'who were neither masters nor slaves' during colonialism.¹⁶ Michael Jarvis's work on eighteenth century Bermudan seafarers or Natalie Zacek's studies on Jewish settlers exemplify efforts to forefront what Jesse Cromwell called the 'sinew populations' of the colonial Caribbean.¹⁷

But this continuing focus on colonial history has engendered neglect of the post-colonial period. This is damaging for several reasons, not least the fact that it minimises the worth of small and so-called peripheral states as valuable objects of historical inquiry in their own

¹³ In this dissertation, I use the term 'post-colonial' to refer to the period from 1967 onwards when Antigua was no longer a British colony but a self-governing state in 'free association' with Britain (1967-1981) or an independent state (1981 onwards). I have elsewhere offered a more nuanced discussion of this terminology, reflecting continuing dynamics of (neo)colonialism, coercion, and control in the self-governing period, some of which I mention above: Joseph Gascoigne, "Losing Power but Keeping Control: Transforming Colonialism in the Caribbean After Independence", paper presented to the York, Lund, Bielefeld Phd Conference, June 15, 2021, online conference.

¹⁴ For a detailed assessment of Caribbean historiography see O. Nigel Bolland, "Historiography of Decolonization in the Anglophone Caribbean", in *Beyond Fragmentation: Perspectives on Caribbean History*, ed. Juanita DeBarros, Audra Diptee and David Trottman, 265-296, (Princeton: Markus Wiener Publishing, 2006).

¹⁵ Vincent Brown, "Slave Revolt in Jamaica, 1760–1761: A Cartographic Narrative," *Axis Maps*, 2012, accessed November 12, 2023, <http://revolt.axismaps.com>; Rashauna Johnson, *Slavery's Metropolis: Unfree Labor in New Orleans during the Age of Revolutions*, (New York: Cambridge University Press, 2016).

¹⁶ Jesse Cromwell, "More than Slaves and Sugar: Recent Historiography of the Trans-imperial Caribbean and Its Sinew Populations", *History Compass* 12, no. 10 (2014): 770.

¹⁷ Michael Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783*, (Chapel Hill: University of North Carolina Press, 2010); Natalie Zacek, "The Freest Country: Jews of the British Atlantic World, ca. 1600-1800", in *The Atlantic World*, ed. D'Maris Coffman, Adrian Leonard, William O'Reilly, 364-375, (London: Routledge, 2014); Cromwell, "More than Slaves and Sugar", 771.

right, often engaging with the Caribbean only through the lens of colonial, and thus UK-centric or Eurocentric, histories. Moreover, there is a Whiggish tendency to see independence as the 'end of history' in the Caribbean, indicative of a progressivism by which the region's past is conceived in terms of a linear progression from settler colony to independent nation state, by way of colonialism and slavery (sometimes with indigenous societies completely overlooked). Seminal histories like Bridget Brereton's *A History of Modern Trinidad* (1981) and the first edition of Hilary Beckles' *A History of Barbados* (1990) conform to this independence endgame progression. Post-colonial history reveals that independence was never an endpoint but one of many turning points in Caribbean history, with many of the same complexities, challenges, and questions apparent after independence as before. In many cases, important dynamics did not end at political independence but persisted, albeit in an altered state, into the post-colonial period. Such dynamics include: the overbearing influence of foreign governments on domestic politics; the disproportionate power of white and foreign economic interests; and the exploitation endured by small, developing, and peripheral economies in a globalising/globalised capitalist system. In recent years, China's interventions in the Caribbean, seen in the context of its wider Belt and Road Initiative, have drawn renewed attention to concepts of neocolonialism in the Caribbean. Investigating the post-colonial Caribbean not only places histories of slavery and colonialism in their necessary wider context but is also essential in understanding the complexities and challenges of the Caribbean today.

Post-colonial Caribbean history raises important questions with which historians are yet to satisfactorily engage, such as: what are the long-term consequences of cultures and practices developed during the colonial era? How did politicians and voters respond and adapt to self-rule and democracy? What did democracy and independence look like in practice? These questions are not easy to answer. Post-colonial history involves engagement with sources that can be highly diffuse and scattered across private collections or poorly-catalogued archives in distant countries. Often it may be the first time these sources are used for historical inquiry, requiring a lot of original groundwork by the historian. Meanwhile, to be most effective, post-colonial history needs to draw on methods and theories of other disciplines like social science, politics, and economics. For instance, modern histories like the one presented here have the valuable opportunity to gather insights from people alive during the period under investigation or from detailed and accessible economic and demographic datasets. These and other such unique aspects of post-colonial history require additional training and careful consideration by the post-colonial historian, posing significant challenges but presenting great rewards.

For a long time, the most important histories of the post-colonial Caribbean were written not by professional historians but by politicians-turned-scholars, usually documenting the anti-colonial histories they helped to create. Seminal examples include: Eric Williams's *From Columbus to Castro* (1971) and *The Negro in the Caribbean* (1970); Walter Rodney's *A History of the Guyanese Working People* (1981); Richard Hart's *Rise and Organise* (1989) and *Towards Decolonisation* (1999); and Michael Manley's *Jamaica: Struggle in the Periphery* (1981). But even these were predominantly concerned with colonialism, albeit through the lens of anti-colonial struggle, and few continued their analysis far beyond independence. The establishment of a history department at the University College of the West Indies in the 1950s did see some historians such as Philip Sherlock produce histories from an 'insider's' perspective.¹⁸ But again these were principally focussed on anti-colonialism, often lapsing into nationalist histories of state formation, especially after the collapse of the West Indies Federation in 1962.¹⁹ The Caribbean's modern history has been of most interest to political scientists and social scientists who have used the region or specific countries as case studies for hypotheses on constitutionalism, state formation, democracy, and charismatic leadership. Derek O'Brien, Cynthia Barrow-Giles, Hamid Ghany, Anton Allahar and Antigua's Paget Henry are prime examples.

This dissertation makes an important contribution to post-colonial Caribbean history by mapping the last fifty years of Antiguan corruption and anti-corruption. By doing so, this dissertation also sheds light on important areas of modern history ranging from the immediate and long-term consequences of colonialism to the impact of the internet and modern technology on partisan politics. Many of the issues with which this research engages are common to post-colonial states, particularly the Small Island Developing States (SIDS) of the Caribbean. Chief among these is the way political systems inherited through colonialism have functioned in practice when used in small post-colonial states. But they also include important issues like the predominance of charismatic leaders in Caribbean societies, the influence of foreign governments (particularly the UK and USA) over domestic politics, and the role of private capital in peripheral and precarious developing economies. By contributing to post-colonial history, this dissertation deepens our understanding of how Caribbean countries like Antigua developed after colonialism and helps us appreciate why they function the way they do today.

¹⁸ John Parry and Phillip Sherlock, *A Short History of the West Indies*, (London: Macmillan, 1956).

¹⁹ Bolland, "Historiography of Decolonization in the Anglophone Caribbean", 270.

Corruption Studies

By examining how Antigua's constitutional framework and culture have underpinned corruption, this research contributes to a long history of corruption studies. The modern interest in corruption dates back at least to the 1950s, with corruption emerging as an important subject at the intersection of political science, economic theory, and anthropology. Reflecting popular academic approaches of the time, this usually resulted in morally-imbuéd understandings of corruption and its association with socio-economic development.²⁰ Edward Banfield's *The Moral Basis of a Backward Society* (1958) epitomised this mid-century line of thought, arguing that underdevelopment arose from the prioritisation of self-centred or family-orientated interests above common welfare.²¹ But in the 1970s a new generation of writers, influenced by social history and the cultural turn, challenged this moralist approach to corruption. Writers like William Muraskin inverted Banfield's conclusions by arguing that underdevelopment and economic insecurity encouraged the prioritisation of private interests over communal welfare, rather than the other way around.²² These writers built on new definitions of corruption which they saw as a legal infringement, not a moral shortcoming. In 1964, Nathaniel Leff called corruption 'an extra-legal institution' while in 1968 Stanislaw Andreski defined it as 'using the power of office for making private gain in breach of laws and regulations'.²³ This change from morally- to legally-grounded conceptions of corruption facilitated work on generalisable hypotheses about the types, causes, and consequences of corruption.

This dissertation adheres to the legalistic conceptualisation of corruption pioneered by Leff and Andreski and subscribes to a definition set out by Joseph Nye in 1968, describing corruption as 'behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence'.²⁴ In other words, it defines corruption as an abuse of power for private gain which contravenes a constitutional provision or law. Moreover, this dissertation focuses exclusively on the abuse of power by

²⁰ Mark Jorgensen Farrales, "What is Corruption? A History of Corruption Studies and the Great Definitions Debate", (June, 2005), accessed June 21, 2021, available at SSRN: <https://ssrn.com/abstract=1739962> or <http://dx.doi.org/10.2139/ssrn.1739962>.

²¹ Edward C. Banfield, *The Moral Basis of a Backward Society*, (Glencoe, Illinois: The Free Press, 1958), 10.

²² William Muraskin, "Review: The Moral Basis of a Backward Sociologist: Edward Banfield, the Italians, and the Italian-Americans", *American Journal of Sociology* 79, no. 6 (1974): 1493.

²³ Stanislaw Andreski, *The African Predicament*, (New York: Atherton Press, 1968), 92.

²⁴ J. S. Nye, "Corruption and political development: A cost-benefit analysis." *American Political Science Review* 61, no. 2 (1967): 419.

politicians; where other instances of corruption are alluded to, such as in the judiciary or police, they are used only to explain or give examples of political corruption. The history of corruption in non-political institutions in Antigua warrants its own investigation. For its fundamental guidance, this dissertation looks to the Antiguan constitutions and Antiguan legislation (particularly the 2004 Prevention of Corruption Act) to delineate what acts constitute corruption. This is a narrower definition than may be used colloquially or by scholars like Edward Banfield who adopt a moralist approach.²⁵ By the legalistic definition, a politician directing unnecessary investment into their constituency or employing/appointing family members to the Public Service do not automatically constitute corruption. Indeed, in states with small populations it can be hard to avoid employing people who may also be close associates and in a country with only seventeen constituencies accusations of pork-barrel politics are hard to escape. Under the legalistic definition, the above examples only constitute corruption if they were done in contravention of a law or rule, such as constitutional provisions concerning parliament's control of public finances, rules on public procurement, or laws regulating employment in the Public Service.

The legalistic definition has both strengths and weaknesses.²⁶ A major strength is that it reduces the need for the researcher to make subjective judgements, reflective of their own biases, about what is and is not corrupt, instead leaving this task to Antiguan constitutional framers, lawmakers, and jurists. Some practices commonly seen as morally corrupt in places like the UK (such as patronage within the Public Service) may be accepted as normal and even unavoidable in small state politics, and only in some cases are they illegal.

Researchers should thus avoid applying their own moral assumptions to different cultures. The same point can be made about historical research: trying to reconstruct and measure moral and ethical cultures of past societies can be problematic for a host of reasons, but a legal definition of corruption can be found for every year under investigation in this dissertation. The legalistic definition of corruption also allows historians to point to clear instances throughout the last fifty years where laws/regulations have been broken or manipulated and then examine the corruption such law-breaking facilitated.

A potential weakness of the legalistic approach is that it allows the historical actors under investigation (politicians) to define a study's key variable (corruption) through legislation or amendments. This could lead to radical changes in legal definitions of corruption and make

²⁵ For a fuller critique, see Mark Jorgensen Farrales, "What is Corruption? A History of Corruption Studies and the Great Definitions Debate", SSRN Paper, June 2005, accessed June 21, 2021: <https://ssrn.com/abstract=1739962> or <http://dx.doi.org/10.2139/ssrn.1739962>.

²⁶ For a recent in-depth treatment, see Oguzhan Dincer and Michael Johnston, "Legal Corruption?", *Public Choice* 184, no. 3 (2020): 219-233.

comparisons over time difficult, such as between one government and the next. But this potential issue has not been a major problem in Antigua's post-colonial history because no government has made revolutionary changes to the constitutional provisions or laws concerning good governance and corruption. Antigua is like most of its Caribbean neighbours and unlike its South American counterparts in having never experienced dictatorial, authoritarian, or populist government in the post-colonial period. Where laws have been amended I have examined these changes in detail, particularly in chapter three's discussion of elections and laws governing the freedom of speech. Another problem of the legalistic definition of corruption is that the constitutions, colonial-era laws, and even some post-colonial regulations may be seen as colonial or neo-colonial impositions that define corruption and good governance in ways unreflective of Antiguan culture, social relations, or political beliefs. While this is a valid critique of Antigua's legal context, it does not refute the fact that the legalistic definition of corruption enables the most manageable, replicable, and evidenced research into a long history of corruption. Regardless of their legitimacy, Antigua's constitution and its laws are the rules by which Antiguan politics has been done and must be the primary benchmark against which corruption is defined and investigated. This can be done whilst still recognising that corruption takes place within a complex web of social, cultural, and political systems. Once an understanding is established about how the law has and has not prevented corruption, future research can turn to these broader and culturally-constituted definitions of corruption.²⁷

While I have been narrow in using a legalistic definition of corruption, I have rejected the common tendency to use a narrow typology of corruption when thinking about different forms corruption can take. One of the most common distinctions is between grand and petty corruption, as epitomised by Susan Rose-Ackerman in her seminal 1999 *Corruption and Government*. While such a distinction may be useful in theory, particularly in relation to large and complicated states like the UK or USA, it is not helpful in examining corruption in a small state like Antigua where the conventional boundaries between grand and petty are blurred. For example, if an Antiguan gives the Prime Minister a US\$50 bribe to skip official procedures and expedite their passport application, is that grand or petty corruption? The office in question (Prime Minister) is as grand as it gets but the act involved (a US\$50 bribe) seems petty. Similarly, if a backbench MP flouts appointment regulations and hires a constituent in their office in return for their vote, is that grand or petty corruption? The act

²⁷ For a fuller analysis of the legal and other definitions of corruption, see Graham Brooks, "Defining Corruption", in *Preventing Corruption*, ed. Graham Brooks, David Walsh, Chris Lewis, Hakkyong Kim, (Basingstoke: Palgrave Macmillan, 2013), 11-25.

seems petty (one job to one person for one vote) but the implication could be grand (in a developing state such a job could save the person from poverty and in a very small state a single vote could sway an election). The grand/petty distinction is thus unhelpful and unnecessary in a small developing state like Antigua where so many conventional political boundaries, especially public access to senior politicians, are blurred. Other typologies of corruption researchers have used include: retail versus wholesale (Nandan Nilekani); traditional versus modern (Paul Heywood); and harassment versus non-harassment (Kaushik Basu). As Jennifer Bussell has pointed out, none of these typologies will be universally applicable and the definition of corruption one uses depends on the topic and context of investigation.²⁸ In studying the history of corruption and anti-corruption in a small state, and in wanting to understand the broader systems that facilitate corruption, I have not found any of these categorisations useful or necessary.²⁹

For similar reasons I have not chosen to focus on one type of corruption, as have many researchers, even in the context of small states (Wouter Veenendaal on clientelism in St Martin, for example). Instead, I have addressed multiple types of corruption (when they infringe the law), encompassing common subtypes of corruption including clientelism, vote-buying, bribery, cronyism, and profiteering. In a larger state it may be necessary to focus on one or a few types of corruption, but Antigua's small size means this is neither needed nor helpful. Moreover, as I use the focused legal definition of corruption, it is less necessary to narrow-down this dissertation's focus when it comes to types of corruption. If I had a broader definition of corruption, encompassing that which is frowned-upon, morally dubious, or culturally taboo, as well as illegal, it may have been appropriate to focus exclusively on clientelism, profiteering, or cronyism, but as it stands this was not required and the subject matter was manageable. Furthermore, as this dissertation is primarily interested in the political and institutional contexts that have facilitated corruption, focusing on just one type would have yielded an incomplete picture and limited the broader policy implications of this research. As this dissertation shows, long-term systemic corruption involves multiple forms of corruption operating at the same time, often enabling or worsening each other. To focus solely on one form would be to miss or at least understate the

²⁸ Jennifer Bussell, "Typologies of corruption: a pragmatic approach", *Greed, Corruption, and the Modern State*, ed. Susan Rose-Ackerman and Paul Lagunes, (Cheltenham: Edward Elgar Publishing, 2015), 21.

²⁹ Nandan Nilekani, "There is a Difference between Wholesale, Retail Corruption", *Economic Times*, September 5, 2013, accessed March 15, 2024, <https://economictimes.indiatimes.com/et-now/daily/there-is-a-difference-between-wholesale-retail-corruption/videoshow/22345610.cms>; Paul Heywood, "Political Corruption: Problems and Perspectives", *Political Studies* 45, no. 3 (1997): 417–35; Kaushik Basu, "Why, for a Class of Bribes, the Act of Giving a Bribe Should be Treated as Legal", Ministry of Finance, Government of India, Working Paper 1 of 2011, (March 2011), accessed March 15, 2024, <https://mpira.ub.uni-muenchen.de/50335/>, 3.

importance of this interconnectivity and mutual-enforcement in the history of Antiguan corruption.

Corruption studies experienced a boon after the collapse of the Soviet Union, with governments and international organisations (both intergovernmental and non-governmental) seeking to promote democracy, good governance, and economic development in former soviet and post-colonial states. Unlike earlier generations, the writers, practitioners, and policy-makers of the 1990s were largely united in their twin beliefs that corruption was both harmful and eradicable.³⁰ While earlier economists had suggested corruption could grease the wheels of development, writers since the 1990s have generally seen corruption less as grease and more as sand in the wheels of development.³¹ This has since been affirmed in broad, cross-country analyses.³² Many writers explain the sand hypothesis with reference to corruption's hidden costs and financial uncertainties which deter would-be investors, particularly in developing states like those of the Caribbean.³³

While Antiguan history testifies to the injurious economic impact of corruption, this dissertation is also acutely concerned with corruption's social and political consequences. These have received far less attention than corruption's economic effects, possibly reflecting the fiscal and developmental priorities of the western, developed states in which most corruption research takes place. Standardised measurements of corruption, such as that of Transparency International, and economic performance also make broad studies focusing on corruption's economic consequences far easier on a large scale than studies addressing its social and political impacts. But some work is being done in this regard and this dissertation makes a valuable addition. Michael Collier has argued in the case of the Caribbean that corruption can entrench or worsen inequality within a society by diverting public spending away from health, education, and welfare and towards elite enrichment.³⁴ This redirection is as apparent in Antigua today as it was in 1988 when Kincaid contrasted dilapidated hospitals and schools with ministers and officials driving luxury cars in the capital St John's.

³⁰ John Brademas and Fritz Heimann, "Tackling International Corruption: No Longer Taboo", *Foreign Affairs* 77, no. 5 (1998): 17.

³¹ Lucas Dutra De Paulo, Ricardo Carvalho De Andrade Lima, Robson Tigre, "Corruption and economic growth in Latin America and the Caribbean", *Review of Development Economics* 26, no. 2 (2022): 757.

³² Mehmet Ugur, "Corruption's direct effects on per-capita income growth: A meta-analysis", *Journal of Economic Surveys* 28, no. 3 (2014): 472–490; Chandan Sharma and Arup Mitra, "Corruption and economic growth: Some new empirical evidence from a global sample", *Journal of International Development* 31, no. 8 (2019): 691–719.

³³ Henderson P. Patrick, "Corruption and its Impact on Good Governance in the Caribbean", *Contemporary Security and Defence Issues in the Caribbean*, ed. Pat Paterson and Walter Earle, 125-139, (Washington D.C.: William J Perry Center for Hemispheric Defence Studies, 2016), 126.

³⁴ Collier, *Political Corruption in the Caribbean Basin*, 2.

Henderson Patrick meanwhile has discussed how certain forms of corruption like clientelism and cronyism can create jealousy between individuals and social groups, possibly worsening polarisation in already divided societies like Antigua.³⁵ Corruption can also undermine politics by eroding public trust in politicians and corroding faith in public bodies, including those with explicit anti-corruption functions.³⁶ Perhaps more insidiously still, through vote-buying and clientelism, corruption can subvert voters' ability to hold politicians to account, generating what Susan Stokes has called 'perverse accountability'.³⁷ De Vries and Solaz have argued that by undermining free and fair democracy, corruption can reduce trust in politics and encourage voter apathy and low turnout.³⁸ Though voter engagement has always been high in Antigua, perverse accountability goes a long way to explaining why Antiguan voters have frequently re-elected corrupt politicians.

The academic zeitgeist shift of the 1990s went hand in hand with a revolution in how politicians, international organisations, and civil society approached corruption. In 1977, the US passed a landmark Foreign Corrupt Practices Act which it expected would be a model for similar legislation in other countries and a catalyst for anti-corruption reform globally. This hope was soon dashed, with some politicians calling the Act 'American moralism' and falling back on the broadly-accepted economists' consensus that corruption was neither preventable nor overly debilitating.³⁹ But the 1990s saw a wave of agenda-setting developments among international organisations that reversed this stance. In 1993, Transparency International was established as a Non-Governmental Organisation (NGO) using standardised measurements to report on corruption in an ever-increasing number of countries across the world. International organisations like the World Bank and the International Monetary Fund (IMF) began talking openly about the negative consequences of corruption and proposing means to prevent and punish it. In 1996, the President of the World Bank, James Wolfensohn, warned that the 'cancer of corruption' was an obstacle to development and should be a focus of international economic policy.⁴⁰ And in 1997, twenty years after the US's failed attempt to spark global action against corruption, the Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention was signed

³⁵ Patrick, "Corruption and its Impact on Good Governance in the Caribbean", 125.

³⁶ Derrick McKoy, "Known Knowns: Corruption in the Commonwealth Caribbean", *Social and Economic Studies* 61, no. 1 (2012): 12-13.

³⁷ Stokes, "Perverse accountability", 315-325.

³⁸ De Vries and Solaz, "The Electoral Consequences of Corruption", 401.

³⁹ John Brademas and Fritz Heimann, "Tackling International Corruption: No Longer Taboo", *Foreign Affairs* 77, no. 5 (1998): 17.

⁴⁰ "Annual Meetings Address by James D. Wolfensohn, President The World Bank, October 1, 1996.", Washington DC, 1996, accessed June 29, 2021, available at: <http://documents.worldbank.org/curated/en/135801467993234363/People-and-development-annual-meetings-address-by-James-D-Wolfensohn-President>, 6.

and implemented by all OECD members, as well as important non-member states including Argentina and Brazil.⁴¹ Since the 1990s, multiple transnational treaties and conventions at a global or regional level have been devised and ratified by states of all sizes, stages of development, and historical backgrounds, including Antigua.⁴²

Since the 1990s, corruption studies have evolved in a number of directions, often emerging as a prominent topic within other, independent areas of scholarship. A major contribution of this dissertation is to bring two of these together through a highly detailed analysis of Antiguan history: the relationship between corruption and the Westminster political system in small, postcolonial states on the one hand, and the relationship between corruption and political partisanship on the other. Until now, most research touching on these topics has done so largely separately, viewing corruption as a result of a state's small size or its partisan politics. This dissertation stands out by identifying both smallness and partisanship as co-equal factors in the history of Antiguan corruption.

The academic study of the association between corruption and a state's size has roots going back to Plato's *Republic*. In the modern era, the discipline's seminal text was Robert Dahl and Edward Tufte's *Size and Democracy* (1973), which argued the strengths and weaknesses of small state politics.⁴³ This early work, continuing into the 2000s, was often motivated by cross-country analyses (made possible by vast standardised data sets like those created by Transparency International) which found that small states were statistically more likely to be democracies than larger states. This correlation led to idealistic inferences such as Diamond and Tsalik's assessment in 1999 that smallness enhances accountability, or Dag Anckar's 2002 suggestion that in smaller states politicians' and voters' interests are more closely aligned.⁴⁴ But Antiguan history supports the arguments of more recent work which posits smallness as an impediment to good governance and an adjutant to corruption. In particular, this dissertation argues that the use of the Westminster system in a very small state has been one of two key factors in explaining the long-term entrenchment of Antiguan corruption. The unsuitability of this system to small states has become an important research subject in its own right, with Matthew Bishop, Wouter Veenendaal, and Jack Corbett in the vanguard, basing their research primarily on the SIDS of the anglophone Caribbean and, to

⁴¹ Christopher Baughn, Nancy L. Bodie, Mark A Buchanan, Michael B. Bixby, "Bribery in International Business Transactions", *Journal of Business Ethics* 92, (2010): 18.

⁴² Of most relevance to Antigua are: the 1996 Organization of American States' Inter-American Convention against Corruption (ratified by Antigua in 2004) and the 2003 United Nations Convention Against Corruption (ratified by Antigua in 2006).

⁴³ Robert Dahl and Edward Tufte, *Size and democracy*, (Stanford: Stanford University Press, 1973).

⁴⁴ Larry Diamond and Svetlana Tsalik, "Size and democracy: The case for decentralization", in *Developing Democracy*, ed. Larry Diamond, (Baltimore: Johns Hopkins University Press, 1999); Dag Anckar, "Why are small island states democracies?", *The Round Table*, 365, (2002): 375-390.

a lesser extent, the Pacific. Antiguan history strongly supports Corbett and Veenendaal's argument that smallness directly contributes to a highly personalised form of politics and facilitates endemic clientelism.⁴⁵ It also upholds Matthew Bishop's argument that smallness can contribute to 'corrosive' politics and 'blind partisanship'.^[OBJ]

There is broad consensus in this literature that a combination of factors inherent in small states help turn the Westminster system into a 'Westmonster' and can lead to 'dictatorial rule'.⁴⁶ The most significant of these are: small populations generate small parliaments which can be dominated by members of cabinet, rendering them rubber-stamp institutions and concentrating unchecked power in the executive; small states have a restricted pool of qualified and experienced personnel to fill important public functions, particularly in anti-corruption institutions; in small states access to politicians is easier, facilitating potentially corrupt links between politics and business or private interests; and in small states it is easier to develop close personal relationships between voters and politicians, aiding patronage and clientelism networks.⁴⁷ Each of these factors has been demonstrated in Antiguan history and helps explain why corruption here has been endemic since Associated Statehood in 1967.

But this dissertation also posits partisanship and political polarisation as equally important in explaining systemic corruption. Some writers who focus on small states' political systems run the risk of over-emphasising the role of institutions whilst overlooking the role of politics and agency. This dissertation stands out as it forcefully argues that Antigua's political system and its polarised partisanship were equally important in facilitating corruption. This raises some uncomfortable questions about agency in systemic corruption which cannot be ignored: why do the public appear to tolerate corruption? Why have voters re-elected corrupt politicians? And can systemic corruption be sustained over a long period without some degree of public complicity and acceptance?

The main theory of political partisanship with which this dissertation engages is the theory of pernicious polarisation, developed by Jennifer McCoy, with Tahmina Rahman and Murat

⁴⁵ Jack Corbett and Wouter Veenendaal, *Democracy in Small States: Persisting Against All Odds*, (Oxford: OUP, 2018).

⁴⁶ Bishop, "Slaying the 'Westmonster' in the Caribbean?", 420-437; Lloyd Searwar, "The small state in the Caribbean: Policy options for survival", in *Conflict, Peace and Development in the Caribbean*, ed. J. R. Beruff, J. P. Figueroa and J. E. Green, (Basingstoke: Palgrave MacMillan: 1991), 235.

⁴⁷ Wouter Veenendaal, "How smallness fosters clientelism: A case study of Malta", *Political Studies* 67, no. 4 (2019): 1040; Jack Corbett and Wouter Veenendaal, *Democracy in Small States: Persisting Against All Odds*, (Oxford: OUP, 2018): 152; Indianna D. Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", *Public administration and Policy in the Caribbean*, ed. Indianna D. Minto-Coy and Evan M. Berman, 33-60, (New York: Routledge, 2019): 46.

Somer, since 2016. Summarised, this theory holds that in extreme cases polarisation can divide a society into two diametrically opposed groups which feel locked into an all-or-nothing fight for survival. In Antigua, since 1967 polarisation has been between supporters of the Antigua Labour Party - the main party - and supporters of the opposition, both guided by an ideology of 'partyism' which pursues party supremacy and empowerment at any cost.⁴⁸ This polarisation has underpinned a 'my party, right or wrong' attitude which has in turn encouraged extreme and unconstitutional behaviour to secure party empowerment.

Pernicious polarisation has been a consistent accessory to corruption and is key in explaining its long-term entrenchment in Antigua. This dissertation supports well-established work by the likes of Barry Rundquist which argues that voters will be more likely to overlook corruption if the perpetrator is a politician from their own party.⁴⁹ Antigua's polarisation pushes this to an extreme because any member of the in-group, no matter how corrupt, is still seen as far preferable to any member of the out-group, no matter how 'clean'. This dissertation also draws on social science studies on information bias to explain how partisanship influences the way members of the public receive and interpret allegations of corruption.⁵⁰ This has long been exploited and worsened by a highly partisan media in Antigua and, more recently, through political use of social media and the internet. Partisanship has also undermined public confidence in supposedly impartial anti-corruption institutions, instead encouraging people to place their trust in their party and their party leader as the best mechanism for complaints and grievance resolution. Partisanship has also contributed to well-established networks of patronage and dependency, limiting voter autonomy and political accountability. In some extreme cases, notably in the 1970s and 1980s, the fight for political supremacy motivated and legitimised (in the eyes of supporters) quasi-authoritarian government actions that aided corruption, such as curtailments of the freedom of the press or interference in elections. It has been widely observed that increased

⁴⁸ This terminology has been used by Cass Sunstein in general and by Paget Henry with regard to Antigua in particular. See: Cass Sunstein, "Partyism," (lecture, Legal Forum Symposium, University of Chicago, Chicago, November 7, 2014); Paget Henry, *Shouldering Antigua and Barbuda: The Life of V.C. Bird*, (London: Hansib, 2010).

⁴⁹ Barry S. Rundquist, Gerald S. Strom and John G. Peters, "Corrupt Politicians and Their Electoral Support: Some Experimental Observations", *The American Political Science Review* 71, no. 3 (1977): 956.

⁵⁰ Including: Charles S. Taber, Damon Cann and Simona Kucsova, "The Motivated Processing of Political Arguments", *Political Behavior* 31, no. 2 (2009): 137-155; Charles S. Taber and Milton Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", *American Journal of Political Science* 50, no. 1 (2006): 755-769; David Redlawsk, "Hot cognition or cool consideration: Testing the effects of motivated reasoning on political decision making", *The Journal of Politics* 64, no. 10 (2002): 1021-1044; Peter H. Ditto and David F. Lopez, "Motivated skepticism: Use of differential decision criteria for preferred and nonpreferred conclusions", *Journal of Personality and Social Psychology* 63, no. 4 (1992): 568-584,

political competition promotes corruption in the Caribbean, but beyond the region there is consensus that a lack of competition has the same effect.⁵¹ This dissertation sheds light on this long-running disparity by offering an in-depth analysis of the role of partisanship in motivating and sustaining corruption for over five decades.

By examining both the constitutional framework and political culture as necessary causes of corruption, this dissertation sheds new light on the intricacies of systemic corruption. It shows that corruption as long-standing and as embedded as Antigua's cannot be explained by the use of the Westminster system in a small state alone. This appreciation only becomes fully apparent through a historical analysis such as the one presented in this dissertation. Studies lacking historicism can only offer a snapshot of a state's corruption, encouraging them to focus on observable institutional factors such as the imbalance of power in Parliament or clientelist exchanges. But a historical analysis such as this emphasises the systemic pressures, thought processes, beliefs, and expectations - built up over years of lived experience and inherited bias - that determine political behaviour. This restores agency to the study of corruption and contributes to a much more rigorous and informed assessment of corruption. Furthermore, unlike most scholarship on corruption, this dissertation forefronts the concept of anti-corruption through its innovative conceptualisation of a three-pronged anti-corruption strategy in Antigua. By focusing on anti-corruption, this dissertation addresses not just how corruption has happened in Antigua but explains why it has been allowed and sustained over such a long period.

Studying Corruption and Anti-corruption

Even in societies where it has been notably open and brazen, such as Antigua, corruption has always been an inherently secretive act 'carefully hidden from the researcher's eyes'.⁵² This makes it a notoriously difficult subject to investigate. In my own research I have often faced dead ends, such as missing reports, ignored emails, and rejected Freedom of Information (FOI) requests. Partly because of corruption's covert nature, I have had to draw on an eclectic range of sources, diverging from a reliance on conventional historical archival material and utilising sources as varied as electoral data and budget reports. I have then

⁵¹ See for example Gladstone Mills, "The English-speaking Caribbean", in *Public administration in the Third World: An International Handbook*, ed. Venkateswarier Subramaniam, 317-402, (Westport, CT: Greenwood Publishing Group, 1990); Ajit Mishra, "Persistence of Corruption: Some Theoretical Perspectives", *World Development* 34, no. 2 (2006): 349-358; Derrick McKoy, "Known Knowns: Corruption in the Commonwealth Caribbean", *Social and Economic Studies* 61, no. 1 (2012): 10-11.

⁵² De Vries and Solaz, "The Electoral Consequences of Corruption", 393.

scrutinised this varied source base using a multidisciplinary approach, supporting my historical inquiry with methods more common in sociology and political science. This interdisciplinary approach is one of this dissertation's greatest strengths: through it I have been able to map in great detail over fifty years of Antigua's shifting political landscape, including its evolving partisan media and varying party political fortunes. I have also shed light on the changing socio-economic conditions of an island which until now has received little academic attention, carefully identifying what made corruption possible and anti-corruption ineffective, with reference to well-selected case studies.

As corruption involves the misuse of political power for private gain, any investigation into corruption must first establish the correct use of political power. This requires rigorous analysis of published official documents including the 1967 and 1981 constitutions, relevant legislation, amendments, and international agreements. It must also establish how Antigua's anti-corruption systems should work. Reconstructing this was a laborious task because different laws and conventions have been adopted, amended or repealed at different times and often contain vague or contradictory provisions. For instance, the 1975 Representation of the People Act has been amended 14 times. Fortunately, much of the relevant statute is freely available online which makes cross-referencing easier.

While legislation dictates how parliamentary and anti-corruption institutions should work in theory, establishing how they functioned in practice required detailed examination of published official reports by relevant bodies, particularly the Director of Audit, the ombudsman, the supervisor of elections, and the Integrity Commission. Copies of most of these reports are held at the Antigua National Archives (ANA) while some recent publications are available online. Many of these reports have been published fairly consistently for as long as the relevant institution has been in existence. There are reports from the ombudsman for every year since 1997 and the Integrity Commission has filed annual reports since 2004; auditor reports have been less consistent, meaning there are some holes in the historical record of government finances. These reports contain both quantitative and qualitative information relevant to corruption. For example, ombudsman reports consistently record the number and type of complaints received each year as well as statistics on complaint resolution. This makes it possible to assess institutional performance over time, drawing inferences such as changing levels of public confidence or government cooperation. In terms of qualitative data, many of these reports contain subjective comments by the authors, revealing insights into their perceptions about corruption and the governments' efforts to tackle it. While some office-holders have been more expressive than others, their comments reveal consistencies over extended periods of time as well as

common challenges faced by different anti-corruption institutions. These recurring themes across Antiguan history convincingly testify to the endemic nature of corruption and strongly point to successive governments' unwillingness to combat it. I have also made comparisons with reports published by similar institutions across the anglophone Caribbean to identify commonalities or differences between different states' efforts to tackle corruption through such institutions.

Insights into actual instances or allegations of past corruption have been gleaned from both published and unpublished official documents. Court judgements have been useful in reconstructing a narrative of past events because they provide information about actions and intentions given under oath and supplemented by subpoenaed evidence. Corruption-related court cases provide the rare instances when corruption is no longer hidden from the researcher but brought more fully into daylight, though even courts may have to work with limited information or uncooperative witnesses. Unpublished official documents like intra-governmental memos have shed light on official perspectives on corruption. In the case of telegrams between staff at the UK Foreign and Commonwealth Office, these sources reveal the opinions of experienced diplomats outside of Antigua's partisan political context. They also demonstrate how anti-corruption became a priority for the UK government in the 1990s, contributing to an understanding of the shifting context in which corrupt actors operated in Antigua. These latter sources are held at the UK National Archive, along with other useful material such as minutes from the 1980 Constitutional Conference and negotiations between Antiguan and British politicians on topics as diverse as loan agreements and corruption scandals.

I have made extensive use of newspapers published in Antigua during the period under review. To an extent these have helped fill historical gaps and piece together a narrative of the past. But they have been most useful in demonstrating how partisanship affected the way corruption allegations and scandals were reported and interpreted. This in turn informed the way voters behaved, helping answer a key question of this dissertation. The most important newspapers in this period were *Outlet* (1968-2004), *The Workers' Voice* (1940s to 1990s), and *The Daily Observer* (also called *The Antigua Observer*, 1993-present) which between them represent the full range of political perspectives in Antigua. The longevity of these papers means I have been able to assess how different papers approached various issues over time and I have been able to follow certain news stories for extended periods. There have also been some short-lived papers including *The Nation* (also called *The Nation's Voice*), *The Herald*, and *The Antigua Sun*. The ANA holds more or less complete records of these papers which has been a great advantage. However, it was common for

Antiguan newspapers to publish articles with no named author, so identifying who wrote what piece can be difficult or impossible. The poor cataloguing system at the ANA also makes this kind of research time-consuming. More recently, Antiguan news has moved online and the only regular newspaper, *The Antigua Observer* has existed in a digital-only format since 2018.

I have also drawn heavily on online material including social media posts and unregistered, informal news websites such as *Antigua News Room* and *Antigua Breaking News*. While these reveal a great deal about corruption and partisanship in themselves, the comments posted by members of the public - often under pseudonyms - are even more revealing and testify to the polarised nature of Antiguan politics and its association with corruption. But a major challenge here has been the nebulousness of the online space, where posts can be deleted, comments can be edited, and claims made anonymously or maliciously. These sources have mainly been used to convey the nature of political debate and language in Antigua, not to substantiate claims of fact or allegations of corruption.

A number of other published documents have also proved useful, particularly party-political publications such as election manifestos. As with other published sources, complete records of these are held by the ANA while later publications are also accessible online. These give insight into Antiguan political parties' policy platforms, their ideology, and the way they address (or ignore) the systemic problem of corruption. Similarly, first-hand accounts like Lester Bird's 2019 memoir *The Comeback Kid* have given personal insight into the experience of senior political actors, though filtered through their biases and wish to be perceived in a certain way.

Beyond conventional historical material I have drawn on a number of sources more typical of political scientific research. This includes secondary data such as electoral statistics and demographics which have contributed to detailed analysis of voter behaviour in elections up to 2023. This data has been produced regularly at every general election and through censuses every ten years. But the accuracy of some of the data is highly questionable, particularly the number of registered voters which seems grossly inflated for some election cycles. But this unreliability is itself evidence of election interference which could indicate corruption. Even so, broad trends from these data sets can be used to identify patterns in voter behaviour, contributing to an understanding of how voters respond to corruption. Finally, conversations with Antiguanians over the last four years have implicitly supported insights gained from other sources and have helped deepen my personal understanding of Antiguan political culture.

Collectively these sources and the methods used to examine them represent a uniquely interdisciplinary approach to the history of corruption and anti-corruption. Rather than providing an institution-centric snapshot, the approach used here emphasises changes and consistencies over time, drawing out the most important factors underpinning the long-term entrenchment of systemic corruption. This approach also shines a spotlight on turning points in Antigua's history of corruption, whilst also revealing potential missed opportunities. Such considerations further our understanding of why corruption has endured in Antigua despite its negative consequences and a seemingly strengthening anti-corruption context. The interdisciplinary approach also helps identify the negative consequences of corruption, but also draws attention to corruption's perceived positive outcomes, furthering our appreciation of why corruption has been tolerated by the public. Overall, the historical approach used in this dissertation, supported by an interdisciplinary methodology, brings long-term dynamics of politics and partisanship to the fore in our understanding of corruption. This dissertation will therefore argue that both political institutions and partisanship have been essential in explaining Antigua's history of corruption and the long-term failure of its anti-corruption safeguards.

By studying Antigua's history, I have exposed a number of assumptions about the interplay between corruption and politics. For western university-educated researchers like me, many assumptions reflect widespread biases or societal values found in states like the UK and other large states with a long history of pluralistic democratic politics. These assumptions have inevitably informed the questions motivating this research. Such assumptions may also be seen throughout much of the literature on corruption and political culture. For example, it is widely assumed that voters care about corruption and should want to sanction corrupt politicians. Taken at face value, this assumption presumes uniformity of political attitudes between cultures, which is reductive. Conversations during the course of this research revealed that many Antiguan do oppose corruption, but that corruption is not the electoral anathema that it has traditionally been seen as in other, western states like the UK, France, or USA. Other assumptions concern good governance more generally. For example: that good governance is the norm rather than the exception in small states like Antigua; that corruption is an aberration rather than the norm; that anti-corruption mechanisms are designed to inhibit corruption; and that commissions of inquiry are intended to promote good governance. Throughout this dissertation it is taken at face value that these assumptions should be correct. At its most fundamental, it is assumed that the Constitution and the law ought to be fully implemented and obeyed. But it is also recognised that this is an

idealisation rarely realised in any state and that Antigua in particular has often refuted many of these assumptions. But this dissertation does not argue that Antigua has ever, could, or should live up to this ideal type. Rather, this dissertation's focus is when, how, and to what extent these assumptions have been proved wrong in Antigua; how far has Antigua diverged from the good governance ideal set out in its constitutions? Reflecting on researchers' assumptions, particularly concerning biases about politics, is an important component of historical study, especially when investigating a different culture. As this dissertation shows, it is also imperative for political scientists and anti-corruption practitioners to challenge their own and wider established assumptions if anti-corruption policies are to be effective in places like Antigua.

Dissertation Structure

This dissertation is divided into five substantive chapters, plus this introduction and a conclusion. Chapter one analyses the Antiguan constitutional framework in which corruption has happened. It begins with an examination of the Westminster system, the political model inherited through British colonialism. In agreement with recent scholarship, this chapter demonstrates how inherent flaws in the Westminster system - particularly the executive's potential dominance of the legislature - become accentuated in very small states and can be used as vehicles for corruption. It also examines how the civil service and the judiciary function and argues that these have been subject to political influence.

Chapter two establishes the political culture in which corruption has taken place in Antigua. It describes Antigua's politics as deeply polarised, drawing on recent political scientific theory of pernicious polarisation to explain the hostile and absolutist nature of Antigua's politics, with its roots in the post-WWII period. It also engages with more well-established research on information biases and how these inform voters' reactivity to corruption. This chapter proposes explanations for why Antiguan voters have purposefully chosen to support corrupt politicians, emphasising the role of voter agency in the perpetuation of systemic corruption. Throughout, this chapter brings quantitative analysis of electoral data together with in-depth qualitative analysis of partisan media publications and other subjective sources. In doing so, this chapter presents a detailed examination of Antiguan voting behaviour, without which the long-term presence of Antiguan corruption cannot be explained.

Where chapters one and two establish the context, means, and motivations of corruption, the remaining chapters focus attention on Antigua's anti-corruption system. Like most states,

Antigua has always had a number of safeguards in place to prevent, detect, and punish corruption. This dissertation analyses these systems in terms of a three-part anti-corruption arsenal: a set of rules or principles governing how politics is done; a number of dedicated anti-corruption institutions; and commissions of inquiry. This innovative conceptualisation sees this arsenal working like a fail-safe mechanism, whereby each of the three 'weapons' can be activated when the preceding one fails. By examining anti-corruption in this original way, this dissertation spells out clearly why a host of anti-corruption measures that appear effective on paper have often failed in practice and why corruption has been systemic over such a long period.

Chapter three begins this analysis with an examination of the 'rules' or principles of Antiguan politics which, if followed correctly, make corruption hard to do and easier to detect and sanction. This chapter focuses on three key constitutional principles: legislative scrutiny; the right to free speech and a free press; and free and fair elections. These three principles are not an established concept in political history, but I have chosen to focus on them because each one theoretically plays an important anti-corruption function and all three are commonly recognised characteristics of democratic good governance. By examining each in detail, I have been able to showcase the strategies by which different governments at different times have exploited, bent, or in some cases broken the rules of Antiguan politics in order to pursue corrupt interests with impunity.

Chapter four examines Antigua's anti-corruption institutions. These are regulatory and investigative bodies, separate from parliament, that have a specific anti-corruption function. They should come into noticeable effect when the principles of chapter three have been bent or broken and corruption has taken place. If they work well, the corrupt act will be quickly detected, investigated, and punished. The institutions investigated are the ombudsman, the Director of Audit, and the Integrity Commission. These have not been constant institutions but represent an evolving and theoretically strengthening anti-corruption context. Yet despite this, corruption has continued to thrive. By analysing generations of institution reports, both from Antigua and across the Caribbean, this chapter contrasts institutional regulations with the lived experience of anti-corruption agents, revealing why anti-corruption institutions that look good on paper have failed in practice.

Chapter five examines commissions of inquiry.⁵³ In this dissertation, inquiries are seen as the last line of defence in Antigua's (and any state's) anti-corruption arsenal, to be used when all other safeguards have failed. The chapter principally focuses on two key examples to explain why inquiries have not successfully been used to tackle corruption in Antigua: rather than an anti-corruption exercise, the 1976 Bastide Inquiry was used as a political weapon to slander opposition politicians; and the 1990 Blom-Cooper Inquiry was used as a pressure-release mechanism and a smokescreen to distract from a major corruption scandal. By examining these inquiry reports, related court cases, and coverage in the partisan press, this chapter exposes a number of strategies used by the government to turn inquiries into political instruments, rather than anti-corruption safeguards.

Through an analysis of these three anti-corruption safeguards, several common themes emerge. The first is the unsuitability of the Westminster system to small and polarised states. By placing unchecked political power in the government, this system has given governments the ability to undermine all the anti-corruption rules, systems, and institutions examined in this dissertation. At the same time, it will be shown that political polarisation has been a constant companion and a necessary aid to Antiguan corruption. It has often been partisan politics which motivated political actors to exploit flaws inherent in the Westminster system and prioritise partisan and personal interests above the common good. Both of these themes have been constants in Antigua's post-colonial history, despite changing external, economic, and technological contexts. The complex interaction between the Westminster system and political polarisation has been the key factor in explaining the enduring nature of corruption and the persistent failure of Antiguan anti-corruption. Over time, this interaction generated the means and motives for corruption and cultivated an environment in which anti-corruption systems that appear effective on paper are rendered useless in practice. Over an extended period, this has led to chronic and systemic corruption.

The dissertation finishes with a conclusion setting out key lessons from this research with practical applications. These relate to strengthening anti-corruption policies in Antigua, as well as in the wider Caribbean. The research presented here could also inform ongoing debates about constitutional reform in the Caribbean, placing anti-corruption at the centre of

⁵³ Some ideas, originally intended for inclusion chapter five, have since been published in: Joseph Gascoigne, "Allowing Corruption and Dodging Accountability: The Negative Consequences of the Westminster System and Partisan Media in Small Caribbean States", *The New West Indian Guide*, advance article, published online July 5, 2023, 1-28, accessed July 30, 2023, <https://brill.com/view/journals/nwig/aop/article-10.1163-22134360-bja10025/article-10.1163-22134360-bja10025.xml>.

these debates and future-proofing anti-corruption systems. The conclusion will also set fruitful areas for future research, widening the impact and application of this dissertation.

Background

Before examining the factors that made corruption possible in Antigua since 1967, a brief introduction to the island's political history is necessary. Antigua and Barbuda is a SIDS in the eastern Caribbean [see maps one and two]. The land area of Antigua, the main island, is 108 square miles and its population has risen from 61,000 in 1967 to around 98,000 in 2023.⁵⁴ From 1632 the islands were colonised by England and used for growing tobacco and then sugar through indentured and slave labour.⁵⁵ In Antigua, slaves were freed immediately following the abolition of slavery in 1834, though a Contract Act and the scarcity of free arable land forced most people to remain working on sugar plantations.⁵⁶ During the eighteenth and nineteenth centuries, Antigua was governed as part of a succession of different island colonies according to the Old Representative System up to the mid-1800s, after which the Crown Colony System placed more or less full control of the island with the Colonial Office in London.⁵⁷

From the 1920s onwards, calls for reform in the anglophone Caribbean precipitated piecemeal democratisation in Antigua. In the 1930s, many Caribbean colonies developed strong and militant labour movements, often focused around hegemonic general trades unions led by charismatic leaders like Alexander Bustamante and Norman Manley in Jamaica. As the colonies' political systems were democratised, these unions came to dominate electoral politics in their respective islands, birthing political parties with broadly the same leadership and policies as the union. Antigua underwent this process in the 1940s and 1950s. In 1939, the Antigua Trades and Labour Union (ATLU) was established at the suggestion of Walter Citrine, General Secretary of the UK Trades Union Congress, who visited Antigua as part of the 1939 West Indies Royal Commission.⁵⁸ Like many in the 1930s

⁵⁴ "Population, total - Antigua and Barbuda", World Bank Data, 2023, accessed November 19, 2023, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AG>.

⁵⁵ Robert J. Alexander, *A History of Organised Labour in the English Speaking West Indies*, (Westport: Praeger Publishers, 2004), 148.

⁵⁶ Vincent A. Richards, "Decolonization in Antigua: Its impact on Agriculture and Tourism", in *The Newer Caribbean: Decolonisation, Democracy, and Development*, ed. Paget Henry and Carl Stone, (Philadelphia: ISHI, 1983), 16

⁵⁷ For more information on the evolution of colonial rule, see Cecil Kelsick, "Constitutional History of the Leewards", *Caribbean Quarterly* 6, no. 2/3, (1960): 177-209.

⁵⁸ Robert J. Alexander, *A History of Organised Labour in the English Speaking West Indies*, (Westport: Praeger Publishers, 2004), 152.

Caribbean, the ATLU was a general trades union open to all Antiguan workers, with executive power vested in an executive committee elected by the membership at annual conferences. In practice, these elections were a formality and most ATLU founder-leaders ran unopposed.⁵⁹ From 1943 the ATLU's President was Vere Cornwall Bird (commonly known as V. C. Bird). Bird epitomised the Caribbean charismatic leader: he was seven feet tall, broad, with a commanding melodic voice, and a remarkable ability to develop close personal relationships with great numbers of people. But unlike most of his Caribbean counterparts, Bird was from a very poor background and received no education beyond primary school. Instead, he spent two years as a young man in the Salvation Army, which if anything only extended his mystique and charismatic appeal. As president of the ATLU, he became the undisputed figurehead of the Antiguan labour movement, often juxtaposed with the bogeyman planter-in-chief, Alexander Moody-Stuart.

Antiguan democratisation led to the rise of the ATLU as a political institution. Even before universal suffrage in 1951, union representatives secured election to the legislative assembly by pooling their financial resources, with Bird first elected in 1946. After the introduction of universal suffrage ATLU representatives - later calling themselves the Antiguan Labour Party (ALP) - dominated Antiguan electoral politics and secured appointment to positions in the colonial government; in 1956 Bird was made Minister for Trade and Production and in 1960 he was made Chief Minister. During this time the ATLU/ALP campaigned for improved workers' rights, land reform, a peasant resettlement scheme, economic and agricultural diversification, and nationalisation of key utilities.⁶⁰

At the same time, the ATLU/ALP grew into something like an all-encompassing working-class civil society organisation (CSO). It took on responsibilities as diverse as education and organised sport, as well as managing all worker-employer relations. Bird in particular adopted the multifaceted guise of mentor, pastor, counsellor, and creditor, as well as political leader and workers' champion. He travelled Antigua widely, becoming personally familiar with almost everyone and developing a tight network of friendship, dependency, and brokerage. It should be emphasised that this was made possible by Antigua's small size, both in terms of land area and population; in 1960 Antigua had just 55,000 people living on a 108 square mile island.⁶¹ By 1960 Bird's dominance over the union and government, as well as his private businesses, had put him at the top of a massive web of patronage, control, and intelligence. People began to call him 'Papa Bird'. His political zenith came in February

⁵⁹ "ATLU Rules (1961)", TU.AQ.ATLU.4. SHL, London, UK.

⁶⁰ Henry, *Shouldering Antigua and Barbuda*, 139.

⁶¹ "Population, total - Antigua and Barbuda", World Bank Data, 2023, accessed September 18, 2023, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AG>.

1967 when Antigua, along with five other eastern Caribbean colonies, became an Associated State of the United Kingdom: a new constitution introduced internal self-governance under an incarnation of the Westminster system, with Premier Bird effectively Prime Minister and the Governor reduced to a ceremonial figurehead, while the UK retained responsibility only for defence and foreign relations.

This is not to say that the ATLU/ALP was the only political movement in Antigua in the decades preceding 1967. In most elections a handful of opposition candidates ran, usually as independents but sometimes for minor parties representing erstwhile dominant middle and upper-class interests. An example is the Antigua National Party - a middle class movement that fruitlessly fielded candidates in four of the eight constituencies in 1956 before collapsing. The most significant opposition party before 1967 was Robert Hall's Antigua and Barbuda Democratic Movement (ABDM). Dismissed by the historian Paget Henry as a party of 'landed interests', the ABDM was set up to oppose the idea of an elected one-party dictatorship and to ensure the ATLU/ALP was properly scrutinised by an organised opposition party. Much of this was done through a series of pamphlets popularly called the 'White Papers'. Though no ABDM candidate won election, the party did secure a peak of 1,859 votes in 1965. While dwarfed by the ATLU/ALP's 7,275 votes, this turnout does show that there was a latent non-ALP voting population in Antigua in the mid-1960s. But in real terms, Bird's ATLU/ALP enjoyed an unchallenged hegemony from 1951 to 1967.

This ended with a cataclysmic schism of the labour movement in 1967, covered in some detail in chapter two. Just three months after securing Associated Statehood, Bird purged the ATLU of its General Secretary, George Walter.⁶² This set in motion a series of events that ultimately led to the formation of a rival union and a serious challenger political party, both with a popular support base in the working class: the Antigua Workers Union (AWU) and the Progressive Labour Movement (PLM). This was the first time a popular second party had emerged in Antigua, setting it apart from much of the Caribbean which had a longer-established tradition of multi-party politics. This schism generated the hostile, absolutist and morally-imbued partisanship that has characterised Antiguan politics ever since.⁶³ While the politicians have changed and the opposition party has rebranded several times, this ALP versus Opposition polarity has continued into the present. The personalities of party leaders have remained central to political discourse, though they have changed on

⁶² Chuks Okpaluba, "A Trade Union's Right to Discuss", *International and Comparative Law Quarterly* 22, no. 3 (1973): 558.

⁶³ I have previously examined the rise of political polarisation in Antigua in: Joseph Gascoigne, "Partyism and Polarisation: A History of Antiguan Political Culture, 1967-1976," (master's dissertation, University of York, 2020).

the ALP side from V. C. Bird to his son Lester Bird to Gaston Browne (V. C. Bird's grandson-in-law), and on the Opposition side from George Walter to Baldwin Spencer to Harold Lovell. It is this form of polarised and personalised partisanship that runs as a central theme throughout this dissertation, helping identify motivations for corruption as well as explaining why politicians have been able to get away with corruption for so long.

Chapter One: The post-colonial constitutional framework

In July 1980 the Antiguan House of Representatives debated a draft of the independence constitution for an independent Antigua and Barbuda. This new document would build on and replace the Associated Statehood constitution used since 1967. While all parties supported independence, representatives from the opposition Progressive Labour Movement (PLM) expressed concern that some phrases were too vague and too many issues were left to the discretion of the Prime Minister. In closing the debate, deputy Prime Minister Lester Bird responded to these concerns by saying that the PLM 'appeared to lack faith in our institutions' and that it 'must be presumed that the Government in power will act responsibly'.⁶⁴ Lester went on to suggest that 'If the Opposition tried to tie up every little loophole and so do away with discretion they would be destroying the very system they were advocating'.⁶⁵ The system in question was a Westminster-style parliamentary democracy, versions of which were used during Associated Statehood and independence.

This chapter examines how Antigua's post-colonial political system has facilitated corruption. Antigua's experience shows that opposition MPs were right to question the robustness of the political institutions designed in 1980 and to view the role of discretion in the Westminster political system with suspicion. Far from acting with 'responsibility', this chapter reveals how successive governments have exploited this system and 'every little loophole' in ways that either constituted or facilitated corruption. This has been possible because of two factors. First, in a very small state using the Westminster system there is little to no separation between the legislature and the executive, meaning an important check on government power is removed and the cabinets have no obligation to act 'responsibly'. Second, because of this, the discretion given to the Prime Minister in Westminster systems can be used with minimal oversight and for demonstrably political or private interests, even in contradiction of the public good. The concerns of opposition MPs raised on the eve of independence have thus been proved well-founded by decades of systemic corruption, facilitated by a constitutional system poorly suited to Antigua.

⁶⁴ Report of the debate in the Antigua House of Representatives on a draft constitution for independence, July 24, 1980, "Independence for Antigua (Constitutional Conference)", FCO 44/2170, TNA, 5.

⁶⁵ Report of the debate in the Antigua House of Representatives on a draft constitution for independence, 5.

A wide body of literature has already demonstrated that the Westminster system is poorly suited to small states. This has been shown across the Caribbean as well as in some Pacific Island nations and more developed states like Malta. This chapter contributes to this body of work by providing a historical assessment - spanning more than five decades - directly linking this constitutional framework to systemic corruption in a small state. In particular, it will be shown that a small legislature like the Antiguan House of Representatives becomes an enfeebled legislature, unable to act as a check on government. But the unchecked use of executive power does not stop at the passage of nefarious laws or government misconduct. Through the control of finances and appointment processes, successive Antiguan governments have been able to undermine other key institutions of the Westminster system, particularly the civil service and the judiciary. The evidence presented in this chapter supports Derek O'Brien's contention regarding the Caribbean that 'while it is easy to replicate the offices and institutions of another parliament, there is no guarantee that they will be fully assimilated into the local political culture.'⁶⁶ This chapter will show how these offices and institutions have been manipulated and undermined in ways that facilitate corruption.

This chapter proceeds with four sections. First, Antigua's constitutional framework is situated within wider definitional debates around the term 'Westminster system' whilst also explaining the unique variation of this system found in the Caribbean. Next, the chapter focuses on the distribution of power between the legislature and the executive, and how Antigua's small size has led to a critical imbalance in this relationship, reducing Parliament to a rubber-stamp institution. The third and fourth sections examine, respectively, political influence over the civil service and the judiciary, arguing that the impartiality of these institutions has been significantly undermined since before independence.

The Westminster System in the Caribbean

Antigua's constitutional framework is a variant of the Westminster system, a model of governance first developed in England in a recognisable form as early as the 1300s.⁶⁷ As numerous writers, most notably Anthony Payne, have discussed, the Westminster system was exported to British colonies under colonialism as a model for local political organisation

⁶⁶ Derek O'Brien, *The Constitutional Systems of the Commonwealth Caribbean*, (Oxford: Hart Publishing, 2014): 191.

⁶⁷ Philip Norton, *Does Parliament Matter?*, (London: Harvester Wheatsheaf, 1993), 14.

and, in the twentieth century, democratic government.⁶⁸ In the twentieth century, as successive British colonies gained independence, it was the Westminster system that they adopted as their constitutional framework.⁶⁹ For this reason, the Westminster system has predominantly been used by states that were once colonies in the British Empire. In Africa and Asia attempts were made to meld the British system with indigenous forms of government. But these had been destroyed in the Caribbean, meaning here the transplanted British system developed 'deep roots' in fresh soil over hundreds of years.⁷⁰ At or shortly after independence some former colonies around the world rejected or moved away from the inherited constitutional framework. Examples include Nigeria which transitioned to a federal presidential republic, Sri Lanka which adopted a semi-presidential system, and South Africa which built a hybrid model. Again, the Caribbean is an outlier region in that all anglophone Caribbean countries, with the glaring exception of Guyana, have retained the Westminster system (though some such as Trinidad and most recently Barbados have substituted a president for monarch).⁷¹

Despite its global prevalence, the Westminster system has been difficult to define. Usually the term is used as a broad label referring to Britain's constitutional arrangements first coherently described in Walter Bagehot's 1867 *The English Constitution*, though Bagehot never used the term himself.⁷² In 1961, Stanley Alexander De Smith used the term 'Westminster model of parliamentary democracy' when discussing the constitutional arrangements used in Britain and 'exported' to British colonies, particularly those seeking independence at the time of De Smith's writing.⁷³ Despite De Smith's explicit warning that this term was not 'a legal term of art' and should be regarded as a general concept rather than a defined category, the term's use exploded in the 1960s. This was likely due to the

⁶⁸ Anthony Payne, "Westminster Adapted: The Political Order of the Commonwealth Caribbean", in *Democracy in the Caribbean*, ed. Jorge Dominguez, Robert Pastor, and R Delisle Worrell, (Baltimore: The Johns Hopkins University Press, 1993), 57-73.

⁶⁹ Julian Go, "A Globalising Constitutionalism? Views from the postcolony, 1945-2000", in *Constitutionalism and Political Reconstruction*, ed. Said Amir Arjomand, (Leiden: Koninklijk, 2007), 92.

⁷⁰ Gladstone E. Mills, "Public Administration in the Commonwealth Caribbean: Evolution, Conflicts and Challenges", *Social and Economic Studies* 19, no. 1 (1970): 8.

⁷¹ For a detailed examination of the Westminster system and constitutional settlements in the Caribbean, see Hamid Ghany, "The myth of the Westminster Model", *Caribbean Affairs* 7, no. 3 (1994): 62-82. For debates about nomenclature and the legitimacy of the Westminster system in the Caribbean, compare Hamid Ghany, *Changing Our Constitution: A Comparison of the Existing Constitution of Trinidad and Tobago and the Working Document on Constitutional Reform for Public Consultation*, (St Augustine, Trinidad and Tobago: University of the West Indies) and Cynthia Barrow-Giles, "Regional trends in constitutional developments in the Commonwealth Caribbean", (Conflict Prevention and Peace Forum paper, 2010), accessed January 12, 2022, file:///home/chronos/u-6822efa045868317f2f5c6ddf3b1a82c3904ca36/MyFiles/Downloads/Constitutional_Development_in_the_Commonwealth_CaribbeanshorterversionUN.pdf.

⁷² Walter Bagehot, *The English Constitution*, 4th edition, (London: Paul Kegan Trench and Co., 1885).

⁷³ Stanley Alexander De Smith, "Westminster's Export Models: The Legal Framework of Responsible Government", *Journal of Commonwealth Political Studies* 1, no. 1 (1961): 2.

need, most salient among political theorists, to find a common nomenclature with which to define, examine, and compare new polities emerging in the context of 1960s decolonisation.

In the 1980 and 1990s, this hunger for categorisation became even more pressing in the wake of the Soviet Union's collapse and renewed interest in theories of state formation, democratic backsliding, and political corruption.⁷⁴ The seminal texts of this period are *Democracies* (1984) and *Patterns of Democracy* (1999), both by Arend Lijphart who developed a comparative theory of democracy. In *Patterns of Democracy*, Lijphart used 'Westminster model' interchangeably with 'majoritarian model' and in contrast to a 'consensus model'.⁷⁵ He described the system by reference to ten defining characteristics, including: an uncoded constitution; a unitary and centralised government; political pluralism; a unicameral legislature; and the concentration of executive power in a cabinet government. However, even Lijphart recognised this characterisation as an ideal type. The UK itself diverges from Lijphart's model on account of its bicameral legislature and, more recently, political devolution. Similar divergences can be seen in states typically thought to epitomise the Westminster system outside the UK, such as Australia, Canada, and India which are all federated states with written constitutions.

Since *Patterns of Democracy*, the Westminster system has often been defined by the presence of certain characteristics, though these are not limited to the ten identified by Lijphart. In 2020, Russell and Serban analysed the use of 'Westminster Model' and related terminology in 239 texts published between 1999 and 2017. Only 16 percent fully defined what the Westminster system means, while 17 percent gave partial and 38 percent gave implicit definitions.⁷⁶ Of the texts surveyed, 30 percent gave no definition at all. Among the 168 texts that did attempt a definition, Russell and Serban reported great variation in the supposed essential characteristics. Some eighteen attributes were mentioned by at least six of the texts, with 'parliamentary sovereignty' the most commonly cited. Yet only 55 percent of texts mentioned this most-cited characteristic. There was also significant divergence from Lijphart's ten-point definition, with only 14 percent listing a unitary state as a necessary attribute of the Westminster system. Moreover, Russell and Serban's survey shows that many states widely cited as prime examples of the Westminster system - such as the UK, Australia, and Canada - fail to meet many of the most-cited defining features of the

⁷⁴ Mark Jorgensen Farrales, "What is Corruption? A History of Corruption Studies and the Great Definitions Debate", (June 2005), accessed June 21, 2021, <https://ssrn.com/abstract=1739962> or <http://dx.doi.org/10.2139/ssrn.1739962>, 3.

⁷⁵ Arend Lijphart, *Patterns of Democracy*, (New Haven: Yale University Press, 1999), 9.

⁷⁶ Meg Russell and Ruxandra Serban, "The muddle of the 'Westminster Model': A concept stretched beyond repair", *Government and Opposition* 56, no. 4 (2020): 7.

Westminster system. In contrast, states like Japan and Italy exhibit more of the criteria held to define the Westminster system, though these are rarely given as examples of this constitutional framework. This analysis amply demonstrates the lack of agreement on how to define the Westminster system.

Recognising inconsistencies in the use of 'Westminster system', some writers have attempted to define the concept in culture-centric terms; that is, they stress cultural or attitudinal commonalities in states using this system rather than focusing solely on institutions. This cultural shift has also been driven by an acknowledgement that most countries using the Westminster system are former British colonies. Some writers have discussed political systems and constitutional development in terms of a Westminster family or a Westminster 'family resemblance'.⁷⁷ Patapan et al have gone so far as to define the Westminster system almost exclusively in terms of 'a set of beliefs and a shared inheritance'.⁷⁸ Rhodes and Weller define the system by reference to conventions and relationships rather than discrete institutions, emphasising concepts like accountability (of government to parliament), collective cabinet responsibility, an impartial and expert civil service, and an official opposition recognised as a government-in-waiting.⁷⁹ This approach allows some writers like Eichbaum and Shaw to contend that countries like New Zealand remain part of a 'Westminster family' despite significant institutional changes, such as the introduction of proportional representation.⁸⁰

This dissertation uses the term Westminster system to refer to the institutional arrangements of Antigua. The most important characteristic of this system - and the one on which the majority of writers in Russell and Serban's analysis agree - is the principle of parliamentary governance; that is, the executive is drawn from and is held in check by the legislature. In practice this means that the head of government (Premier from 1967 to 1981 and Prime Minister since 1981) is the person most able to command the confidence of the House of Representatives and, by that confidence, entitled to form a cabinet from among fellow legislators. The relationship between the legislature and the government is key to this study

⁷⁷ For example, see Akash Paun, "After the Age of Majority? Multi-Party Governance and the Westminster Model," *Commonwealth and Comparative Politics* 49, no. 4 (2011): 440–456; Chris Eichbaum and Richard Shaw, "Ministerial Advisers, Politicization and the Retreat from Westminster: The Case of New Zealand", *Public Administration* 85, no. 3 (2007): 609–640.

⁷⁸ Haig Patapan, John Wana, and Patrick Weller, ed., *Westminster Legacies: Democracy and Responsible Government in Asia and the Pacific*, (Kensington: UNSW Press, 2005), 2.

⁷⁹ Roderick Rhodes and Paul Weller, "Westminster Transplanted and Westminster Implanted: Explanations for Political Change", in *Westminster Legacies: Democracy and Responsible Government in Asia, Australasia and the Pacific*, ed. Haig Patapan, John Wana and Paul Weller, (Sydney: University of New South Wales Press, 2005), 7.

⁸⁰ Eichbaum and Shaw, "Ministerial Advisers, Politicization and the Retreat From Westminster", 614.

because it is the dysfunction of this relationship that has facilitated much corruption in Antigua. In small states like Antigua, a majority of MPs are sitting cabinet ministers, which removes the separation of powers between executive and legislature and nullifies the ability of the latter to act as a check on the former.

The foregoing applies to all states that use the Westminster system, but there are certain aspects of this system's use in the Caribbean that warrant deeper explanation and analysis. As with all colonies, the Westminster system came to the British Caribbean through colonialism. Contrary to what some writers like Julian Go imply, the Westminster system was not set up *ex nihilo* in the Caribbean at the moment of independence but developed piecemeal over time.⁸¹ In Antigua, the foundations of the Westminster system are found in 'the old representative system', a mode of governance used in British Caribbean colonies from the mid-seventeenth to the mid-nineteenth centuries.⁸² Under the old representative system, executive power was vested in a governor appointed by and representing the Crown in England. The governor was held in check by a Crown-appointed Council of local landowners. At the same time, a small class of white, male, propertied voters elected an Assembly in each island that functioned as a legislature.⁸³ Here we can already see the foundations of a tripartite legislature which would later re-emerge in the form of an elected House, an appointed Senate, and a Governor/Governor-General.

But by the middle of the nineteenth century, the old representative system had become unworkable because of irreconcilable differences between the interests of the Governor (who controlled executive power and represented the interests of the British government) and the Assembly (which controlled finances and represented local interests). Attempts to resolve the impasse failed and led to the replacement of the elected Assembly by a wholly nominated Legislative Council. This happened in Antigua in 1897 but the same process happened throughout the Leeward Islands and other British Caribbean colonies between 1854 and 1897 with the exception of Barbados, ushering in a period of direct control from London called the Crown Colony System.⁸⁴

After WWI, there were heightened calls for greater representation in the Caribbean colonies. In 1921, Edward Wood (later Lord Halifax) reported on governance in the British Caribbean (as Parliamentary Under-Secretary of State for the Colonies). He recognised the inevitability

⁸¹ Go, "A Globalising Constitutionalism?", 74.

⁸² Gordon K. Lewis, "British Colonialism in the West Indies: The Political Legacy", *Caribbean Studies* 7, no. 1 (1967): 4.

⁸³ Cecil Kelsick, "Constitutional History of the Leewards", *Caribbean Quarterly* 6, no. 2/3 (1960): 185.

⁸⁴ Michael Collier, *Political Corruption in the Caribbean Basin*, (London: Routledge, 2013), 72.

of representative government in the Caribbean and recommended proactive but incremental reforms to that effect.⁸⁵ This began with introducing elected members to the Legislative Council and then increasing their number at the expense of appointed members. In the eastern Caribbean, this process began in 1924 in Dominica with an ordinance providing for the election of four members to the twelve-member Legislative Council. Further reform came in the wake of the 1939 West India Royal Commission's report, also known as the Moyne Report, which recommended political reform as part of an inquiry into social unrest in the region in the pre-war period.⁸⁶ In Antigua, reforms in the late 1940s created a partially-elected Legislative Council which functioned like a legislature and an appointed Executive Council that worked with the Governor to constitute an executive government. In 1956, the Executive Council was replaced by cabinet government, with ministers appointed by the Governor from both nominated and elected members of the legislature. In 1967, Antigua became an Associated State of Great Britain. The 1967 constitution provided for a bicameral Parliament with an appointed Senate as the upper chamber and an elected House of Representatives as the lower chamber. The member most able to command the confidence of the House had the right to become Premier and form a cabinet government from among fellow legislators. During this period some characteristic features of the Westminster system were absent. Most notably, the 1967 constitution contained no reference to an official Opposition; this only emerged de facto after the establishment of the Progressive Labour Movement and their entry into Parliament through by-elections in 1968 and was only codified in the 1981 constitution.

For most anglophone Caribbean states, independence involved codifying these existing arrangements into new constitutions. There was little demand or expectation that alternative constitutional frameworks would be introduced at the point of independence. Leading political figures in the earliest anglophone Caribbean states to secure self-rule, Jamaica and Trinidad (both in 1962), saw the Westminster system as both inevitable and desirable. In 1955, Eric Williams told a public audience that 'If the British constitution is good enough for Great Britain, it should be good enough for Trinidad and Tobago'.⁸⁷ In Jamaica, Norman Manley took a similar stance when he said, in 1962, 'Let us not make the mistake of describing as colonial, institutions which are part and parcel of the heritage of this country'.⁸⁸ For Manley, the Westminster system was not an undesirable colonial imposition but part of the fabric of Jamaican political culture. Writing in 1972, leading Jamaican political theorist

⁸⁵ Kelsick, "Constitutional History of the Leewards", 10.

⁸⁶ Mills, "Public Administration in the Commonwealth Caribbean", 10.

⁸⁷ Eric Williams, "Constitutional Reform in Trinidad and Tobago", *Teachers Educational and Cultural Association*, Public Affairs Pamphlet, 2 of 1955, 30.

⁸⁸ Proceedings of the Jamaican House of Representatives, 1961-62, January 24, 1962, 766.

Trevor Munroe similarly saw the political system used across the anglophone Caribbean as 'autochthonous'.⁸⁹ By the time the smaller colonies of the eastern Caribbean gained self-governance, it seems it was taken for granted by the political establishment that they too would adopt a Westminster-style constitutional framework. Later, as Antigua moved towards independence, there was some political debate over the finer points of this system. For example, the PLM's main spokesperson on the constitution draft process, Charlesworth Samuel, advocated, in vain, for a Senate elected by proportional representation. But in the run-up to and during the previously-mentioned 1980 Constitutional Conference the question of a constitutional framework different to the Westminster system was never seriously considered.⁹⁰

However, the Westminster system was not simply copied in the Caribbean. Even Eric Williams said that the system could and should be 'suitably modified' in Trinidad.⁹¹ These differences mainly came about because it was impossible or unnecessary for some aspects of the Westminster system to be applied to new states. The most obvious difference is that Caribbean states have codified constitutions, which the UK does not. This means that the constitution is the supreme law of Caribbean states, while in the UK parliamentary sovereignty is absolute. Another clear difference, in states with bicameral legislatures, is the make-up of the upper chamber. Caribbean upper houses - often called senates - are appointed after each general election.⁹² A majority of senators are appointed by the Prime Minister, while the Leader of the Opposition and Governors-General may appoint a minority. The UK's House of Lords, in contrast, involves an unfixed number of life peers, 92 hereditary peers, and 25 *ex officio* bishops. These variations between the original British system and later copies are what necessitate the definitional debates outlined above and explain why I refer to Antigua's political system as a *variant* of the Westminster model. As shown in this dissertation, some of these differences - particularly codified constitutions - have been of great significance when it comes to the history of corruption.

⁸⁹ Trevor Munroe, *The Politics of Constitutional Decolonisation: Jamaica, 1944-62*, (Jamaica: Institute of Social and Economic Research, University of the West Indies, 1972), 175-75.

⁹⁰ Records, summaries, and analysis of these debates can be found at the UK National Archives and include: "Development of an independence constitution for Antigua", FCO 44/2035, TNA; "Independence for Antigua - proposed separation of Barbuda", FCO 44/1757, TNA; "Antigua Independence - Secessionist moves in Barbuda", FCO 44/2034, TNA; "Independence for Antigua", FCO 44/1756, TNA; "Independence for Antigua (Constitutional Conference)", FCO 44/2170, TNA;

⁹¹ Paul K Sutton, "Westminster Challenged, Westminster Confirmed: Which Way Caribbean Constitutional Reform?", *Journal of Eastern Caribbean Studies* 38, no. 1/2, (2013): 67.

⁹² In some states, such as Dominica and St Kitts, Parliament is unicameral and appointed senators sit alongside elected representatives in a single chamber.

Corruption of Parliamentary Politics

Antigua's 1981 constitution is typical of the anglophone Caribbean. It was based on the 1967 Associated Statehood constitution which in turn was modelled on Jamaica's 1962 constitution.⁹³ The only aspects unique to Antigua's constitution relate to Barbuda's position within the twin-island state. The constitution establishes Antigua and Barbuda as a unitary parliamentary constitutional monarchy. Antigua has a King as a ceremonial head of state, represented by a Governor-General. Executive power is exercised by a cabinet government led by a Prime Minister. The Prime Minister is the leader of the largest party in the House of Representatives or the person able to command majority support in the House.⁹⁴ The Prime Minister forms a cabinet from among fellow legislators. As in the UK, Ministers may constitutionally be members of either house of parliament, though the vast majority in the period under review have been members of the House of Representatives. Some Caribbean constitutions place limits on the number of senators that may serve in cabinet (three in Dominica and two in St Vincent, for example) but Antigua's does not. However, in January 2023, Antiguan Prime Minister Gaston Browne stated he is 'not a fan of bringing individuals through the Senate to serve as ministers' indicating his intent to self-impose this restriction.⁹⁵

Antigua's parliamentary political system has created ample opportunities for corruption because the legislature has often been a rubber stamp institution with no effective means of holding the government in check. This results from the fact that in such a very small state, a majority of MPs have also been government ministers and members of cabinet. The principles of backbench oversight and legislative scrutiny, fundamental to parliamentary democracy, are therefore lacking. In larger states like the UK or Australia, government ministers are outnumbered by backbench MPs from their own party, let alone by MPs from other parties. This generates oversight by which government bills and ministers' conduct are scrutinised and challenged and, in some cases, blocked. This oversight is absent in Antigua and other very small states, effectively removing the separation between the legislature and

⁹³ Associated Statehood was conferred on Antigua by an Order in Council of February 22, 1967, authorised by the UK's 1967 West Indies Act. The Order was officially called the Antigua Constitution Order 1967, and Schedule Two to the Order comprised the island's new constitution. For the sake of clarity, throughout this dissertation I shall refer to this document as the Associated Statehood constitution or the 1967 constitution. It was repealed and replaced in November 1981 by the independence constitution.

⁹⁴ Constitution of Antigua and Barbuda, section 69, 2.

⁹⁵ The Caribbean Times, "Antigua-Politics-Prime Minister Browne names new Cabinet", *The Caribbean Times*, January 20, 2023, accessed May 13, 2023, <https://caribbeantimes.com/antigua-politics-prime-minister-browne-names-new-cabinet/>.

the executive, concentrating political power solely in the cabinet.⁹⁶ Cabinets can use this power to pursue corrupt interests through a multitude of interconnected means, the most important of which is control over legislation and public finances.

Governments with unchecked power can pass laws advancing private interests at the expense of public welfare. In Antiguan history, laws have been passed that: facilitate corruption; appropriate and distribute public finances for dubious purposes; or interfere with constitutional rights to advance political interests. A key example is the 1998 amendment to the Money Laundering (Prevention) Act, which restricted supervision of Antiguan banks and businesses, minimised domestic and international enforcement of money laundering policies, and heightened secrecy in Antiguan financial markets.⁹⁷ At the time, the Antiguan Labour Party (ALP) government was courting corrupt businessman Allen Stanford who, until his arrest in 2009, used Antigua as headquarters for a US\$8 billion ponzi scheme.⁹⁸

A second way executive dominance of the legislature has facilitated corruption is through control of finances. In accordance with the principle of 'no taxation without representation', public finances in Antigua are controlled by the House of Representatives.⁹⁹ This is common in many democracies, and may be a constitutional rule, a law, or a convention. In the UK, for example, several Parliament Acts as well as numerous conventions restrict the ability of the House of Lords to block, delay, or amend so-called money bills. For the same (but now largely anachronistic) reasons, in the US Congress only the House of Representatives may introduce revenue-raising (by constitutional provision) and appropriation (by convention) bills. But because Antigua's House of Representatives is dominated by the government, cabinet ministers have been able to raise and use public finances with no oversight. This has created opportunities for corrupt actors to exploit public resources.

For example, in January 1991 the ALP-dominated House approved a Supplementary Appropriation Bill giving the government EC\$1,486,751 to spend on ministerial vehicles.¹⁰⁰ This was in addition to already-allocated departmental funds which included transportation expenses. In the same bill, Minister for Ports Molwyn Joseph was given EC\$276,000 in

⁹⁶ Michael Collier, "Explaining corruption: An institutional choice approach", *Crime, Law and Social Change* 38, (2002): 16.

⁹⁷ William Baity (Acting Director), "FinCEN Advisory: Enhanced Scrutiny for Transactions Involving Antigua and Barbuda", *Fincen.gov*, April 1, 1999, accessed January 23, 2023, <https://www.fincen.gov/resources/advisories/fincen-advisory-issue-11>, np.

⁹⁸ For context, in 2008 Antigua's GDP was roughly US\$1.34 billion. *Securities and Exchange Commission v Stanford International Bank, Ltd, and others*, United States District Court, February 16, 2008, paragraph 1.

⁹⁹ Constitution of Antigua and Barbuda, 1981, section 53.

¹⁰⁰ "Squandermania?", *Outlet*, February 15, 1991, ANA, 2.

compensation for improvements he had made, in a private capacity, to a property he rented from the government.¹⁰¹ At the same time, EC\$881,801 was appropriated to pay for nine lawyers hired to advise the government (and defend Minister Vere Bird Jr) during the Blom-Cooper Inquiry, which will be discussed in chapter five.¹⁰² This figure seems excessive when the entire cost of Blom-Cooper's inquiry - including five months wages and accommodation for Blom-Cooper and his counsel Geoffrey Robertson, travel expenses, expert witness fees, and research and secretarial costs - only amounted to EC\$540,000.¹⁰³ In this one episode, the government used its unchecked control over public finances to give itself over EC\$2 million for the sake of ministerial comfort, to decorate a minister's house, and to defend another minister from a corruption inquiry. While these do not necessarily constitute acts of corruption, the fact that such large sums of money could be used without scrutiny demonstrates the wide opportunities available to potentially corrupt actors in Antiguan politics.

Sometimes, members of government can act in their ministerial capacity to distribute huge sums of public money with no oversight at all. In October 1995, Lester Bird, then Prime Minister, ordered EC\$8 million be removed from the Social Security Scheme's fixed deposit at Barclays Bank and transferred to Finance and Development Company Ltd, a business owned by the powerful Hadeed family in Antigua.¹⁰⁴ This was in direct violation of protocols stating that money allocated to or held for statutory bodies like the Social Security Scheme cannot be reallocated or spent without the express consent of Parliament. That Lester Bird was able to do this with no procedural checks demonstrates the high discretion vested in Prime Ministers by the Westminster system and shows how this power could be used for potentially corrupt purposes. It also raises questions about why other bodies, like the Public Service, managers of the Social Security Scheme, or even the banks involved were unable or unwilling to prevent this infringement of parliamentary procedure. Another prominent example, from 1989, includes Robin Yearwood - then minister for public utilities - giving US\$82,162 in promissory notes to MAW Industriale, an Italian company supposedly conducting 'auxiliary work' on a desalination plant in Antigua which was not completed by the time MAW went bankrupt.¹⁰⁵ As the journalist Tim Hector lamented, 'in any other country

¹⁰¹ "Squandermania?", 2.

¹⁰² "Squandermania?", 2.

¹⁰³ Blom-Cooper, reprinted in "What was the cost of the inquiry", *Outlet*, November 23, 1990, ANA, 2.

¹⁰⁴ Tim Hector, "The more they hustle, the more they want", *Outlet*, October 13, 1995, ANA, 1.

¹⁰⁵ International Promissory Note signed by Robin Yearwood, reproduced in "Hand in the cookie jar", *Outlet*, October 12, 1990, ANA, 2; Tim Hector, "Guilty on all counts", *Outlet*, October 12, 1990, ANA, 12.

Yearwood would have been summoned before Parliament and asked to recount', but this did not happen.¹⁰⁶

By giving cabinet unchecked control over Antiguan laws and public finances, sidestepping the legislature, the Westminster system in this small state has provided successive governments with opportunities for corruption. Personal greed, ambition, and partisanship have motivated politicians to repeatedly exploit these opportunities for private gain, even in contravention of public interest. But the corruption of Antigua's parliamentary systems does not fully explain systemic corruption in itself. The history of Antiguan corruption and anti-corruption must also consider the ways the civil service and judiciary have been manipulated and corrupted.

Corruption and the Public Service

A non-political, professional Public Service is a hallmark of the Westminster system.¹⁰⁷ It is usually defined as an impartial, expert, and permanent body of non-political staff which provides advice and support to the government and helps implement government policy.¹⁰⁸ This is sometimes called a 'constitutional bureaucracy'.¹⁰⁹ The establishment of such an institution in the anglophone Caribbean was taken for granted as part and parcel of the Westminster system.¹¹⁰ The impartiality of the Public Service is widely regarded as crucial. Minto-Coy has argued that a partisan Public Service will be more malleable to the political directorate, more willing to overlook breaches of codes of conduct or attempts to bend the rules of a state, and more conducive to a broader culture of political corruption.¹¹¹ However, political influence over the Public Service in the Caribbean has a long history that predates self-governance. After the emergence of ministerial government (1944 in Jamaica; 1956 in Antigua) public servants across the British Caribbean complained to the Colonial Office that

¹⁰⁶ Tim Hector, "Guilty on all counts", *Outlet*, October 12, 1990, ANA, 12.

¹⁰⁷ Throughout this dissertation I use the term 'Public Service'; this is synonymous with the more common British English 'civil service' but reflects anglophone Caribbean nomenclature and most legal terminology used in Antigua. Rod Rhodes, John Wanna, and Patrick Weller, *Comparing Westminster*, (Oxford: OUP, 2009), 7; Andrew Harding, "The 'Westminster Model' constitution overseas: Transplantation, adaptation and development in Commonwealth states", *Oxford University Commonwealth Law Journal* 4, no. 2 (2004): 146.

¹⁰⁸ Rhodes, Wanna, Weller, *Comparing Westminster*, 18-19.

¹⁰⁹ Rod Rhodes and Patrick Weller, "Westminster Transplanted and Westminster Implanted: Explanations for Political Change", in *Westminster Legacies: Democracy and Responsible Government in Asia, Australasia and the Pacific*, ed. Haig Patapan, John Wanna, and Patrick Weller, (Sydney: University of New South Wales Press, 2005), 7.

¹¹⁰ Rhodes, Wanna, Weller, *Comparing Westminster*, 161.

¹¹¹ Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", 45.

they were victims of attack in politicians' speeches and felt their careers could be endangered for political reasons.¹¹² By 1963, two commissions of inquiry in the region had identified and criticised political interference, intimidation, and/or sabotage of the Public Service.¹¹³ The politicisation of the Public Service in the Caribbean is clearly not a new problem. Warmington-Granston and Blake have provided an in-depth study of the Public Service in Jamaica and examined political interference in the service, beginning under Michael Manley in 1972 and continuing into the present.¹¹⁴ This dissertation provides the example of Antigua's Public Service, showing how it has often strayed from the impartial ideal and arguing that this has aided corruption.

In the anglophone Caribbean, many states distinguish between 'established' and 'non-established' workers in the Public Service. Established workers are appointed by Public Service Commissions (PSC) and their employment in Antigua is regulated by the 1984 Civil Service Act and the Civil Service Regulations of 1993. Non-established workers, sometimes called contract workers, are hired by departmental Permanent Secretaries, who act on authorisation from cabinet, and their work is regulated by the Antigua and Barbuda Labour Code (1975). Both established and non-established employment pose opportunities for corruption of the Public Service. This is particularly nefarious in small states like Antigua where 'diseconomies of scale' lead to a disproportionately large Public Service, thus expanding corruption possibilities.¹¹⁵

In principle, non-established workers were supposed to supplement the work of the permanent Public Service when additional capacity was required. In the early years of self-governance, as the role of the state exponentially expanded, the use of non-established workers was seen as a fast way to meet the responsibilities of a growing state in a quick and effective way.¹¹⁶ But recourse to non-established workers has not diminished and they have become a majority in the Antiguan Public Service. Data on the ratio of established to non-established workers in Antigua is limited and in 2019 the government itself admitted that

¹¹² Mills, "Public Administration in the Commonwealth Caribbean", 13.

¹¹³ "Report of the Commission Enquiring into the Control of Public Expenditure in Grenada during 1961 and Subsequently", Government Printery, St George's, Grenada, May 8, 1962; "Report of Commission of Enquiry into the Public Works Department of St. Vincent", Government Printer, St Vincent, September 1963.

¹¹⁴ Nicole Warmington-Granston and Damion Blake, "State-building in the Anglo-Caribbean", *Journal of Global South Studies* 37, no. 1 (2020), 121.

¹¹⁵ Max Everest-Phillips and Samuel Henry, "Public Administration in Small and Very Small States: How Does Smallness Affect Governance?", *International Journal of Civil Service Reform and Practice* 3, no. 2 (2018), 6.

¹¹⁶ Cosmos Phillips, "Bird Regime Lacks Will or Desire to Reform - Cosmos", *Outlet*, Oct 12, 1990, ANA, 8, [reprinted from *Business Expressions*.]

'basic employee data for non-established workers does not exist'.¹¹⁷ This dearth of data contributes to an environment of secrecy and misinformation in which corruption thrives.¹¹⁸ It also poses frustrating challenges for historians. Censuses and 'Labour Force Surveys' record the size of the public sector but do not differentiate between established and non-established employment. Recently, both the World Bank and Organisation of American States (OAS) have worked on the estimate that at least 55-60 percent of public sector workers are non-established.¹¹⁹

This proportion is far higher than in the rest of the eastern Caribbean where established workers constitute the 'core' of the Public Service and non-established workers are brought in to support this core where necessary.¹²⁰ Reforms in Dominica in 2006 saw the proportion of non-established workers decline from 47 percent to 23 percent; in Grenada and St Kitts they account for around a third of the Public Service; and in St Lucia and St Vincent, following efficiency and government spending reforms in the late 1990s, they make up only around 12 percent of the Public Service.¹²¹ This comparison shows two things. First, the use of non-established workers has been a common Caribbean issue, but Antigua stands out as an extreme case. And second, other states have successfully reformed their Public Service in ways that decreased reliance on non-established workers. The continued overuse of non-established workers in Antigua despite the demonstrable efficacy of reforms in similar states strongly suggests this overuse has been a deliberate long-term political choice.

There is no standardised system of recruitment or screening, particularly at lower levels of the non-established Public Service. All decisions about role advertising, dates of employment, pay, and position responsibilities are determined by the minister or cabinet collectively.¹²² Because of this, non-established positions can be used as the basis of

¹¹⁷ "Antigua and Barbuda: Final Report, 14 March 2019", Report by the Organisation of American States on the Mechanism for Follow-Up on the Implementation of the Inter-American Convention Against Corruption, adopted at the Thirty-Second Meeting of the Committee of Experts, Washington D.C, March 11-14, 2019, 11.

¹¹⁸ For a summary on this, see Peter Eigen, "Measuring and combating corruption", *The Journal of Policy Reform* 5, no. 4 (2002): 187-201.

¹¹⁹ "Implementation Completion and Results Report on a Loan in the Amount of US\$10 Million to Antigua and Barbuda for a Public and Social Sector Transformation Project (PSST), (P126791), March 28, 2018", The World Bank, March 28, 2018, accessed April 30, 2023, <https://documents1.worldbank.org/curated/en/657881523025783185/pdf/ICR4379-Replacement-PUB LIC.pdf>, 25; "Antigua and Barbuda: Final Report, 14 March 2019", 11.

¹²⁰ A. E. Wayne Mitchell, Ronald James, and Ann Marie Wickham, "Government Wage Bill Management and Civil Service Reform in the Eastern Caribbean Currency Union", *IMF Working Papers* vol 2019, no. 110 (2019): 14.

¹²¹ Mitchell, James, and Wickham, "Government Wage Bill Management and Civil Service Reform in the Eastern Caribbean Currency Union", 14.

¹²² "The Public Service Commission of Antigua and Barbuda", presentation by the Public Service Commission of Antigua and Barbuda to an OAS Team investigating the Implementation of the Inter-American Convention against Corruption, Antigua and Barbuda, September 2018, slide 13.

clientelist relationships, as currency to purchase votes, or they can be used to fill the Public Service with loyal partisan supporters. This often leads to dramatic exchanges of personnel when the party in government changes.¹²³ During a 2019 on-site OAS visit, civil society representatives complained that non-establishment positions had been 'hijacked by politicians and [have] been a tool for hiring political supporters.'¹²⁴ The OAS team explicitly stated that the endemic use of non-established workers was inconsistent with 'the principles of openness, equity, and efficiency provided in the Inter-American Convention against Corruption,' not least because of secrecy surrounding appointments and the absence of impartial merit-based employment procedures.¹²⁵ Both the World Bank and the OAS have strongly recommended the effective abolition of this two-tier system.¹²⁶

The political exploitation of non-established positions has also been a long-term political football in Antigua - heavily criticised for political point-scoring while in opposition but rarely acted upon when in power. In 1990, former ALP Attorney General Cosmos Phillips lamented that non-established workers 'consider themselves to be directly beholden to their appointers' and see their job as 'a reward for services already rendered to the appointer by way of support of the party in power or personal support to the appointer in advancing his political career.'¹²⁷ A year later, ALP critic Tim Hector complained that Antigua's public servants were 'the most dormant, docile and servile public servants in the English speaking Caribbean' because 'hundreds of public servants give their allegiance to the political feudal lords who employed them.'¹²⁸ The United Progressive Party's 1994 manifesto complained of poor standards in the Public Service and blamed this on 'excessive use of patronage, nepotism and political interference', accusing the ALP of 'creating special posts with special salary ranges as a political pay off to party supporters.'¹²⁹ Ten years later Alan Stanford's *Antigua Sun*, largely seen as politically neutral, echoed this complaint, claiming that:

the overloading of the non-established arm of the public service, has led, among many other negatives, to the emasculation of the civil service. The body has been reduced over the years from an influential, decisive and resourceful

¹²³ Matthew Bishop, *The Political Economy of Caribbean Development*, (London: Palgrave Macmillan UK, 2013), 96.

¹²⁴ "Antigua and Barbuda: Final Report, 14 March 2019", 7.

¹²⁵ "Antigua and Barbuda: Final Report, 14 March 2019", 11.

¹²⁶ "Implementation Completion and Results Report", The World Bank, 25; "Antigua and Barbuda: Final Report, 14 March 2019", 43.

¹²⁷ Cosmos Phillips, "Bird Regime Lacks Will or Desire to Reform - Cosmos", *Outlet*, October 12, 1990, ANA, 8, [reprinted from *Business Expressions*.]

¹²⁸ Tim Hector, "What Now Public Servants?", *Outlet*, September 27, 1991, ANA, 12.

¹²⁹ "A Manifesto for Meaningful Change", UPP Election Manifesto, 1994, ANA, 43.

arm of government to the current demotivated, submissive and, with some notable exceptions, downright mediocre cadre of functionaries.¹³⁰

Shortly after winning election in March 2004, UPP MP Jaqui Quinn-Leandro said the government was looking to reform the Public Service and abolish the distinction between established and non-established workers, but this did not happen.¹³¹ The fact that Antiguan politicians and activists have complained about the non-established Public Service since at least 1990 and that it continues to be criticised by domestic and international observers demonstrates what a long-term problem this has been. It also shows that no government has taken serious action to address the issue, despite repeated calls to do so. This has likely been because no government has voluntarily divested itself of a valuable source of patronage. This unwillingness of governments to self-impose restraints on the use of political power is one of the greatest challenges to anti-corruption efforts in Antigua and beyond.

In contrast to non-established workers, the hiring and firing of established workers is overseen by the Public Service Commission (PSC). Dedicated commissions regulating the Public Service have long been a feature of the Westminster system; in 1854, the Northcote-Trevelyan Report suggested Britain's Civil Service should be modernised and professionalised by removing political control and substituting an independent regulatory body.¹³² The elimination of political patronage and corruption was a key aim of these reforms and the Civil Service Commission was established a year later in 1855.¹³³ PSCs in the eastern Caribbean were first formally instituted by Associated Statehood constitutions in 1967 and then included in independence constitutions.¹³⁴ This institutional persistence differentiates the Caribbean from most former British colonies in Africa where British-mandated systems of Public Service independence have broken down, shifting from a Public Service to a "'presidential' service".¹³⁵ But though theoretically independent and impartial, Caribbean PSCs themselves have, according to Harold Lutchman, 'not proved difficult to manipulate or influence in politically partisan ways'.¹³⁶

¹³⁰ "Civil Service Must Relearn Management Role", *Antigua Sun*, April 6, 2004, ANA, 6.

¹³¹ Jamion Knight, "Gov't to End Two-Tier Public Service System", *The Daily Observer* (Antigua), June 22, 2004, ANA, 11.

¹³² Robert Pyper and June Burnham, "The British Civil Service: Perspectives on 'Decline' and 'Modernisation'", *The British Journal of Politics and International Relations* 13, no. 2 (2011): 199.

¹³³ Paul du Gay, "Machinery of government and standards in public service: teaching new dogs old tricks", *Economy and Society* 35, no. 1 (2006): 152.

¹³⁴ B. A. N. Collins, "Some Notes on Public Service Commissions in The Commonwealth Caribbean", *Social and Economic Studies* 16, no. 1 (1967): 6.

¹³⁵ Muna Ndulo, "Presidentialism in the Southern African States and Constitutional Restraint on Presidential Power", *Vermont Law Review* 26, no. 4 (2002): 783.

¹³⁶ Harold Lutchman, "Relations in the Civil Service in the Caribbean", in *Industrial Relations in the Caribbean: Issues and Perspectives*, ed. Samuel J. Goolsarran, (Port of Spain: International Labour Organisation, 2006), 161.

As set out in the constitution, Antigua's PSC consists of a chairperson and between two and six other members, who cannot be MPs or employed in the Public Service and must be Antiguan residents over the age of 25. Similar qualifications are found in other PSCs across the anglophone Caribbean, as are 'cooling off periods' which must come between a person's employment in the Public Service and their work on the PSC. Members of Antigua's PSC are appointed by the Governor-General for two-year terms on the advice of the Prime Minister, after consultation with the Leader of the Opposition.¹³⁷ This is standard across the anglophone Caribbean, though the two-year term is the shortest in the region (in Jamaica it is six years) and some states also require the Prime Minister to consult 'appropriate representative bodies'.¹³⁸ Before the 1981 constitution, the Governor made appointments based on the Prime Minister's advice alone. There are no checks on this appointment process and the Prime Minister's recommendations are not subject to parliamentary scrutiny or approval. Commissioners may only be removed from office because of an inability to do their work or because of 'misbehaviour'.¹³⁹ Questions of inability and misbehaviour are investigated by and decided upon by a tribunal appointed by the Governor-General, but such a tribunal can only be set up on the instructions of the Prime Minister.¹⁴⁰ Parliament, MPs, civil society organisations, and members of the public have no constitutional means by which to instigate removal procedures. Regardless of how the tribunal finds, the Prime Minister is constitutionally entitled to instruct the Governor-General to ignore the advice of an investigative tribunal if he so chooses.¹⁴¹ Moreover, exclusion clauses in many anglophone Caribbean constitutions put PSC decisions beyond the jurisdiction of the courts, meaning employees have no legal means of challenging decisions by a PSC, even if they believe them to be politically motivated.¹⁴² Moreover, in the case of cabinet secretaries, permanent secretaries, heads of government departments, and so on, the Prime Minister can veto PSC nominations.¹⁴³ This means all practical discretion over appointment and discipline of the PSC rests solely with the Prime Minister.

The degree to which Prime Ministers control the membership and function of PSCs across the anglophone Caribbean has raised significant doubts about its impartiality. These were articulated succinctly by George Eaton in relation to the PSC of Grenada: 'It is naive to

¹³⁷ Constitution of Antigua and Barbuda, 1981, section 99.1.

¹³⁸ See for example: Constitution of Grenada, 1973, section 83.(1).b; Constitution of Dominica, 1978, section 84.(1).b.

¹³⁹ Constitution of Antigua and Barbuda, 1981, section 99.4.

¹⁴⁰ Constitution of Antigua and Barbuda, 1981, section 99.6.

¹⁴¹ Constitution of Antigua and Barbuda, 1981, section 99.7.

¹⁴² See for example: Constitution of Jamaica, 1962, section 136.c.

¹⁴³ Constitution of Antigua and Barbuda, 1981, section 101.2.

suppose that persons appointed through a process of political patronage...will thereafter become immune to political sensitivities.¹⁴⁴ While most constitutions in the region require that the PSC is not 'subject to the direction or control of any other person or authority', in reality Prime Minister's ability to control the commission's membership and overrule its suggestions makes this an unrealistic ideal. As Derek O'Brien more recently argued in relation to established Public Service workers across the anglophone Caribbean, 'the possibility exists at each stage of their career for interference by a politically directed PSC'.¹⁴⁵ Like its regional counterparts, Antigua's PSC is therefore a public body with significant authority and influence but one that is 'not at arm's length from the government'.¹⁴⁶ When institutions like the PSC become partisan their real-world ability to act as a check on government excess and maintain an impartial Public Service becomes minimal.¹⁴⁷ This means that employment in the established Public Service is politically determined by proxy of a supposedly impartial commission. This is an example of an anti-corruption and good governance strategy that appears effective on paper but is ineffective in practice; the commission is merely a facade of impartiality behind which governments can hide whilst ensuring the Public Service remains a source of patronage and influence.

Different states have their own procedures for hiring and firing in the Public Service. In the UK, recruitment to the Civil Service has been devolved to a dedicated Civil Service Commission (CSC) since 1855. The 2010 Constitutional Reform and Governance Act codified this commission and re-established principles of civil service impartiality in statute. In the UK, most civil service positions are filled through standard open competition recruitment processes handled by other Civil Service staff while the CSC oversees recruitment to senior positions. Ministers can, with formally-stated reasons, ask the CSC to reconsider their nominations. Australia, New Zealand, and Canada have similar procedures. So all have some level of political influence but there is a degree of distance and a limit to the politician's influence. The key takeaway here is not that there should (or indeed could) be a complete disconnect between political interests and Public Service institutions. In a recent assessment of Civil Service impartiality in the UK, the Institute for Government explicitly said that 'The civil service is impartial but not independent of government...ultimately the civil

¹⁴⁴ George Eaton, "The Public Service Commission in Grenada", in *Governance in the Caribbean*, ed. Selwyn Ryan and Ann Marie Bissessar, (St Augustine, Trinidad and Tobago: University of the West Indies Press, 2002), 210.

¹⁴⁵ O'Brien, *The Constitutional Systems of the Commonwealth Caribbean*, 129.

¹⁴⁶ Errol Mendes, "Corruption: The Cancer of the International Bill of Rights - Democracy and Freedom of Expression, the Main Treatments?", in *Bridging the Global Divide on Human Rights: A Canada-China Dialogue*, ed. Errol Mendes and Anik Lalonde-Roussy, (Oxford: Ashgate Publishing, 2003), 297.

¹⁴⁷ Paul Sutton, "Democracy in the commonwealth Caribbean", *Democratisation* 6, no. 1 (1999): 71.

service is part of the government, and civil servants work for ministers.¹⁴⁸ Indeed, as Rose-Ackerman has stated, the goal should not be 'to isolate public administration completely from politics' but to 'find ways to mediate the relationship'.¹⁴⁹ This means building in layers of protection that insulate public servants from errant and unregulated abuse and politicisation by politicians. The complex political systems and long-established political cultures of states like the UK, Canada, and Australia have generated fairly robust layers of protection. In contrast, the young and unbalanced systems of Antigua (and other small states) and its polarised partisan culture have created a Public Service open to abuse. Efforts to introduce reforms like codes of conduct of public servants have not brought about significant changes in the region.¹⁵⁰

A final point on Antigua's Public Service concerns the issue of 'cross-over'. This is a common practice whereby non-established workers are 'converted' into established workers by the PSC at the government's request.¹⁵¹ In the process, the government waives recruitment criteria for an established position, does not put the vacancy out to public application and competition, and then recommends its chosen employee to the PSC which conducts the interview and appointment as a formality. Government data indicates that between 2013 and 2016 around a third of new appointments in the Public Service were made to employees already working as non-established personnel.¹⁵² This means that a third of the established Public Service was not appointed by open competition or on merit but by ministerial recommendation. This further points to a Public Service dominated by government influence. The 2019 OAS investigative team said cross-over 'has become a tool used to hire public officials that does not assure the openness, equity and efficiency' of the Public Service and noted that investigators 'did not have access to any legal framework' that legitimised or regulated cross-over.¹⁵³ Instead, it seems the PSC simply goes along with the cabinet's instructions, likely because the commissioners themselves are appointed by the Prime Minister.

The combination of government appointment of non-established workers and Prime Ministerial control over the PSC means the Public Service in Antigua has not been independent and neutral. This is a major long-running violation of a key characteristic of the

¹⁴⁸ Alex Thomas, "Appointed on merit: the value of an impartial civil service", *Institute for Government*, Insight Paper, May 24, 2023, accessed August 11, 2023, <https://www.instituteforgovernment.org.uk/publication/civil-service-impartiality>.

¹⁴⁹ Susan Rose-Ackerman, *Corruption and Government*, (Cambridge: CUP, 1999), 69.

¹⁵⁰ Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", 47.

¹⁵¹ "Antigua and Barbuda: Final Report, 14 March 2019", 11.

¹⁵² "Antigua and Barbuda: Final Report, 14 March 2019", 11.

¹⁵³ "Antigua and Barbuda: Final Report, 14 March 2019", 7.

Westminster system and has undermined a significant check on the use of political power. Governments in the Caribbean have routinely appointed partisan or personal supporters to key positions in the Public Service, often as payment for electoral support.¹⁵⁴ This damages governance because a partial Public Service is less likely to challenge ministers' actions, raise concerns about misconduct in office, or scrutinise potentially corrupt behaviour. But a partial Public Service has further damaging ramifications for a country. A politicised Public Service is more likely to contribute to poor policy outcomes because public servants under political influence or pressure will feel less able to discharge their functions in a neutral and unbiased way. Patrick Weller has pointed out that being a good public servant 'means telling ministers what they need to know, even when the news is bad and even when ministers may not want to hear it.'¹⁵⁵ But as Richard Mulgan more recently argued, excessive political influence over the Public Service will undermine its 'capacity to give ministers advice that is 'free and frank''.¹⁵⁶

As early as 1970, Gladstone Mills, the leading Caribbean writer on public administration, spoke of a 'sycophantic and malleable attitude' among Caribbean public servants.¹⁵⁷ He said 'fearful for their careers', public servants simply try to anticipate 'the advice which the minister wants to hear.'¹⁵⁸ The notion of an emasculated Public Service is deepened in places like Antigua where pay is worse than in the private sector or abroad, meaning positions attract fewer qualified and experienced applicants.¹⁵⁹ This accentuates an already existing problem of limited human resources inherent in small states.¹⁶⁰ But appointment to the Public Service based on partisanship rather than merit will also generate a less effective and more inefficient service. This is likely to increase costs and/or reduce delivery of public services. In developing states like Antigua which face sporadic disasters - particularly hurricanes - it is difficult to overstate the value of a Public Service able to respond quickly and effectively to emerging challenges and crises.¹⁶¹ The inefficient delivery of aid, brought about by inefficient public administration, has already been shown to have a detrimental impact on the lives of citizens in the developing world.¹⁶² The politicisation of the Public Service therefore not only damages good governance and facilitates corruption, it also has serious negative effects on the social and economic wellbeing of a state. This is another

¹⁵⁴ Bishop, *The Political Economy of Caribbean Development*, 96.

¹⁵⁵ Patrick Weller, *Don't Tell the Prime Minister*, (Melbourne: Scribe Publications, 2002), 64.

¹⁵⁶ Richard Mulgan, "Truth in Government and the Politicisation of Public Service Advice", *Public Administration* 85, no.3, (2007): 571.

¹⁵⁷ Mills, "Public Administration in the Commonwealth Caribbean", 14-15.

¹⁵⁸ Mills, "Public Administration in the Commonwealth Caribbean", 14-15.

¹⁵⁹ Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", 45.

¹⁶⁰ Bishop, "Slaying the 'Westmonster' in the Caribbean?", 425.

¹⁶¹ Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", 45.

¹⁶² Mills, "The English-speaking Caribbean", 347.

example of the multifarious ways political polarisation and the abuse of political power have damaging consequences that extend far beyond the immediate political arena.

It is also worth highlighting that the politicisation of the Public Service has a knock-on deleterious effect on how other public services are perceived. A case in point is a study of small state ombudsmen by Najmul Abedin which found that public confidence in the ombudsman declined when respondents knew they had had a long career as a public servant.¹⁶³ This is contrary to the assumed perception in states like the UK where a civil service career is often seen to be a marker of impartiality and the basis for public confidence. As chapter three will show, public confidence in public institutions is a key factor in explaining the success or failure of anti-corruption institutions.

As has been shown, politicisation of the Public Service has been a long-term issue in Antigua. Minto-Coy has rightly traced its roots back to the in-group versus out-group rivalries that developed in the pre-independence period in the anglophone Caribbean.¹⁶⁴ Michael Collier has gone even further and suggested that a truly impartial Public Service was never part of Caribbean political culture. Collier argues that during colonialism, the UK Colonial Office and Crown-appointed local administrations in the Caribbean were never professionalised and bureaucratised to the same degree as the UK Home Office and Civil Service.¹⁶⁵ Arguably, while 'a strong British Colonial Service standard of the separation of public office from private interest' did emerge after WWII, the political belief that the Public Service was a legitimate object of politicisation and a source of patronage had become ingrained by independence. This fact emphasises the need for anti-corruption reforms to be informed by detailed historical understandings of corruption and political culture.

A final consideration which helps explain why politicisation of the Public Service has been particularly extensive in Antigua is of the longevity of the ALP's time in office prior to 2004. Including the Associated Statehood period, until 2004 the ALP had been in power for 28 uninterrupted years. This longevity gave them unequalled opportunities to shape a Public Service heavily populated with partisan supporters. The interplay of longevity in office and politicisation of the Public Service has been extensively discussed in the wider literature. Rose-Ackerman said that 'countries emerging from a period of one-party or authoritarian rule face the challenge of creating a professional civil service.'¹⁶⁶ This was certainly true of

¹⁶³ Najmul Abedin, "The Ombudsman in a Micro State: Barbados", *Legal Studies Forum* 19, no. 4 (1995): 390.

¹⁶⁴ Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", 47.

¹⁶⁵ Collier, *Political Corruption in the Caribbean Basin*, 72.

¹⁶⁶ Rose-Ackerman, *Corruption and Government*, 70.

Antigua when the UPP entered government in 2004 after 28 years of ALP hegemony and helps explain the widespread criticism of Antigua's politicised Public Service at that time. In long periods of one-party dominance, senior and partisan public servants who have demonstrated staunch loyalty to the governing party can amass positions of influence and power, becoming 'gatekeepers' who control access to ministers and regulate the flow of information to other nodes of power in the Public Service, parliament, or government.¹⁶⁷ Pushed to an extreme, chronic politicisation of the Public Service can mean that 'the ruling party in the Anglophone Caribbean is indistinguishable from the state.'¹⁶⁸ While changes of government in 2004 and 2014 have arguably lessened the influence of this issue, the Westminster system's 'winner takes all' rationale gives governments a heightened ability to influence all aspects of a state's political system, including its Public Service. This ability can be used for corrupt purposes, either by creating an emasculated and subservient Public Service or by using jobs in the Public Service as a source of patronage and currency in clientelist exchanges.

Corruption and the Judiciary

Political influence applies to some parts of Antigua's judiciary. This matters because an independent judiciary is not only an essential characteristic of the Westminster system (and all democratic models), but it is also 'an acknowledged bulwark against executive excess' which 'can hold politicians to account.'¹⁶⁹ A weak judiciary can be both a consequence and a cause of corruption.¹⁷⁰ This is because the enforcement of laws and constitutional rights is 'entirely dependent' upon interpretation and application by a free and independent judiciary.¹⁷¹ Where the judiciary is not independent, application of the law or the constitution cannot be guaranteed to be fair. This is particularly important when it comes to constitutional rights that have an anti-corruption function, such as the right to a free press or to free and fair elections.¹⁷² In small states like Antigua, which have no effective legislative oversight, the

¹⁶⁷ Jessica Roitman and Wouter Veenendaal, "'We Take Care of Our Own': The Origins of Oligarchic Politics in St. Maarten", *European Review of Latin American and Caribbean Studies* 102, (2016): 73.

¹⁶⁸ David Hinds, "Beyond Formal Democracy: The Discourse on Democracy and Governance in the Anglophone Caribbean", *Commonwealth and Comparative Politics* 46, no. 3 (2008): 395.

¹⁶⁹ Harding, "The 'Westminster Model' constitution overseas", 146; Arif Bulkan, "Judicial Independence as an Indispensable Feature of the Rule of Law and Democracy: Implications for the Commonwealth Caribbean", in *Transitions in Caribbean Law*, ed. David Berry and Tracy Robinson, (Kingston: The Caribbean Law Publishing Company, 2013), 200.

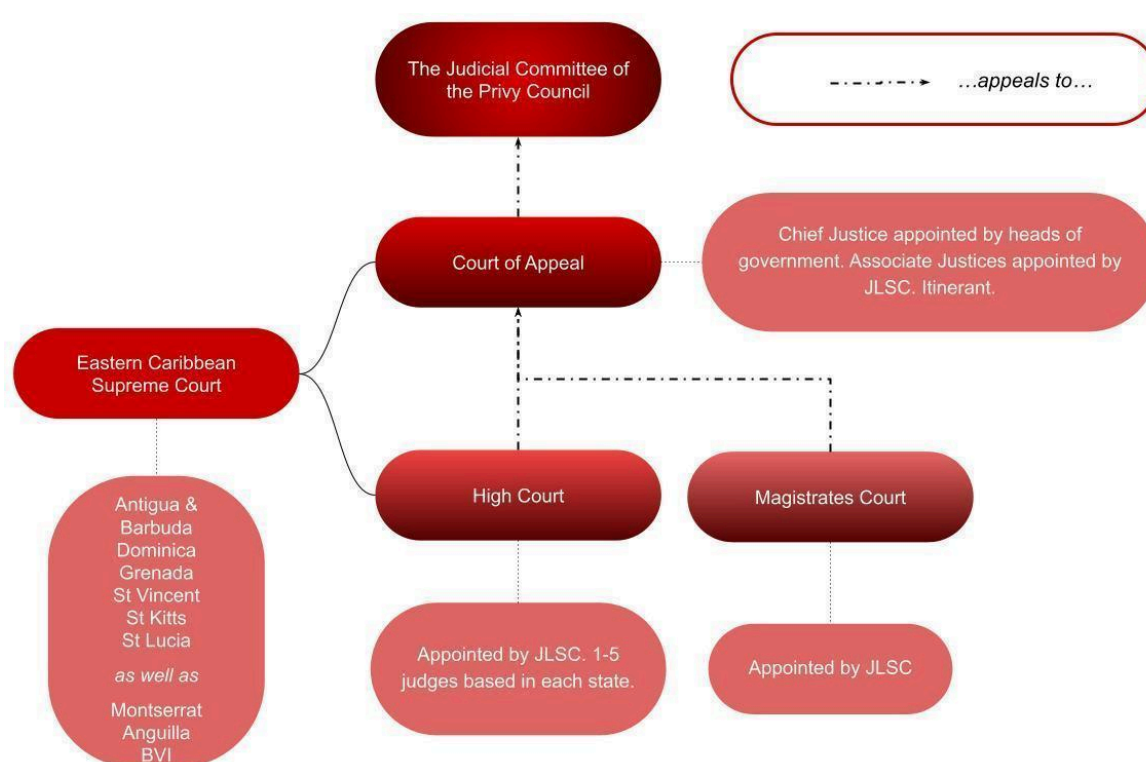
¹⁷⁰ Arvind Jain, "Corruption: a review", *Journal of Economic Surveys* 15, no. 1 (2001): 72.

¹⁷¹ Ninian Stephen, "Southey Memorial Lecture 1981: Judicial Independence", *Melbourne University Law Review* 13, (1982): 347.

¹⁷² For a review of constitutional interpretation by the JCPC and CCJ, see Derek O'Brien, "The Interpretation of Commonwealth Caribbean Constitutions: Does Text Matter?", in *The Oxford*

role of the judiciary in holding the executive branch of government to account is also made more vital. Equally, in societies where other avenues for grievance resolution (like the ombudsman, civil society organisations, and anti-corruption institutions) are lacking or underdeveloped, the judiciary can often be the public's only means of holding corrupt and/or quasi-authoritarian governments accountable. All of these factors feed into the cost-benefit analyses would-be corrupt actors undertake: if they expect punishment they will be deterred from engaging in corruption. Picking away at judicial independence has therefore been a long-term objective of corrupt actors in the Caribbean and across the world.

Image One: Antigua's Judiciary



Since 1967, Antigua's judicial system has been organised according to the West Indies Associated States Supreme Court Order.¹⁷³ This order established a common court structure for the six Associated States of the anglophone Caribbean created in 1967. The most junior courts are magistrate courts, based in each state, empowered to deal with summary offences. The superior court and court of record is called the Eastern Caribbean Supreme Court (ECSC). This court is headquartered in St Lucia and has jurisdiction in St Lucia, St Kitts, St Vincent, Grenada, Dominica, and Antigua, as well as Anguilla, Montserrat, and the

Handbook of Caribbean Constitutions, ed. Richard Albert, Derek O'Brien, and Se-shauna Wheatl, (Oxford: Oxford University Press, 2020), 555-591.

¹⁷³ Laws of Antigua and Barbuda, The Supreme Court Order, 1967.

British Virgin Islands (BVI). The ECSC has two divisions: the High Court, which consists of one or more High Court judges assigned to and permanently resident in each member state and the Court of Appeal which is itinerant and composed of a Chief Justice plus six justices of appeal. Despite its name, the ECSC is not the region's highest court and appeals from it can be made to the London-based Judicial Committee of the Privy Council (JCPC; with the exception of Dominica and St Lucia which use the Trinidad-based Caribbean Court of Justice).

The issue of judicial appointment and tenure has been a matter of extensive inquiry and discussion in the Caribbean, as it has in all societies where judicial independence must be balanced with accountability.¹⁷⁴ The ECSC Chief Justice is appointed by a unanimous vote of the heads of government of the six member states while all other judges are appointed by a single Justice and Legal Service Commission (JLSC). Different appointing authorities for the chief justice and puisne judges is typical across the Caribbean.¹⁷⁵ Political control over the Chief Justice is significant for two reasons: first, this is the most senior office in the ECSC and has control over the court's procedure and schedule; and second, the Chief Justice plays an important role in appointing other justices. It is important therefore that the ECSC Chief Justice is an independent and meritocratic appointment, but this has not always been the case. The most notable example of political interference came in 2005-2008 when Grenada refused to approve the appointment of Brian Alleyne as chief justice of the ECSC. Alleyne was a Dominican politician and judge who, while a High Court judge in Grenada, had made several rulings against the government, leading some to speculate that that was why the Grenadian government blocked his appointment.¹⁷⁶

Vacancies for all other judgeships are advertised and applications are processed by the JLSC which consists of five members. The chairperson is the Chief Justice who, as just outlined, is a political appointment. The second commissioner is a sitting ECSC judge, chosen by the Chief Justice. A third commissioner must be a judge from a Commonwealth jurisdiction, chosen by the chief justice and approved by a majority of the heads of government in the ECSC states. The final two positions are filled by the chairpersons of Public Services Commissions from two of the ECSC member states, on rotation. These latter chairpersons are themselves appointed by the Prime Minister of their respective

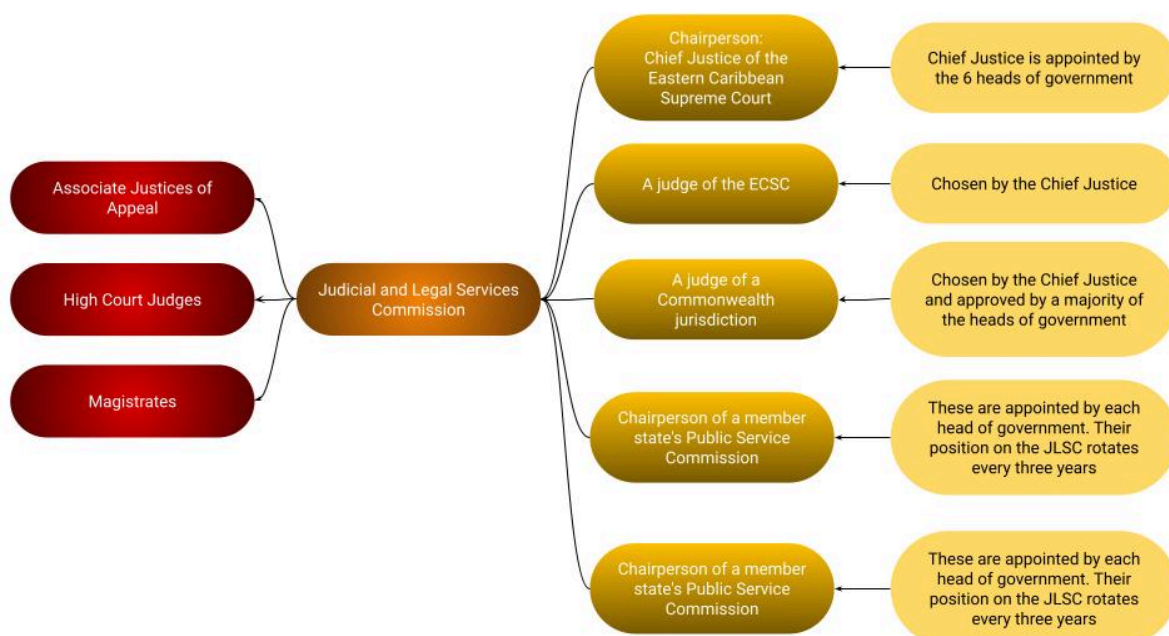
¹⁷⁴ David Simmons, "Aspects of Judicial Independence and Accountability - Lessons for the Commonwealth Caribbean?", *Commonwealth Law Bulletin* 33, no. 4 (2007): 657.

¹⁷⁵ Bulkan, "Judicial Independence as an Indispensable Feature of the Rule of Law and Democracy: Implications for the Commonwealth Caribbean", 201.

¹⁷⁶ Bulkan, "Judicial Independence as an Indispensable Feature of the Rule of Law and Democracy: Implications for the Commonwealth Caribbean", 205.

country. There is, therefore, a significant degree of political influence over the membership of the JLSC, raising the question of how impartial such a commission can be when so many of its members are appointed or approved by the region's Prime Ministers. This level of political influence led the ECSC-appointed Dumas Task Force, commissioned to look into the operation of the JLSC, to conclude in 2000 that the commission was widely seen as a 'legal fiction' and 'rubber stamp' that invariably went along with the will of the Chief Justice, himself appointed by the heads of government.¹⁷⁷ By extension, this means that ECSC cannot realistically be seen as a politically independent court. This must be borne in mind when considering the rulings of the High Court and Court of Appeal in cases involving the Antiguan government.

Image Two: The Judicial and Legal Services Commission



Concerns about judicial appointment and tenure have been a long-term and widely discussed topic of conversation in the wider Caribbean. In fact, outside the ECSC, politicisation of the judiciary has sometimes been even more direct. A clear marker for politicisation and a warning against free-minded judges in the region was set in 1970 in Trinidad after the Court of Appeal ruled against the government in a landmark case brought

¹⁷⁷ Reginald Dumas, "Report of the Task Force to examine the structure and function of the Judicial and Legal Services Commission in the OECS", (9 February 2000 St Lucia), 6, quoted in "Report of the Committee on Judicial Appointments", Law Association of Trinidad and Tobago, June 2018, accessed November 7, 2023, <https://lawassociationtt.com/wp-content/uploads/2018/06/FINAL-REPORT-OF-THE-LATT-COMMITTEE-ON-JUDICIAL-APPOINTMENTS.pdf>, 38.

by leaders of an attempted military coup. Following their ruling, the careers of all three justices of appeal were retarded: the then-acting Chief Justice was passed over for appointment to the permanent post in favour of a judge in whom the Prime Minister had publicly expressed personal confidence; the then-acting Justice of Appeal was returned to the High Court by the JLSC and shortly afterwards took up a professorship at the University of the West Indies; and the third judge also left the profession to become Director of Legal Education in the region.¹⁷⁸ As Keith Patchett, former Professor and Dean of Law at the University of the West Indies, observed soon afterwards, 'Overnight a great court has disappeared: the Government's lack of confidence (to put it at its most kindly) and its disappearance do not seem coincidental.'¹⁷⁹ This episode set a loud and clear precedent for a high degree of political interference in the judiciary in the Caribbean, even with the superficial cover of a supposedly independent commission. Similar examples may be seen: in the Bahamas in 1988 when the Prime Minister extended the Chief Justice's tenure but 'forgot' his requirement to consult the Leader of the Opposition; and in Barbados in 2012 when the Chief Justice said Prime Minister Simmons was blocking his tenure extension for political reasons.¹⁸⁰ In his contemporary commentary of the 1975 Trinidad scandal, Patchett emphasised that while pressures of career security were common throughout the world, they are substantially more intense in small states 'where the protective devices, legal, constitutional, political, press, are significantly less effective'.¹⁸¹

Antigua itself has featured prominently in the regional history of judicial politicisation. Here there is even material evidence that interference in the justice system by the executive was seen as a legitimate and realistic political strategy. In May 1996 Ronald Sanders, Antigua's High Commissioner in London, sent a memo to Prime Minister Lester Bird with a series of recommendations to strengthen the governing ALP, including a suggestion the government 'use its influence with the Courts to appoint a special judge to speed up libel and other related matters' brought against opposition newspapers, campaigners, and politicians.¹⁸² While there is no evidence this recommendation was implemented, its mere existence demonstrates that leading government figures and close allies of the Prime Minister saw politicisation of the judiciary as a legitimate and practicable political objective. This is an example of pernicious polarisation, whereby quasi-authoritarian government conduct is perceived to be just and necessary in the cause of in-group supremacy.

¹⁷⁸ Keith Patchett, "Legal Problems of the Mini-State: The Caribbean Experience", *Cambrian Law Review* 6, (1975): 65.

¹⁷⁹ Patchett, "Legal Problems of the Mini-State", 65.

¹⁸⁰ See: O'Brien, *The Constitutional Systems*, 200-201.

¹⁸¹ Patchett, "Legal Problems of the Mini-State", 65.

¹⁸² Douglas Payne, "The Failings of Governance in Antigua and Barbuda", *Centre for Strategic and International Studies*, Policy Papers on the Americas, vol x, study 4 (1999): 27.

Former members of the ECSC themselves have suggested that political influence has been a significant factor in important judgements, particularly when a government has been involved. In a speech in 2007, former ECSC judge, Justice Don Mitchell, commented that on the ECSC 'We have had our share of judges who have taken shelter under silly technicalities in order to avoid possibly embarrassing the government.'¹⁸³ In particular, Michell pointed to a drawn-out legal battle beginning in 1985 between journalist Tim Hector and the Antiguan government which had accused Hector of breaking public order with an article he published in *Outlet*. This case was a prime example of a lower court finding in favour of the Antiguan government and failing to uphold the constitutional right to free speech. Chapter three explores this case in more detail when it discusses the JCPC as an anti-corruption safeguard.

Other countries with similar judicial systems have not seen such prominent instances of alleged politicisation. In the UK, until 2005 the Lord Chancellor was explicitly tasked with championing judicial independence from within government, though this raised some questions about the legitimacy of an office that straddled both executive, legislative, and judicial functions. Since 2005, judicial independence in the UK has been guarded by a plethora of well-resourced and well-respected institutions, including: the Judicial Office, the Judicial Appointments Commission, the Judicial Appointments and Conduct Ombudsman, the Courts Service, and the Judicial Conduct Investigations Office, not to mention Parliament and a range of non-state actors like the media and legal or human rights focused CSOs.¹⁸⁴ These bodies scrutinise the judiciary and serve as a check on the UK's Judicial Appointments Commission - the UK equivalent of the eastern Caribbean JLSC. Further afield, the balance between judicial accountability and judicial independence has swung firmly in favour of independence, with little to no political oversight or input. A prime example has been Italy's judicial council which, since 1958, has controlled almost all aspects of judicial appointment and promotion; through reforms following scandals in the 1990s slightly increased the Italian parliament's influence on the council. The French High Council of the Judiciary is similar and this French-Italian model of judicial councils has been advocated by international organisations like the World Bank as a template exported to many developing

¹⁸³ Justice Don Mitchell, "40 Years of the Eastern Caribbean Supreme Court", ECSC Papers and Presentations, *Eccourts.org*, accessed April 28, 2023, <https://www.eccourts.org/40-years-of-the-eastern-caribbean-supreme-court-by-justice-don-mitchell-ret-d/>.

¹⁸⁴ For a detailed assessment of judicial independence in the UK and the role of these safeguards see: Graham Gee, Robert Hazell, Kate Malleson, and Patrick O'Brien, ed. *The Politics of Judicial Independence in the UK's Changing constitution* (Cambridge, Cambridge University Press, 2015).

countries.¹⁸⁵ Antigua's judicial system, and that used across the anglophone Caribbean, may therefore be seen in a similar light as the Westminster constitutional framework: a system designed and adapted for use in the UK which has then been transplanted to former colonies, including small and polarised states for which it is poorly suited, giving rise to issues of political interference and corruption.

Antigua's constitutional framework has given the government the means to influence judicial appointments and tenure, potentially informing the conduct of those judges. But it should also be considered how Antigua's polarised partisanship has influenced the behaviour of judges in the past. As mentioned, since 1967 Antigua has been a deeply divided society, perniciously polarised into absolutist and hostile groups of party affiliation. Partisan violence, victimisation, and intimidation have been so common that it is highly likely that members of the judiciary have been subject to such actions. So far this topic has received insufficient attention from Caribbean historians and political scientists, possibly because it is a daunting subject: evidence on judicial subjectivity is lacking, not least because judges are unlikely to willingly besmirch their own record by admitting to political intimidation; and to question the objectivity of the courts is to throw the whole judicial system into doubt and that necessitates extensive and expert examination in its own right. But some scholars have highlighted the particular challenges faced by judges in a personal capacity in small states. Again, Patchett identified some of these as early as the 1970s, saying it was 'not possible to remain anonymous or even easy to avoid the public eye. Not only are the personal characteristics of a Judge likely to be well-known in the community but sometimes there is an unhealthy interest in them.'¹⁸⁶ This has certainly been true of Antigua where the identity and personality of magistrates and resident High Court judges are well known, with none of the anonymity expected of courts predicated on English legal tradition.

More recently, Wouter Veenendaal has emphasised the small state challenge to the judiciary, examining the 'formidable pressure' under which it must operate in St Kitts.¹⁸⁷ Similarly, scholars of Caribbean political systems - especially Derek O'Brien and Cynthia Barrow-Giles - have forefronted judicial independence as a priority in constitutional reform in the region.¹⁸⁸ Around the same time, the President of the Caribbean Court of Justice, Sir

¹⁸⁵ Nuno Garoupa and Tom Ginsburg, "Guarding the Guardians: Judicial Councils and Judicial Independence", *The American Journal of Comparative Law* 57, no. 1 (2009): 109.

¹⁸⁶ Patchett, "Legal Problems of the Mini-State", 64.

¹⁸⁷ Wouter Veenendaal, "Size and institutional legitimacy: the case of St Kitts and Nevis", *Commonwealth and Comparative Politics* 51, no. 3 (2013): 355.

¹⁸⁸ O'Brien, *The Constitutional Systems of the Commonwealth Caribbean*, 198; Cynthia Barrow-Giles, "Regional trends in constitutional developments in the Commonwealth Caribbean", (Conflict Prevention and Peace Forum paper, 2010), accessed January 12, 2022,

Denis Byron, hinted at some of these issues, saying 'In a small community the judge is always under public scrutiny. He or she is always recognised as the judge.'¹⁸⁹ This is a striking assertion by a senior Caribbean judge and testifies to the fact that intimidation in the small state context is recognised as a problem even within the judiciary itself. In 2023, the Chief Justice of the Supreme Court of the Bahamas was obliged to speak out publicly, saying judges 'will not be intimidated' after Prime Minister Gonsalves of St Vincent was seen to criticise lenient judges at a CARICOM meeting.¹⁹⁰ This kind of political interference and intimidation must be recognised if historians are to fully understand how and why Caribbean justice systems have functioned as they have.

But a judicial system does not only involve judges. Historians should recognise that the same pressures of political intimidation and victimisation apply also to jurors. Indeed, these pressures may be substantially heavier for jurors and could influence their verdicts. When the government or a minister is party to judicial proceedings, job security could inform jurors' thinking. This is because the government has always been one of Antigua's main employers, relied upon as 'employer of last resort', as is typical in much of the Caribbean. Moreover, many Antiguan ministers have been major business owners and employers in a private capacity. In any criminal case involving the government, it is statistically very likely that multiple jurors will be employed by the government or a government minister. This can be used as leverage to intimidate jurors into yielding pro-government verdicts. This may be especially salient during periods of economic downturn, such as the mid 1970s, when job security is a priority.¹⁹¹ In particularly high-profile cases, jurors may also feel concern for their personal safety if they fail to deliver a pro-government verdict. Again, this is a serious implication which requires extensive examination by historians and political scientists. It means that the judiciary cannot, in Rose-Ackerman's phrasing, credibly play the role of 'watchdog' and fails to hold the other branches of government to account.¹⁹² These factors of judge and jury intimidation will be showcased in chapter five.

file:///home/chronos/u-6822efa045868317f2f5c6ddf3b1a82c3904ca36/MyFiles/Downloads/Constitutional_Development_in_the_Commonwealth_CaribbeanshorterversionUN.pdf. 16.

¹⁸⁹ Denis Byron, "Judicial Temperament", remarks made at The Barbados Annual Judicial Retreat, Bridgetown, Barbados, August 2-3, 2012, accessed July 28, 2023, https://ccj.org/wp-content/uploads/2021/03/Remarks-by-the-Right-Honourable-Sir-Dennis-Byron-at-the-Barbados-Annual-Judicial-Retreat-2012_-20120802.pdf, 3.

¹⁹⁰ "Chief Justice: "We Will Not Be Intimidated"", *OurNews* (Bahamas), April 21, 2023, accessed July 28, 2023, <https://ournews.bs/chief-justice-we-will-not-be-intimidated/>.

¹⁹¹ Lester Bird, "The Revolution is Here and is Continuing", address to Rotary Club, Antigua and Barbuda, September 23, 1981, ANA, 5; Payne, "The Failings of Governance in Antigua and Barbuda", 9.

¹⁹² Rose-Ackerman, *Corruption and Government*, 156.

Conclusion

During the parliamentary debate on the draft constitution in 1980, Attorney General Keith Forde conceded that 'any constitution would depend on who was in power and how it was used' and that 'that risk had to be taken'. The survey of Antigua's post-colonial political system explored in this chapter indicates that this risk was indeed great and far too high for any citizen expecting good governance and a politics free from corruption. The constitutional settlement arrived at in 1980, building on the one already extant in Antigua and used across the anglophone Caribbean, inadvertently set up a political system in which bad-faith political actors could effectively and fruitfully pursue corruption. This was largely because the Westminster system, without substantial changes, is poorly suited to very small states. Small parliaments - 17 MPs in the case of Antigua's House of Representatives - are easily dominated by cabinet governments and have been rendered rubber stamp institutions. In such settings governments can pass legislation without oversight, control the business of the legislature, determine the direction and resources of other public bodies, and allocate public resources as they wish. All of this happens without any meaningful parliamentary scrutiny or possibility of amendment or veto. Combined with the first-past-the-post voting system and Antigua's polarised politics, this framework has often resulted in what can be termed 'elected dictatorships' - governments which once elected to power wield almost unlimited and unchecked power.¹⁹³

This chapter has shown how these elected dictatorships in Antigua have used the powers and the discretion granted to them by the constitution to prioritise personal and partisan interests above the public good, and that this is not restricted to the direct use of political power through parliament, but has also influenced the makeup of Antigua's other constitutional institutions like the Public Service and the judiciary. This is particularly insidious because these other institutions have roles as checks and balances on the power of government. In particular, an independent judiciary is essential as the only institution that can overrule government action. Where Parliament is weak and civil society underdeveloped, this function becomes of paramount importance. By undermining the independence and integrity of these auxiliary institutions, governments have further removed themselves from accountability and institutional restraint. This has happened despite the trappings of seemingly-independent appointment and discipline commissions and procedures, supposedly designed to keep the institutions at arm's length from politics.

¹⁹³ For a detailed examination of elected dictatorships in the Caribbean, see Selwyn Ryan, *Winner Takes All: The Westminster Experience in the Caribbean*, (St. Augustine: University of the West Indies Press, 1999).

Politicisation has also had a deleterious effect on the delivery of public services and justice, as public officers are appointed because of corrupt or partisan interests, rather than merit. This exemplifies the way corruption seeps into every aspect of a state's experience, with damaging consequences.

The problems identified in this chapter, however, are not unique to Antigua. Indeed, the issues of an enfeebled legislature, excessive Prime Ministerial discretion, and politically-influenced auxiliary institutions are theoretically inherent in the Westminster system. But in larger states these vulnerabilities are guarded against by backbench oversight, an effective upper house, energetic and well-resourced civil society organisations, and rigorous and well-established rules or conventions concerning civil service impartiality and judicial independence. In small and developing states like Antigua these provisions do not exist, or at least do not exist in a manner sufficient to counter the domineering authority of elected dictatorships. Instead, what begin as vulnerabilities are pushed and prodded to such an extent that they become fatal to good governance and anti-corruption. When used in a small state, the Westminster system thus has the capacity to become a vehicle for corrupt government, directly giving politicians the means to exercise power for private gain rather than common interest.

But it would be wrong to assume that there is necessarily anything inevitable about the Westminster system leading to corruption in a small state. Just because the constitution gives political elites the means to pursue private interest above public welfare does not mean corruption is the default state of Antiguan governance. Instead, one must consider the role of Antigua's politics and its polarised partisanship as a motivator for corruption. The following chapter two will demonstrate that it is Antigua's culture of personalised and polarised politics that has often encouraged politicians to use their positions for partisan or personal gain and which has seen generations of Antiguanians tolerate or even support corrupt politicians, accepting and thus perpetuating endemic corruption.

Chapter Two: Partyism and Polarisation

In the closing pages of his 2019 memoir, Lester Bird reflected on nearly seventy years of Antiguan democracy:

I have concluded that the fight for political power between political parties has the potential to destroy democracy, to terminate friendships and comradeship, to ruin years of development and to endanger the well-being of a nation's people. The *realpolitik* put to work in order to secure victory causes traditions to be thrown into the dustbin of personal ambitions.¹⁹⁴

This assessment provides a revealing window through which to assess Antiguan post-colonial political culture and it speaks to many of the key arguments of this chapter. Most strikingly, though he had been a key player in Antigua's politics, by the end of his life even Lester had come to see it as perniciously polarised. Existing social and political science scholarship has examined the nature and process of polarisation, often building on foundational theories of in-group versus out-group social sorting and competition. More recently, it began to link polarisation and political corruption. In particular, efforts to understand why voters re-elect corrupt politicians have resulted in three broad explanations: information bias; vote-buying; and rational choice. Each of these has been heavily influenced by an individual's partisanship, as well as the influence of patronage networks and a politically-biased national media. At the same time, embedded polarisation has undermined confidence in anti-corruption institutions whilst boosting absolutist support for leaders of one's in-party. While the Westminster system, as used in a small state, has given politicians the means of corruption, the long-term embedded nature of systemic corruption cannot be fully understood without a historically-informed appreciation of Antigua's polarised partisanship.

In the above quotation, Lester not only acknowledges polarisation as the dominant feature of Antiguan politics, but he points to the struggle 'between political parties' as the basis of this polarisation. There are many axes by which societies can be polarised. The most common in western democracies is a left-wing versus right-wing socio-economic ideology, but others include ethnic divides, religious differences, competing visions of nationhood, or struggles for independence. In Antigua, polarisation is predicated entirely on the oppositionalism between

¹⁹⁴ Lester Bird, *The Comeback Kid*, (Antigua: self-published, 2019), 219.

two political parties: the Antigua Labour Party (ALP) and the main opposition party (currently the United Progressive Party). Ideology or policy differentiation have been conspicuously absent from Antiguan political rhetoric and practice, as they have to varying extents from much of the anglophone Caribbean. Instead, party-party rivalry has focused on the personalities of party leaders, the morality of party supporters, and entrenched networks of patronage, loyalty, and dependency. This party-centred approach to political practice is called 'partyism'- a *raison d'être* of party survival and empowerment at any cost. Partyism feeds into corruption by underpinning a strong and absolutist form of polarisation through which corruption by in-group politicians is tolerated while allegations by any who go against the party (including formally-constituted anti-corruption institutions) are rejected as assaults on the party at large.

Lester's quotation also recognises the damaging effects polarisation has had on Antigua. He points to social discord, poor governance, and even democratic backsliding, revealing not just polarisation, but 'pernicious polarisation'¹⁹⁵ With reference to historical examples, this dissertation demonstrates that pernicious polarisation has the capacity to accentuate and embolden corruption by encouraging quasi-authoritarian politics and heightening public tolerance of corrupt and unconstitutional government. Such analysis reveals that it is impossible to understand Antigua's history of corruption and anti-corruption without first recognising the nature and history of its polarised political culture.

The Roots of Antigua's Political Culture

Antiguan political culture is predicated on the schism between the ALP and the opposition, which started in 1967. As discussed in the introduction, Antiguan popular politics prior to 1967 was dominated by the Antigua Trades and Labour Union (ATLU) and its political arm, the ALP. But through the 1950s and 1960s, the synergy of union and government leadership caused unrest among union members who felt the needs of the working class were being subordinated to government objectives and the interests of (usually foreign and white) economic elites. This overlap of union and government leadership roles in Antigua has been called the 'two hats problem'.¹⁹⁶ As the two hats problem became more apparent, some union

¹⁹⁵ Jennifer McCoy, Tahmina Rahman, and Murat Somer, "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities," *American Behavioral Scientist* 62, no. 1 (2018): 16-42.

¹⁹⁶ The terminology of "two hats" was probably coined by Keithlyn Smith, a member of the Antiguan labour movement in: Keithlyn Smith, *No Easy Push-o-ver*, (Scarborough, Ontario: Edan Publishers, 1994), 135.

members shifted support away from Bird and towards the more radical union General Secretary, George Walter. In 1967, Bird pushed an order through the union's executive, expelling Walter and several leading union figures, including Donald Halstead. Bird presumably expected Walter to disappear from Antiguan politics, as had been the case in his earlier purges.¹⁹⁷ But Walter and other ousted members formed a new union, the Antigua Workers Union (AWU) which drew up to 70 percent of the ATLU's membership.¹⁹⁸ A year later, the Progressive Labour Movement (PLM) was founded as the political arm of the AWU, with the objective of opposing the political dominance of V. C. Bird and his fellow ATLU-ALP leaders. The PLM was victorious in by-elections in 1968 and won the 1971 General Election, ending two decades of ATLU-ALP hegemony.

From its inception, this schism of the labour movement was deeply hostile and both sides couched it in a discourse of treachery. Such rhetoric was officially sanctioned, featuring prominently in party literature. Even the ALP manifesto for 1971 accused PLM members of 'vindictiveness, subversion or treachery' while the ALP was held as a bastion of 'sincerity and dedication'.¹⁹⁹ The initial reasons for this hostility were different for each side. From the AWU-PLM perspective, V. C. Bird had betrayed the working class by deviating from his earlier socialism and expelling George Walter. From the ATLU-ALP perspective, George Walter and his new movement had betrayed the man and the organisation that had worked successfully since 1939 to bring workers' rights and democratisation to Antigua. Antigua is unusual in the anglophone Caribbean in that it had just one popular political party for such a long period; ATLU leaders were first elected to the colonial legislature in 1946, while the PLM only emerged in 1967. This makes Antigua distinct from most Caribbean states where multi-party politics have much longer pedigrees.²⁰⁰ There was therefore a long time in which the ATLU/ALP was the only voice for working people and in that time a sizable core of the

¹⁹⁷ A series of purges and/or withdrawals from the ATLU followed Bird's assumption of the presidency in 1943, including Ahley Kirwan, chairman of the Factory Branch, and Musgrave Richards, editor of union's newspaper *The Workers' Voice*. In 1948, the then General Secretary Samuel James was ousted after he criticised Bird's leadership, and the so-called "Jamesian Faction" soon followed, moving into political obscurity. See for example: Novelle Richards, *The Struggle and the Conquest: Twenty Five years of Social Democracy in Antigua*, (St Johns: Self-published, 1964), 66; Henry, *Shouldering Antigua and Barbuda*, 146.

¹⁹⁸ Nigel Bolland, *The Politics of Labour in the British Caribbean: The Social Origins of Authoritarianism and Democracy in the Labour Movement*, (Kingston: Ian Randle Publishers, 2001), 600; P-Kiven Tungteng, "Reflections on Labour and Governing in Antigua", *Caribbean Studies* 15, no. 2 (1975): 53.

¹⁹⁹ Antigua Labour Party Election Manifesto, 1971, PP.AQ.PL.M.1, SHL, 2.

²⁰⁰ For example, in St Lucia the Labour Party was founded in 1950 and the People's Progressive Party in 1951; in St Vincent the People's Political Party and the St Vincent Labour Party were founded in 1952 and 1955 respectively; Jamaica's People's National Party was founded in 1938 and Jamaica Labour Party in 1943.

population developed very close personal and emotionally-imbued ties with the union-party. For them, an attack on Bird or the ATLU/ALP was taken as a personal assault.

In the longer term, hostility between the ALP and the opposition was predicated on more systemic and deep-rooted issues. The first of these was the well-established Antiguan notion of what is known locally as bad-mindedness. This concept has deep roots in Antiguan culture and has been a powerful component in Antiguan oral history, political discourse, literary and intellectual tradition, and arises frequently in common parlance.²⁰¹ In Antigua, accusations and assumptions of bad-mindedness are used to explain behaviours deemed wrong, rude, offensive, or otherwise beyond reasonable explanation. It is comparable to notions of spitefulness, wickedness, or bloody-mindedness, though with more profoundly moral and pseudo-religious connotations. It features prominently in the literary works of Jamaica Kincaid and Joanne Hillhouse as a powerful tool of characterisation and character motivation.²⁰² Often, bad mindedness has been heavily imbued with an absolutist Afro-Christian dichotomy of good versus evil, with society split into fundamentally irreconcilable opposites that must destroy each other or be destroyed.²⁰³ Prior to 1967, this dichotomy underpinned Bird's uncompromising attitude towards the plantocracy and colonialism; after 1967 it defined the hostility between the ALP and the PLM. Bad-mindedness helps explain why the 1967 labour schism was so hostile and why this absolutist oppositionalism has remained so prevalent today, feeding into party-based polarisation.

The second systemic issue that drove Antiguan political culture towards rapid polarisation was the perceived loss of a common enemy. Up to the late 1960s, the Antiguan labour movement, including its political representatives in the colonial legislature, had been unified under V. C. Bird's leadership in a campaign for workers' rights. Opposing the united workers was the plantocracy - a coalition of (mainly British) plantation owners, the sugar industry, other business elites, and the colonial administration. But by the 1970s, this common enemy had largely been eradicated. Antigua's planter-in-chief and V. C. Bird's nemesis, Alexander Moody-Stuart, left Antigua in 1965. In 1966, the sugar industry and its plantations were nationalised, ending the hegemony of the British agricultural elite. And in 1967, Antigua

²⁰¹ See for example: Makeda Mikael, "'Bad-minded and Lub-ugly' Antiguan Culture", *Antigua News Room*, May 9, 2021, accessed May 19, 2023, <https://antiguanewsroom.com/bad-minded-and-lub-ugly-antiguan-culture/>; Antigua Observer, "The wind of change is a-blowing", *Antigua Observer*, August 7, 2022, accessed May 19, 2023, <https://antiguaobserver.com/the-wind-of-change-is-a-blowing/>.

²⁰² Jamaica Kincaid, *A Small Place*, (London: Virago Press, 1988), 16; Joanne Hillhouse, *Oh Gad!: A Novel*, (New York: Strebor Books, 2012); Paget Henry, "Editor's Note", *The Antigua and Barbuda Review of Books* 7, no. 1 (2014): 4.

²⁰³ Henry, *Shouldering Antigua and Barbuda*, 81.

attained internal self-governance, greatly reducing the influence (both perceived and actual) of British colonialism in Antiguan domestic politics. This transformative period removed the common enemy that had served to unite the labour movement for decades. No longer able to blame the plantocracy for ongoing social and economic ills, the labour movement turned on itself. In Antigua, the two-sided partisanship that emerged in 1967 provided a new form of common enemy around which the opposing sides could focus their rhetoric, campaigning, and political energy.

The third and final systemic issue that helps explain the hostile nature of early Antiguan partisanship is the lack of ideological difference between the two groups. George Walter's greatest grievance with Bird was the two hats problem. Bird's problem with Walter was the latter's popularity and the threat it might pose to his leadership. The resulting schism was therefore not based on ideology or competing visions for the country, but personal disagreement and jealousy.

The lack of ideological difference between the ALP and PLM is demonstrated by a comparison of the two manifestos prepared for the 1971 General Election - the first of the popular multi-party era. This comparison reveals little to no difference in policy, perceived challenges to Antigua, or proposed methods to address those challenges. Both manifestos advocated what Antiguan scholar Paget Henry has called 'capitalist labourism', an ideology aimed at improving the lives of working people whilst recognising constraints imposed on a peripheral post-plantation society in a globalised capitalist economy.²⁰⁴ Similarly, Bishop, Corbett, and Veenendaal have identified general consensus among Caribbean political parties, with most countries characterised as 'Fabian social democracies, in which there are enduring tripartite structures, strong unions, and a broadly uncontested, key economic role for the state.'²⁰⁵ As Bishop et al have pointed out, this consensus has historical roots but is maintained by the limited political options available to a small, peripheral, developing state in the context of neoliberal globalisation.

While a lack of ideological disagreement should theoretically create consensus, in reality it has gone hand in hand with polarisation and hostile politics in much of the Caribbean.²⁰⁶ Without alternative ideologies to debate, the ALP and PLM channelled their competitive

²⁰⁴ Henry, *Shouldering Antigua and Barbuda*, 93.

²⁰⁵ Matthew Bishop, Jack Corbett, and Wouter Veenendaal, "Labor Movements and Party System Development: Why Does the Caribbean Have Stable Two-party Systems, but the Pacific Does Not?", *World Development* 126, (2020): 7.

²⁰⁶ Jack Corbett and Wouter Veenendaal, *Democracy in Small States: Persisting Against All Odds*, (Oxford: OUP, 2018), 8.

energies into attacks on the morality and personalities of party leaders and members. Bad mindedness featured prominently in this, taking the place of what may have been more substantive policy debates. Antigua is not alone in this regard, and a lack of ideological difference resulting in a focus on personalities has been commented on in other Caribbean islands and small states.²⁰⁷ This is because small states often generate 'attitudinally homogenous societies' for whose votes parties must compete using tactics other than policy and ideology, often with recourse to personalities and morality.²⁰⁸ Exceptions include countries like Trinidad, Belize, Guyana and Suriname which face similar problems of personalised politics, but where ethnicity constitutes the dominant political cleavage, rather than partyism alone.²⁰⁹ Antiguan party politics was therefore conceived in a climate of extreme hostility and oppositionalism, triggered by perceptions of betrayal but maintained by long-term factors like bad-mindedness and lack of a common enemy. In the decades since the 1967 schism, Antiguan political culture has been characterised by three interconnected features: personalism; partyism; and polarisation. These have combined to generate a political environment conducive to corruption.

Personalisation of Antiguan Politics

The genesis of Antiguan popular party politics was fundamentally personal, predicated on the rivalry between V. C. Bird and George Walter. But the roots of personalistic politics lie even further back in Antiguan history and are common to many Caribbean states. Usually, popular Caribbean politics was born of trade union movements, from which successful political parties emerged.²¹⁰ These labour movements were frequently focused around the leadership of individuals like Norman Manley, Alexander Bustamante, and Errol Barrow. These men amassed huge personal loyalty whilst simultaneously appointing supporters to strategic positions within their unions, turning them into vehicles for personalised power as much as for workers' rights. While most unions were essentially democratic organisations, their overall direction could be controlled by the leader and the executive committee through the cultivation of extensive patronage networks within the union, as well as democratic-loopholes in the organisations' rules, such as executive control over candidate selection.²¹¹ The most

²⁰⁷ Corbett and Veenendaal, *Democracy in Small States*, 114.

²⁰⁸ Bishop, Corbett, and Veenendaal, "Labor Movements and Party System Development", 2.

²⁰⁹ Wouter Veenendaal and Jack Corbett, "Clientelism in small states: how smallness influences patron–client networks in the Caribbean and the Pacific", *Democratisation* 27, no. 1 (2020): 72.

²¹⁰ Bishop, Corbett, and Veenendaal, "Labor Movements and Party System Development", 4.

²¹¹ Paget Henry, "Political Accumulation and Authoritarianism in the Caribbean: The Case Study of Antigua", *Social and Economic Studies* 40, no. 1 (1991): 15.

explicit example of this is Bustamante, who even named his union after himself (the Bustamante Industrial Trade Union (BITU)) and was identified as 'the Chief'.²¹² Most of these labour organisations were general trades unions, representing a majority of workers in each state. Five years after its founding, BITU represented 28,700 workers, more than Jamaica's other unions combined.²¹³ One year after the Antigua Trades and Labour Union was established, it represented almost all workers in the Antiguan sugar industry.²¹⁴ Majority control over a highly unionised workforce gave men like Bird and Bustamante the power to hold the nation's economy hostage. Through this ransom, they were able to extract huge concessions from employers and colonial governments.

Successful negotiations with the plantocracy brought union leaders even greater popular support, as their methods and objectives proved both effective and achievable. This rapid accumulation of power was a cause for alarm for colonial authorities. In 1950, the usually compassionate Governor of the Leeward Islands, Lord Baldwin, wrote to the Secretary of State for the Colonies that 'Mr Bird's egomania is on the increase, and he is developing into a local Hitler'.²¹⁵ Thirty years later another confidential memo within the Foreign and Commonwealth Office reported that 'Our Caribbean Kenyatta continues to develop his father of the nation image and in the absence of a presidency one might speculate on whether or not he has in mind the job of governor general'.²¹⁶ This proved to be an early premonition. Democratisation of Caribbean political institutions throughout the 1950s enabled union leaders to supplement trade union clout and popular appeal with real political power. In Antigua, Bird was elected to the colonial legislature in 1946 and given responsibility for trade and production in 1956. When constitutional reform came in 1960, it was scarcely questioned that Bird was the only legitimate candidate for appointment as Chief Minister. In a decade Bird had gone from the leader of Antigua's working class to the leader of its government. Decolonisation continued throughout the 1960s, with Antigua becoming a self-governing state in 1967, with Bird as its first Premier. This piecemeal and careful accumulation of power was what made Caribbean leaders so indomitable. The most effective and immovable, like Bird, consolidated power over three crucial power bases: popular support among the public;

²¹² "Sir Alexander Bustamante", *The Jamaica Labour Party*, 2020, accessed June 21, 2023, <https://www.jamaicalabourparty.com/content/sir-alexander-bustamante>.

²¹³ Colin A. Palmer, *Freedom's Children: The 1938 Labor Rebellion and the Birth of Modern Jamaica*, (Chapel Hill, USA: The University of North Carolina Press, 2014), 169.

²¹⁴ Robert J. Alexander, *A History of Organised Labour in the English Speaking West Indies*, (Westport: Praeger Publishers, 2004).

²¹⁵ Lord Baldwin to Arthur Creech Jones, March 23, 1950, "Political situation reports, 1950", CO/537/6118, TNA.

²¹⁶ Confidential telegram, Antigua to FCO, sender and recipient unclear, Telegram 30 of November 27, 1980, "Independence for Antigua (Constitutional Conference)", FCO 44/2170, TNA.

control over the working population through one hegemonic trades union; and legitimate institutional political power.

Through this accumulation of power, Caribbean leaders positioned themselves as what Carl Stone has called 'maximum leaders'.²¹⁷ These are the people with near total control over all key institutional positions and decision-making processes. In tightly controlled and personalised politics, power within the union/party is determined primarily by one's closeness to the maximum leader. These leaders are able to 'dominate the entire political arena' to a degree rarely seen elsewhere.²¹⁸ Combined with a political system that concentrates power in the executive, Caribbean Prime Ministers have at times been almost 'invincible'.²¹⁹ In relation to Antigua, Paget Henry has described a four-pronged strategy of power accumulation, epitomised by Bird between 1950-71: conversion of political capital to social capital and back again; self-entrenchment; withdrawal from base control; and factional competition.²²⁰ This theory accurately describes the nature of all political accumulation and entrenchment in Antigua, though the ALP has been far more successful at it than any opposition group in the post-colonial period. It could also provide a useful analytic framework through which to examine the careers of other Caribbean leaders who began as trades union activists and later became Prime Ministers.

The accumulation of power by notable individuals did not happen by accident. Nor was it simply the practice of collecting positions of authority that made Caribbean politics so personalised and focused on maximum leaders. Instead, many writers have rightly drawn attention to the role of charisma in Caribbean political history, such as Brian Meeks on Michael Manley (Jamaica), Hilborne Watson on Errol Barrow (Barbados), and Pedro Noguera on Eric Gairy (Grenada).²²¹ Sometimes, charismatic leaders imbued their rhetoric and public image with quasi-messianic imagery, invoking Judeo-Christian analogy in their anti-planter struggles. Again, Bustamante serves as a prime example, telling a crowd of workers in 1938 'I am ready to die today if I can help you.'²²² In Trinidad, Butler declared himself the 'Servant of the Living God' and said those who followed him were 'following God.'²²³ These leaders epitomised a political dynamic some writers have called a 'hero-crowd relationship' in which

²¹⁷ Carl Stone, "Clientelism, Power and Democracy", *Caribbean Political Thought: Theories of the Post-Colonial State*, ed. Aaron Kamugisha, 67-82, (Kingston: Ian Randle, 2013), 72.

²¹⁸ Corbett and Veenendaal, *Democracy in Small States*, 99.

²¹⁹ Paul Sutton, "Democracy in the commonwealth Caribbean", *Democratisation* 6, no. 1 (1999): 74.

²²⁰ Henry, "Political Accumulation and Authoritarianism in the Caribbean", 1-38

²²¹ Contributions from all of these can be found in Anton Allahar, *Caribbean Charisma: Reflections on Leadership, Legitimacy, and Populist Politics*, (Boulder: Ian Randle Publishers, 2001).

²²² Palmer, *Freedom's Children*, 168.

²²³ Kelvin Singh, *Race and Class Struggles in a Colonial State: Trinidad 1917-1945*, (Calgary: University of Calgary Press, 1994), 209.

men like Bird 'had to lead; the people's responsibility was to follow.'²²⁴ This quasi-spiritualism and charismatic leadership meant that there was already a high degree of deference built into Antiguan politics even before the rise of partisanship and polarisation in the 1960s. As such, many voters were well primed to accept the party leader's word as gospel whilst rejecting any dissent or attack as anathema. This deference and this absolutism is key to understanding why so many Antiguan voters have tolerated corruption by political elites or else refused to accept allegations against their party leaders.

In Antigua, V. C. Bird conformed to the regional trend of the charismatic leader. In particular, he is an example of what George Danns has called the new charismatic or mesmeric leader - one who gains and secures power within an existing socio-political framework through a combination of personal magnetism and proven rational success.²²⁵ Between 1946 and 1967, Bird cultivated a strong personal image as a quasi-messianic leader of the labour movement, underpinned by his eloquence, hypnotic speech, and his indomitable physical appearance. At the same time, he could point to tangible victories in the battle for worker's rights - from salary increases to contract renegotiations to political reform - as practical evidence of his unique ability to lead Antiguan. These piecemeal victories were essential in maintaining Bird's charismatic appeal because charismatic authority is not self-sustaining but requires constant affirmation through demonstrations of special ability.²²⁶ The founding father of Antiguan politics therefore imbued political practice and presentation with a distinctly personal quality, focusing on the character of a single leader more than the collective leadership or the membership of the whole labour movement. Personalised politics was thus a well-established norm by the time multi-party politics emerged in 1967. When challengers to Bird's supremacy emerged, the ones that were successful were the men who bought into and replicated this personalised form of personalised leadership, demonstrated by Walter in 1967 and Baldwin Spencer in the early 2000s.

The predominance of personalised politics disincentivised the development of robust political and public institutions. To some extent this was deliberate, as having effective institutions outside the maximum leader's immediate control would weaken his power base. As Wouter Veenendaal has shown in the case of the Dutch Caribbean, such efforts are made easier in

²²⁴ Fred Constant, "Is There a New Political Culture in the Caribbean?", in *Modern Political Culture in the Caribbean*, ed. Holger Henke and Fred Reno, (Kingston: University of the West Indies Press, 2003), 9; The hero-crowd concept was first developed by Archibald Singham, in: Archibald W. Singham, *The Hero and the Crowd in a Colonial Polity*, (New Haven: Yale University Press, 1968).

²²⁵ George Danns, "Politics, Corruption and the Police," in *Caribbean Political Thought: Theories of the Post-Colonial State*, ed. Aaron Kamugisha (Kingston: Ian Randle, 2013), 121

²²⁶ Brian Meeks, "Jamaica's Michael Manley (1924-97): Crossing the contours of charisma", in *Caribbean Charisma: Reflections on Leadership, Legitimacy, and Populist Politics*, ed. Anton Allahaar, (Boulder: Ian Randle Publishers, 2001), 196.

small states.²²⁷ As early as 1965, Samuel Huntington warned that charismatic leaders in small post-colonial societies would be 'reluctant to substitute party control for personal control' and would seek to 'weaken institutions that might limit that power'.²²⁸ Eric Gairy was the most extreme example of this, purposefully failing to establish sophisticated union, party, or governmental institutions out of fear they could be turned against him by future upstarts, instead focusing on methods of patronage, loyalty, and intimidation.²²⁹ In Antigua, institutional undermining began within the ALP itself. According to the party's constitution, all executive positions are open to challenge and contest at party conferences, but this rarely happened because challenging incumbents came to be seen as an affront to the party and could result in sanction or ostracization.²³⁰ Similar issues were apparent in the ATLU. In 1990, even though it was staunchly pro-ALP and pro-Bird, the union's newspaper, *The Workers' Voice*, bemoaned the fact that 'each year prior to the annual delegates conference', 'we see plot after plot made by certain politicians to disrupt the unions democratic election of its officers. Monies are paid, favours granted and even threats are issued'.²³¹ These and other such strategies undermined institutions and systems which could have had a restraining effect on the unchecked power of maximum leaders like Bird. Chapters three and four will show how other important institutions and procedures have been undermined by years of political sabotage, including parliamentary bodies and anti-corruption institutions. By sabotaging these institutions, maximum leaders have ensured that unchecked, unchallenged political power remains with them and is not diluted by independent regulators or scrutinised by anti-corruption agencies.

The prominence of personalised power in the Caribbean has been accentuated by the political longevity of some key actors. Because the ALP has been a constant in Antiguan history, while the main opposition party has undergone phases of reform and collapse, longevity is most notable among ALP MPs. Lester Bird spent 35 years as a minister, including 10 as Prime Minister; John St Luce was an MP for 26 years; as of 2023 Robin Yearwood and Molwyn Joseph have served for 31 years and 29 years respectively; and Asot Michael has been in Parliament since 1999, having been Lester Bird's Chief of Staff before that. Such longevity means politicians have decades to develop carefully constructed images

²²⁷ Wouter Veenendaal, "Smallness and Status Debates in Overseas Territories: Evidence from the Dutch Caribbean", *Geopolitics* 21, no. 1 (2016): 155.

²²⁸ Samuel P. Huntington, "Political Development and Political Decay", *World Politics* 17, no. 3 (1965): 429 and 408.

²²⁹ Pedro Noguera, "The Limits of Charisma Grenada's Eric Gairy (1922–97) and Maurice Bishop (1944–83)", in *Caribbean Charisma: Reflections on Leadership, Legitimacy, and Populist Politics*, ed. Anton Allaha, (Boulder: Ian Randle Publishers, 2001), 83.

²³⁰ Henry, "Political Accumulation and Authoritarianism in the Caribbean", 16.

²³¹ "Adophus S. Simon declares his hand to run for Antigua Labour Party (ALP) Chairmanship", *The Workers' Voice*, August 18, 1990, ANA, 1.

as leaders, statesmen, and authority figures. It also means they have a long time to develop extensive patronage and dependency networks across Antigua, which can be used to reinforce their political position through clientelism and vote-buying. The connection between longevity in office and corruption is well-recognised in the literature and applies to ministers as well as non-government officials such as those in the Public Service or police.²³² This has prompted some campaigners and organisations throughout the world to recommend regularised 'reposting', term-limits, or fixed tenure as anti-corruption strategies.²³³

Other writers have examined how a polity's small size can accentuate the personalisation of politics. In their examination of democratisation in small states, Corbett and Veenendaal argued that 'small states offer extreme examples of informal, personality-driven politics' largely because of the comparative ease with which personal relationships between politicians and voters are formed.²³⁴ As stated earlier, V. C. Bird and, later, George Walter, deliberately travelled across Antigua forging close relationships with as many people as possible. This was easier for Bird than some of his Caribbean contemporaries because of Antigua's small size, relatively flat terrain, and small population.

In recent decades, the rise of mobile technology has sustained but transformed this connectivity, even as Antigua's ballooning population makes personal relationships with a whole population less feasible. Many Antiguan brag about having their MP on speed-dial while others refer to long WhatsApp exchanges with ministers and government officials. This is a modern incarnation of the 'small-town mentality' that characterises Caribbean politics and facilitates an over-emphasis on the character and personality of party members and party leaders.²³⁵ I have had first-hand experience of this small-town mentality: during my field research in Antigua in November 2022, when trying to source a piece of information, the middle-class, professional Antiguan with whom I was talking made one telephone call before being connected to the Minister for Information to see if they could assist me. This episode demonstrates the immediacy and constant connectivity offered by digital communications. At the same time, the secrecy provided by digital platforms means politician-voter exchanges

²³² Decio Coviello and Stefano Gagliarducci, "Tenure in Office and Public Procurement", *American Economic Journal: Economic Policy* 9, no. 3 (2017): 59–105; Timothy Besley and Andrea Prat, "Handcuffs for the Grabbing Hand? Media Capture and Government Accountability", *American Economic Review* 96, no. 3 (2006): 720–736; On the other hand, for short-termism and corruption see: Susan Rose-Ackerman, *Corruption and Government*, (Cambridge: CUP, 1999), 31.

²³³ Emmanuel Yeboah-Assiamah, Kwame Asamoah, Justice Nyigmah Bawole, Issah Justice Musah-Surugu, "A Socio-cultural Approach to Public Sector Corruption in Africa: Key Pointers for Reflection", *Journal of Public Affairs* 16, no. 3 (2016): 291.

²³⁴ Corbett and Veenendaal, *Democracy in Small States*, 3.

²³⁵ Gerhard Seibert, *Comrades, Clients and Cousins: Colonialism, Socialism and Democratization in Sao Tome and Principe*, (Leiden: Brill Academic Publishers, 2006), 541.

can be kept secret in a way physical meetings cannot. This raises important questions about accountability and democracy which will be discussed further on.

The three factors examined above - origins in labour movement maximum leaders, the role of charismatic leadership, and small-town mentality - have combined to create a highly personalised form of political debate and rhetoric in Antigua and other Caribbean states. As a consequence, throughout the post-colonial period Antiguan voters have been 'presented with a choice between personality and political elite, rather than ideology or policy' at elections.²³⁶ This focus on personality, rather than policy or ideology, led to Antiguan politics being defined by 'partyism'. As the following section will show, this in turn has formed the basis of the polarisation which has dominated Antiguan politics since 1967.

Partyism and Polarisation

Before 1967, Antiguan politics was marked by the struggle between the land-owning plantocracy and workers, played out in the workplace and the legislature. After 1967, Antiguan politics was characterised by partyism, which made social, economic, and political differences, objectives, and identities subservient to the overriding goal of party supremacy. The term partyism has been used by other writers, though seldom to describe the foundational dynamic of an entire political culture. One of the most influential early users of the term was Cass Sunstein, who used the phrase to describe a method of social differentiation and emphasised its propensity to generate hostility between opposing groups.²³⁷

In 2018, Sean Westwood et al examined the role of partyism in political culture in the UK, USA, Spain, and Belgium. They concluded that 'over time, partisan ties have absorbed social ties, with partisanship now consistently dividing citizens to an extent that exceeds other salient social divides.'²³⁸ This study demonstrates the extraordinary social influence partyism can have as it interacts with other social identities. It also nods to the dynamic nature of partyism, capable of increasing and decreasing in salience over time. In contrast to Antigua,

²³⁶ Paul Sutton, "Politics in the Commonwealth Caribbean: the post colonial experience", *European Review of Latin American and Caribbean Studies* 51, (1991): 56.

²³⁷ Cass Sunstein, "Partyism," (lecture, Legal Forum Symposium, University of Chicago, Chicago, November 7, 2014).

²³⁸ Sean J. Westwood, Shanto Iyengar, Stefaan Walgrave, Rafael Leonisio, Luis Miller, and Oliver Strijbis, "The tie that divides: Cross-national evidence of the primacy of partyism", *European Journal of Political Research* 57, (2018): 334.

the four cultures Westwood et al analysed have strong social and/or policy divides which helped sort people into support of one political party or another. Sorting markers can be social such as ethnicity in the USA; ideological like left-versus-right wing economic attitudes in the UK; or identity-based, such as Basque independence in Spain or Scottish nationalism in the UK. No such sorting applies to Antigua where both leading parties seek to appeal to the same demographic and there is no major ideological distinction. It can be argued, then, that Antigua exhibits an extreme and long-run example of partyism, wherein all other social and political cleavages are effectively eradicated, and party membership becomes the only determinant of political behaviour.

In relation to Antigua, Paget Henry has used partyism to describe V. C. Bird's political modus operandi after 1976.²³⁹ Henry argues that, having lost power in 1971 and regained it in 1976, Bird and the ALP placed the party's empowerment above all other considerations and prioritised the party as the supreme object of personal loyalty. Partyism - or in Bird's specific case, 'ALPism' - brought about the ultimate abandonment of any Black Power or socialist inclinations of earlier decades. While Henry is right to emphasise the significance of the ALP's loss of power in 1971, I argue that partyism was born fully-fledged in 1967, and was only given greater urgency and clarity after the electoral shock defeat of 1971-76. Since the 1960s, partyism has fed directly into both the polarisation and the corruption of Antiguan politics.

Partyism and the cleavage between the ALP and the opposition has been the axis around which Antiguan society has been polarised. As Lester Bird's quotation at the top of this chapter attests, this divide is an example of pernicious polarisation. Pioneered by McCoy et al, pernicious polarisation describes a compound situation in which a society becomes divided into two opposed groups separated by a single social cleavage (in this case, political party); this single cleavage 'spills over' and affects aspects of life not usually associated with the key issue (for instance, the way an Antiguan's party political identity can affect their career prospects); at its most extreme this spill-over has a damaging (hence 'pernicious') impact on governance, democracy, and social cohesion.²⁴⁰ In perniciously polarised states, politics is conceived of in terms of an 'us versus them' struggle for survival.²⁴¹ Spaces and opportunities for peaceful coexistence are reduced, and avenues for dialogue and debate

²³⁹ Henry, *Shouldering Antigua and Barbuda*, 103.

²⁴⁰ Jennifer McCoy, Tahmina Rahman, and Murat Somer, "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities," *American Behavioral Scientist* 62, no. 1 (2018): 16-42.

²⁴¹ McCoy, Rahman, and Somer, "Polarization and the Global Crisis of Democracy", 18.

closed off, challenging healthy democratic processes.²⁴² In the most extreme cases, authoritarianism and democratic collapse can ensue, particularly if one group tries to regain or maintain power through undemocratic means. McCoy et al point to the failed Turkish coup in 2016 and its aftermath of rule of law suspension, purges, and constitutional change as an example of pernicious polarisation's worst extremes.²⁴³

In their 2018 paper, McCoy et al pointed specifically to 'democratic erosion' in the US and Hungary and to 'growing authoritarianism' in Turkey and Venezuela as direct consequences of pernicious polarisation.²⁴⁴ But the theory has been picked up by numerous scholars and effectively applied to a range of societies, including post-colonial states. For instance, Tahmina Rahman has explored post-1991 politics in Bangladesh through the lens of pernicious polarisation theory, emphasising the capacity of polarisation to lead to poor decision making, dangerous policy outcomes, and social violence.²⁴⁵ M. Ann Pitcher has used the theory to explain political culture and creeping authoritarianism in Mozambique since 2013.²⁴⁶ Similarly, Vrydagh and Jimenez-Martinez have used the framework of pernicious polarisation to theorise ways of unlocking political impasse in Brazil.²⁴⁷ And García-Guadilla and Mallen have used pernicious polarisation to explore the ongoing polarisation in Venezuela between pro- and anti-Chavistas during the 'Bolivarian Revolution', beginning in 1999.²⁴⁸ Most of these studies cover a specific and concentrated period of time, often bookended by political upheavals. This study on the other hand examines the consequences of polarisation dating back to the late 1960s. By doing so, it emphasises that polarisation and corruption often have causal roots further back in a society's history than is commonly recognised.

The authoritarianism and democratic backsliding seen in places like Turkey and Venezuela has never happened in Antigua. Like most of the anglophone Caribbean, Antigua has been characterised by the routinised and peaceful transfer of democratic power throughout all its post-colonial history. That said, it has seen periods of heightened authoritarian tendencies

²⁴² Mireya Lozada, "Us or them? Social representations and imaginaries of the other in Venezuela", *Papers on Social Representations* 23, no. 2 (2014): 21.2

²⁴³ McCoy, Rahman, and Somer, "Polarization and the Global Crisis of Democracy", 19.

²⁴⁴ McCoy, Rahman, and Somer, "Polarization and the Global Crisis of Democracy", 17.

²⁴⁵ Tahmina Rahman, "Party System Institutionalisation and Pernicious Polarisation in Bangladesh", *The Annals of the American Academy of Political and Social Science* 681, no. 1 (2019): 174.

²⁴⁶ M Anne Pitcher, "Mozambique elections 2019: Pernicious polarization, democratic decline, and rising authoritarianism", *African Affairs* 119, no. 476 (2020): 468–486.

²⁴⁷ Fanny Vrydagh and Cesar Jimenez-Martinez, "Talking with the right-wing: Pernicious polarization in Brazil and the philosophy of Paulo Freire", *International Communication Gazette* 82, no. 5 (2020): 456–473.

²⁴⁸ Maria Pilar García-Guadilla and Ana Mallen, "Polarization, Participatory Democracy, and Democratic Erosion in Venezuela's Twenty-First Century Socialism", *The Annals of the American Academy of Political and Social Science* 681, no. 1 (2019): 74.

when governments have used undemocratic means to reaffirm party supremacy. Examples of authoritarian tendencies will be discussed in chapter three, such as the suppression of free speech in the 1990s and early 2000s. Such tactics were motivated by the fact that pernicious polarisation legitimises - and in some people's eyes necessitates - extreme action to ensure party survival.

The Partisan Press

Before examining how partisanship enables and feeds into/off corruption, it is important to provide an overview of Antigua's partisan media landscape as the media has been a crucial tool in sustaining partyism. In 1972, when most anglophone Caribbean states were newly independent or had become self-governing, John Lent observed that the governments of the region were 'redefining the concepts of press freedom'.²⁴⁹ He argued that in most cases this involved a two-part agenda: cracking down on dissenting or opposition news outlets through tighter licensing regulations, exploitation of libel laws, and/or economic restrictions; and massively expanding government ownership or control of media platforms. This was certainly demonstrated in Antigua and characterises the state of Antigua's media up to the early 2000s. Since then, two factors have liberalised Antigua's media landscape. The first was a series of court rulings effectively freeing the airwaves from government repression and mandating free expression on the radio. The second was the rise of the internet as a cheap, accessible, and (for many) preferable means of communication and research. But despite this changing context, Antiguan governments have continuously sought to use the media in ways that control public access to information, entrench partisan loyalties and attitudes, and shape the ways people learn about and respond to government corruption.

For much of Antigua's post-colonial history, newspapers were the dominant news format. The two main Antiguan newspapers were *The Workers' Voice* and *Outlet*. *The Workers' Voice* was the official organ of the Antigua Trades and Labour Union, which for much of the period was indistinguishable from the ALP. *The Workers' Voice* was stridently pro-ALP and particularly loyal to V. C. Bird, which is unsurprising given his quasi-deific position as leader of Antigua's labour movement. Usually, *The Workers' Voice* parroted the ALP line, but in a few notable cases - particularly in the context of the 1986 Airport Scandal I have explored elsewhere - the paper did challenge alleged government corruption when it was seen to hurt

²⁴⁹ John A. Lent, "Press Freedom in the Commonwealth Caribbean," *Index on Censorship* 2, no. 3 (1973): 55.

working-class interests.²⁵⁰ But in most cases the paper defended the government and even published offensive and racist attacks on those seeking to undermine Bird or accuse his ALP of corruption. Having begun publishing in the height of the labour movement's struggles of the 1940s, the paper was closed down in the 1990s. In contrast, *Outlet* was published by Tim Hector, leader of the left-wing Antigua Caribbean Liberation Movement (ACLM). Beginning in 1963, *Outlet* was highly critical of the Bird family and the ALP but also criticised the main opposition party (though Tim Hector died before the ALP lost power to the United Progressive Party in 2004). Until the 1990s, *Outlet* was the only regular newspaper not loyal to or controlled by the Bird family or the ALP. At its most popular, *Outlet* was said to be Antigua's most read newspaper, with a claimed circulation of around 5,000.²⁵¹ But lack of reliable print or circulation numbers, as well as the common practice of group-reading of a newspaper, makes it difficult to assess the popularity of different newspapers. Tim Hector died in November 2002 and *Outlet* ceased publication in July 2004 in the face of financial ruin, having already declined from a daily to a weekly or biweekly paper.

There were also a number of short-lived newspapers, most supporting the ALP. These included *The Nation* (sometimes *The Nation's Voice*) which was published (usually weekly) by the ALP government beginning in 1987. The equally short-lived *The Herald* was published by Lester Bird and seen by some as a vehicle for his leadership ambitions in the mid-1990s. The 1990s also saw the establishment of *The Antigua Sun* (1997-2010) by American billionaire and convicted fraudster Allen Stanford. The paper was officially unaffiliated but many saw it as supportive of the ALP while it was in power (until 2004) and Allen Stanford had been a major donor to the ALP. But a greater turning point was the establishment of *The Daily Observer* (also called *The Antigua Observer*) by Winston and Samuel Derrick. This began as a fax-message bulletin type service before becoming a newspaper. Officially neutral, *The Daily Observer* was seen by most as anti-ALP and supportive of the United Progressive Party. In the 2004 election the newspaper campaigned openly against the incumbent but soon-defeated ALP government. As of 2018, *The Daily Observer* only exists online and is Antigua's only regular newspaper. In the run up to the 2004 election, the UPP began publishing a short-lived newspaper of its own called *The Crusader* though this did not last long.

²⁵⁰ Joseph Gascoigne, "Allowing Corruption and Dodging Accountability: The Negative Consequences of the Westminster System and Partisan Media in Small Caribbean States", *The New West Indian Guide*, advance article, published online July 5, 2023, 1-28, accessed July 30, 2023, <https://brill.com/view/journals/nwig/aop/article-10.1163-22134360-bja10025/article-10.1163-22134360-bja10025.xml>.

²⁵¹ John A. Lent, "Mass Media in the Leeward Islands", in *Mass Media and the Caribbean*, ed. Stuart H. Surlin and Walter C. Soderlund, (New York: Gordon and Breach, 1990), 105.

Copies of these newspapers are held by the Antigua National Archives and are freely accessible to the public. They are kept in generally good condition and are stored in whole year-runs. This makes them a valuable source for investigating partisanship and media coverage of corruption over time. By contrasting how a single event - such as a corruption scandal - is reported in different papers, it is possible to analyse the way partisanship fed into public responses to corruption. This is particularly important when governments have sought to limit public access to information, such as when ALP governments refused to publish the reports of important corruption inquiries. Without reliable and routine official information, newspapers became the only way for people to learn about government conduct. It is therefore unsurprising that successive Antiguan governments have seen the media as both a valuable tool and a great threat.

After the 1990s, radio displaced newspapers as the main source of news for most Antiguan. The same pattern of initial government dominance followed by pluralism and rising dissent can be seen on the airwaves as in the printed press. Prior to 2002, the government or the Bird family dominated radio. The Antigua Broadcasting Service (ABS) was state-owned and supposedly apolitical but in practice was run by the Ministry of Information and was heavily biased in favour of the governing ALP. In 1970, members of the Bird family established Grenville Radio which broadcast ZDK radio station (established in 1970, now called Liberty Radio ZDK) and Sun FM (established in 1995, broadcasting mostly music). ZDK was and remains a highly politics-focused radio station, mostly broadcasting talk-shows, interviews, and phone-ins. Recently ZDK has lost listeners and some feel it has shifted towards a more pro-UPP stance, with its managing director, Sean Bird, even standing for the UPP in the 2023 elections. This government/Bird hegemony was disrupted in 2002 when the Derrick brothers set up Observer Radio after a controversial court case explored in chapter three. Like its sister newspaper, Observer Radio is officially independent but seen by most as supportive of the UPP (in 2023 its managing director, Algernon 'Serpent' Watts, won election as a UPP MP).²⁵² In 2019, Prime Minister Gaston Brown founded Pointe FM which has become the most popular ALP-supporting radio station, sapping listeners from ZDK. Browne is a regular star of the station, co-hosting the Saturday afternoon 'Browne and Browne' show with ALP Senator Colin O'Neil Browne. Browne often uses this show to announce government policy, drawing criticism from the opposition that such statements

²⁵² "Observer's Algernon 'Serpent' Watts sweeps clean in St George," *Antigua Observer*, January 20, 2023, accessed September 23, 2023, <https://antiguaobserver.com/observers-algernon-serpent-watts-sweeps-clean-in-st-george/>.

should first be made in Parliament.²⁵³ This radio station has evolved into something which, in the context of a small state, constitutes an unprecedented media empire, with Pointe FM, Pointe TV, a website, and a digital newspaper all under the umbrella of Pointville Communications.

In recent years, the internet has revolutionised news and communications. In 2008, an 'Information and Communications Technology (ICT) Household survey' in Antigua found 47 percent of households had a computer and 36 percent had internet access, with the likelihood of computer-ownership increasing with income.²⁵⁴ Almost all users were connected to the internet in the five years to 2008 through a UPP government initiative.²⁵⁵ Statistics from the International Telecommunication Union indicate that internet use rose from 36 percent of Antiguan in 2008 to 85 percent in 2020, reflecting a recent trend in the wider Caribbean.²⁵⁶ The ICT household survey also found that 'email, chatting etc' and 'web browsing, getting information etc' were by far the most cited reasons for using the internet while another study in 2022 concluded that Facebook accounted for 93 percent of social media site searches.²⁵⁷

The internet has posed new challenges and opportunities for Antiguan media outlets. On the whole, internet access has disrupted most people's reliance on traditional news platforms, likely accelerating the collapse of all printed newspapers on the island. Only Pointville Communications has successfully adapted to this new media environment, even launching an app. Two independent news websites have also been launched which feature original articles and re-posted articles, usually with no authorship given – *Antigua News Room* and *Antigua Breaking News*. Their ownership and editorship is unknown, becoming the centre of a legal controversy in 2022 when the publishers were found in contempt of court but could not be identified.²⁵⁸ As discussed in chapter three, these platforms give people the

²⁵³ "PM says any announcement he makes on Pointe FM is policy", *Antigua Breaking News*, June 22, 2020, accessed September 23, 2023,

<https://antiguabreakingnews.com/pm-says-any-announcement-he-makes-on-pointe-fm-is-policy/>.

²⁵⁴ This survey collected data from 2,322 households. Roger dePeiza, "Antigua and Barbuda National ICT Household Survey", Commonwealth Secretariat, September 29, 2008, accessed July 8, 2023, https://statistics.gov.ag/wp-content/uploads/2016/07/Antigua_Barbuda_Household_ICT_Survey_2008.pdf, 7, 8, 18.

²⁵⁵ De Peiza, "Antigua and Barbuda National ICT Household Survey", 19; "G.A.T.E. Government Assisted Technology Endeavour", The Commonwealth, 2012, accessed July 11, 2023, <https://tradecca.thecommonwealth.org/document/g-a-t-e-government-assisted-technology-endeavour>.

²⁵⁶ "Antigua and Barbuda: Homes Connected", International Telecommunication Union: Data Hub, accessed July 11, 2023, <https://datahub.itu.int/dashboards/umc/indicator/?e=ATG&i=12047>.

²⁵⁷ dePeiza, "Antigua and Barbuda National ICT Household Survey", 23 (fig. 47); Tiago Bianchi, "Most popular social media websites in Antigua and Barbuda in May 2022, based on share of visits", Statista, June 30, 2022, accessed July 9, 2023, <https://www.statista.com/statistics/1072660/antigua-barbuda-share-visits-social-media-websites/>.

²⁵⁸ Robert A. Emmanuel, "Judge orders online media houses to issue apology", *Antigua Observer*, November 10, 2022, accessed September 22, 2023, <https://antiguaobserver.com/judge-orders-online-media-houses-to-issue-apology/>.

opportunity to criticise the government and expose corruption, prompting the government to try and regulate free expression on the internet. The effect of the internet and social media on corruption will be discussed below under the topic of information bias.

Partisanship and Corruption

The relationship between partisanship and political corruption has been extensively studied. Much of this scholarship has focused on voter reactivity to corruption, seeking to identify a causal relationship between perceptions or experiences of political corruption and voter behaviour. A core focus of this research seeks to address a central question of this dissertation: why have people re-elected corrupt politicians?²⁵⁹ An elementary study of this question in the American context, by Barry Rundquist and Gerald Strom in 1977, proposed three underlying solutions: the voter does not believe allegations of corruption; the voter disapproves of corruption but has sold his vote to the corrupt politician; or the voter supports a corrupt candidate because of other, more persuasive considerations.²⁶⁰ Most subsequent scholarship on voter reactivity aligns with one of these three explanations: information bias, vote-buying, and the trade-off hypothesis.

With regards to information bias, this explanation holds that allegations of corruption only affect people's votes if they find them credible and believable. But what a person believes about corruption allegations is highly dependent on their partisanship. This is because people interpret information in ways reflective of their already held attitudes, beliefs, and assumptions - markers known in the literature as 'priors'.²⁶¹ This tendency operates in several ways. Firstly, people have a latent tendency to give more credence to information that aligns with their priors. This is widely known as confirmation bias and its effect on political opinion has been assessed in laboratory settings. For example, in 2006 Taber and Lodge conducted two experiments involving over 100 university students evaluating arguments around gun control and affirmative action. They found strong evidence of confirmation bias as participants sought out, lent greater credibility to, and uncritically accepted arguments that

²⁵⁹ Eric Chang, Miniram Golden, and Seth Hill, "Legislative Malfeasance and Political Accountability", *World Politics* 62, no. 2 (2010): 177-220.

²⁶⁰ Barry S. Rundquist, Gerald S. Strom and John G. Peters, "Corrupt Politicians and Their Electoral Support: Some Experimental Observations", *The American Political Science Review* 71, no. 3 (1977): 955.

²⁶¹ Charles S. Taber, Damon Cann and Simona Kucsova, "The Motivated Processing of Political Arguments", *Political Behavior* 31, no. 2 (2009): 139.

aligned with their already-held opinions.²⁶² The same information biases apply to politicians and political issues. For example, in 2002, Redlawsk observed the same processes of seeking out and readily accepting supporting evidence during a simulated election.²⁶³ Furthermore, in a blame-allocation study, Rudolph found that participants changed their interpretation of information depending on the partisanship of the subject in a hypothetical scenario.²⁶⁴ There is therefore strong evidence that confirmation bias prompts individuals to lend greater credibility to information that aligns with their priors. In relation to politics and corruption, confirmation bias means people are more likely to believe a charge of corruption or accept a defence against an allegation if it comes from a politician, media platform, or member of their own party.

The counterpoint to confirmation bias is disconfirmation bias. This is the tendency to discredit and counter-argue information which conflicts with one's priors.²⁶⁵ Disconfirmation bias has also been demonstrated in experimental settings. For example, in 1992 Ditto and Lopez conducted three experiments which showed that when participants were shown information with which they disagreed, they spent longer analysing it and were more likely to ask for additional information than when the information concurred with their priors.²⁶⁶ This was effectively a demonstration of the 'I want a second opinion' reaction when given unwelcome information. Taber and Lodge also found that participants took longer to read and evaluate sources with which they disagreed.²⁶⁷ Edwards and Smith, through similar experimentation, have emphasised the role of emotion in confirmation/disconfirmation bias, indicating that the strength of a person's emotional connection to a given topic is closely correlated with the magnitude of their confirmation/disconfirmation bias.²⁶⁸ Politically, this research means voters are likely to reject claims and arguments - such as those about corruption - that conflict with their priors, including their political affiliation. It is possible the highly emotionally-charged nature of Antiguan partisanship accentuates the role of confirmation/disconfirmation bias when it comes to allegations of and evidence about corruption.

²⁶² Charles S. Taber and Milton Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", *American Journal of Political Science* 50, no. 1 (2006): 760.

²⁶³ David Redlawsk, "Hot cognition or cool consideration: Testing the effects of motivated reasoning on political decision making", *The Journal of Politics* 64, no. 10 (2002): 1040.

²⁶⁴ Thomas J. Rudolph, "Triangulating Political Responsibility: The Motivated Formation of Responsibility Judgments", *Political Psychology* 27, no. 1 (2006): 118.

²⁶⁵ Taber, Cann and Kucsova, "The Motivated Processing of Political Arguments", 139.

²⁶⁶ Peter H. Ditto and David F. Lopez, "Motivated skepticism: Use of differential decision criteria for preferred and nonpreferred conclusions", *Journal of Personality and Social Psychology* 63, no. 4 (1992): 576.

²⁶⁷ Taber and Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", 764.

²⁶⁸ Kari Edwards and Edward Smith, "A discontinuation bias in the evaluation of arguments", *Journal of Personality and Social Psychology* 71, no. 5 (1996): 5-24.

Theories of information bias are largely built on the presumption that people with different priors will respond differently to the same information. This has been the basis of the laboratory experiments underpinning the above research. However, in the real world, access and exposure to information is not uniform but is influenced by diverse factors. Taber and Lodge's experiment demonstrated this. When participants were given the ability to choose the sources to be analysed, they were 'more likely to read the argument of a sympathetic source than to expose themselves to an opposing point of view.'²⁶⁹ The inclination to actively seek out information from like-minded sources was also demonstrated by Iyengar and Hahn and Natalie Stroud amongst others.²⁷⁰ The extent to which this selectivity is purposeful or subconscious is a matter of debate, posing further questions about how bias can be overcome most effectively.²⁷¹ Whether deliberate or automatic, this tendency to seek out conforming information is called the selective exposure hypothesis and may be grouped under the wider category of information acquisition.²⁷²

One of the most important early theories of information acquisition and influence was John Zaller's Receive-Accept-Sample model from 1992. According to this theory, a person's opinion is determined by the information they: receive (shaped by their exposure to information); accept (or reject, based on their priors); and sample (according to what issues are most salient at a given time).²⁷³ More recently, this model has been reworked by De Vries and Solaz into an examination of three conditions under which voters will punish corrupt politicians: effective information acquisition, accurate blame attribution, and an appropriate behavioural response.²⁷⁴ Where one or more of these conditions breaks down, corruption is likely to go unpunished by voters. These processes are somewhat dependent on other personal factors such as a person's faith in the political system, their level of political awareness, and their literacy, as well as contextual factors like the rate of corruption in the society in question or the state of the economy.²⁷⁵ Information about corruption may be

²⁶⁹ Taber and Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", 764.

²⁷⁰ Shanto Iyengar and Kyu Hahn, "Red media, blue media: evidence of ideological selectivity in media use", *Journal of Communication* 59, no. 1 (2009): 19–39; Natalie Stroud, *Niche News: The Politics of News Choice*, Oxford: Oxford University Press: 2011).

²⁷¹ William Hart, Dolores Albarracin, Alice Eagly, Inge Brechan, Matthew Lindberg, and Lisa Merrill, "Feeling validated versus being correct: A metaanalysis of selective exposure to information", *Psychological Bulletin* 135, no. 4 (2009): 555–588.

²⁷² The term "selective exposure" was coined by Lazarsfeld, Berelson, and Gaudet in 1944: Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet, *The People's Choice*, (New York, NY: Columbia University Press, 1944).

²⁷³ John Zaller, *The Nature and Origins of Mass Opinion*, (New York: Cambridge University Press, 1992).

²⁷⁴ De Vries and Solaz, "The Electoral Consequences of Corruption", 391–408.

²⁷⁵ De Vries and Solaz, "The Electoral Consequences of Corruption", 398; Marko Klasnja and Joshua A. Tucker, "The economy, corruption, and the vote: Evidence from experiments in Sweden and Moldova", *Electoral Studies* 32, no. 3 (2013): 536–543.

acquired directly (through personal experience/observation) or indirectly (through a third party like a friend, news report, court case, or social media).²⁷⁶ While direct information acquisition is relatively straightforward, indirect acquisition opens up the issues of credibility, confirmation bias, and selective exposure summarised previously. The greater role these factors play, the less likely it is that voters will punish corrupt politicians.

Successive studies have shown that source credibility is central to indirect information acquisition and voter reactivity. Drawing on data from Brazil, Winters and Weitz-Shapiro suggest that most voters are willing and able to punish corrupt politicians, but only when they have 'sufficiently specific, credible, and accessible information'.²⁷⁷ Generally, voters are more likely to punish corrupt politicians if allegations of corruption are made by an impartial and professional source (such as a public auditor) than by a partisan outlet (such as a party political broadcast or post on social media).²⁷⁸ Reports from partial or political outlets, meanwhile, can be shrugged off as 'political noise' if they negatively impact one's own party.²⁷⁹ This dissertation argues that even information from non-political sources like anti-corruption institutions or commissions of inquiry are easily dismissed as 'political noise' in Antigua's highly polarised society if the statements offend against the party.

Credible and accessible public information is thus generally accepted as central to anti-corruption, accountability, and good governance.²⁸⁰ It is therefore unsurprising that the control of information has been a key priority of successive Antiguan governments. One way this has been done is by undermining the work of institutions with important public information functions, such as the Director of Audit, the Public Accounts Committee, and commissions of inquiry. Chapter four will argue that the weakness of these institutions has sometimes been a deliberate government policy and should not be tolerated as a consequence of the standard challenges expected by public bodies in a small island developing state. Additionally, successive governments have sought to dominate the nation's media so that their version of events is the only available narrative.

²⁷⁶ De Vries and Solaz, "The Electoral Consequences of Corruption", 398.

²⁷⁷ Rebecca Weitz-Shapiro and Matthew Winters, "Lacking Information or Condoning Corruption? Voter Attitudes Toward Corruption in Brazil", *Comparative Politics* 45, no. 4 (2013): 419.

²⁷⁸ Claudio Ferraz and Frederico Finan, "Exposing corrupt politicians: The effects of Brazil's publicly released audits on electoral outcomes", *The Quarterly Journal of Economics* 123, no. 2 (2008): 703–745; Weitz-Shapiro and Winters, "Lacking Information or Condoning Corruption?", 418–36.

²⁷⁹ Eva Anduiza, Aina Gallego, and Jordi Munoz, "Turning a Blind Eye: Experimental Evidence of Partisan Bias in Attitudes Toward Corruption", *Comparative Political Studies* 46, no. 12 (2013): 1668.

²⁸⁰ Rohini Pande, "Can informed voters enforce better governance? Experiments in low-income democracies", *Annual Review of Economics* 3, no. 1 (2011): 215–237.

A nation's news media is a key to the public's information acquisition and interpretation. One of the most important studies of the link between media exposure and partisanship was conducted by Martin and Yurukoglu in 2017. Through a study involving a large sample of Republicans and Democrats in the US, they found exposure to Fox News or MSNBC had a measurable effect on participants' reported voting intentions.²⁸¹ While these findings were based on reported intentions rather than actual voting, they speak to the significant influence a state's media can play in shaping voters' attitudes. Martin and Yurukoglu also explicitly say their research found partisan media outlets had a polarising effect on their participants.²⁸²

Traditional media also plays an important role in what De Vries and Solaz call causal attribution.²⁸³ This refers to how people allocate credit or blame for something, such as a corruption scandal. It is well-established that people are likely to credit their in-group with actions deemed successes whilst blaming the out-group with failures.²⁸⁴ But more recent survey-based experiments show that partisanship influences how people interpret the same information. In a 2013 study, Anduiza, Gallego, and Munoz found that knowing the political affiliation of a hypothetical actor changed whether participants defined a hypothetical action by that actor as corrupt or not corrupt.²⁸⁵ Similarly, early studies by Lord et al, as well as more recent findings by Taber and Lodge and Wojcieszak, found that exposure to the same information, rather than reducing attitudinal extremes, actually had a polarising effect on participants' beliefs about political issues.²⁸⁶ This suggests there is a latent tendency for people to interpret information and allocate blame very differently depending on the partisanship of the people involved. This tendency can be exploited by partisan media outlets, as will be explored in more detail in following chapters.

The internet has complicated theories on the link between the partisanship, information acquisition, and voter behaviour. One of the key features of the internet is the near-unlimited discretion it gives users to pick and choose information sources. This 'self-selection' aspect of news exposure existed to a limited degree before the internet, as content consumers could choose which newspapers to read, what radio stations to listen to, and which tv channel to

²⁸¹ Gregory Martin and Ali Yurukoglu, "Bias in Cable News: Persuasion and Polarization", *American Economic Review* 107, no. 9 (2017): 2565-2599.

²⁸² Martin and Yurukoglu, "Bias in Cable News: Persuasion and Polarization", 2597.

²⁸³ De Vries and Solaz, "The Electoral Consequences of Corruption", 399.

²⁸⁴ See for example, Donald Taylor and Janet Doria, "Self-Serving and Group-Serving Bias in Attribution", *The Journal of Social Psychology* 114, no. 2 (1981): 201-211.

²⁸⁵ Anduiza, Gallego, and Munoz, "Turning a Blind Eye", 1664-1692.

²⁸⁶ Charles G. Lord, Lee Ross, and Mark R. Lepper, "Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence", *Journal of Personality and Social Psychology* 37, no. 11 (1979): 2098-2109; Taber and Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", 755-769; Magdalena Wojcieszak, "Deliberation and Attitude Polarization", *Journal of Communication* 61, no. 4 (2011): 596-617.

tune into.²⁸⁷ As technology became more abundant and content became cheaper to create and access, the general trend has been for the choices available to become more diverse. But the internet took media self-selection to new, previously unimaginable extremes. Whereas content from traditional news platforms (newspapers, radio stations, tv channels) is 'structurally imposed' by owners and/or editors, online news is 'more actively constructed' by the user.²⁸⁸ Through social media platforms like Facebook, Twitter, and YouTube, users can construct personalised, bespoke news streams, tailored to their interests, preferences, and beliefs. The ability to cultivate personal news streams was theorised as early as 1995 by Nicholas Negroponte under the concept of 'the Daily Me' - a hypothetical news outlet constructed by and for each individual.²⁸⁹ At the same time, some of this construction is done by algorithms which filter content in ways that reflect user preferences.²⁹⁰ Jessica Feezell points out that selective construction is in many ways necessary, due to 'information overabundance' on the internet.²⁹¹

But selective construction has the capacity to generate online 'echo chambers' - epistemic environments wherein people disproportionately encounter beliefs that coincide with their own and where contrary opinions are purposefully excluded or discredited.²⁹² Via an analysis of 100 million data points on four major websites, Cinelli et al found homophily in information networks and a bias in content diffusion toward like-minded users.²⁹³ Similar findings of homophily, or the tendency to surround one's virtual self with like-minded opinions, have been found by Knobloch-Westernwick et al, amongst others.²⁹⁴ Biased information access online is not restricted to politics but has even been demonstrated to influence how people find out about and make decisions on issues as important as healthcare.²⁹⁵ By repeating and reinforcing pre-existing beliefs and opinions, echo chambers can contribute to political

²⁸⁷ Alan Abramowitz and Steven Webster, "Negative Partisanship: Why Americans dislike parties but behave like rabid partisans", *Advances in Political Psychology*, 39, no. 1 (2018): 127.

²⁸⁸ Jessica Feezell, "Predicting Online Political Participation: The Importance of Selection Bias and Selective Exposure in the Online Setting", *Political Research Quarterly* 69, no. 3 (2016): 495.

²⁸⁹ Nicholas Negroponte, *Being Digital*, (New York: Vintage Books, 1995), 153.

²⁹⁰ See for example: Kjerstin Thorson, Kelley Cotter, Mel Medeiros and Chankyung Pak, "Algorithmic inference, political interest, and exposure to news and politics on Facebook", *Information, Communication and Society* 24, no. 2 (2021): 183-200.

²⁹¹ Feezell, "Predicting Online Political Participation, 496.

²⁹² C. Thi Nguyen, "Echo Chambers and Epistemic Bubbles", *Episteme* 17, no. 2 (2020): 142.

²⁹³ Matteo Cinelli, Gianmarco De Francisci Morales, Alessandro Galeazzi, Walter Quattrociocchi, and Michele Starnini, "The echo chamber effect on social media", *Proceedings of the National Academy of Sciences* 118, no. 9 (2021): 5.

²⁹⁴ Silvia Knobloch-Westernwick, Cornelia Mothes, Benjamin K. Johnson, Axel Westernwick, Wolfgang Donsbach, "Political Online Information Searching in Germany and the United States: Confirmation Bias, Source Credibility, and Attitude Impacts", *Journal of Communication* 65, no. 3 (2015): 505.

²⁹⁵ Hannah Greving and Kai Sassenberg, "Counter-regulation online: Threat biases retrieval of information during Internet search", *Computers in Human Behavior* 50, (2015): 291-298.

polarisation.²⁹⁶ This is particularly nefarious when disinformation or 'fake news' is introduced to an echo chamber.²⁹⁷

Information bias is only one explanation for why voters may not punish corrupt politicians. While it is an influential theory and can help our understanding of Antiguan political culture, it can be criticised for excessively emphasising subconscious behaviour and minimising voter agency. Most of the foregoing theory sees voter choices as determined by contextual factors and subconscious processes rather than the result of rational decision making. This is problematic because it neglects rational reasons voters may choose to support corrupt candidates. Ignoring these simplifies political culture and, as a result, hinders effective anti-corruption strategies. Existing scholarship on rational-choice corruption voting broadly identifies two explanations: vote-buying and the trade-off hypothesis.

The first reason someone may choose to vote for a corrupt candidate is that they have been paid to do so. Vote-buying has been endemic in Antigua, as in much of the Caribbean. Vote-buying can be a one-off transaction whereby a politician or their broker gives a voter cash or a material inducement in return for their vote. This may be an explicit exchange or more casual, with the vote-buying implied. For example, in the run up to the 2023 General Election Prime Minister Gaston Browne was filmed handing out wads of cash to constituents.²⁹⁸ This was seen by many as an example of implied, ad hoc vote-buying. But vote-buying may involve a more long-term transactional relationship between voter and politician whereby the latter provides more significant or repeat favours such as a job or government-granted concessions in return for the voter's ongoing support.²⁹⁹ This is called clientelism, with the politician as the patron and the voter as the client.

In 2007 Manzetti and Wilson sought to add empirical support to the wealth of anecdotal evidence about clientelism and the (re-)election of corrupt politicians. Through a study of 14 states, representing a diversity of region, size, economic development, and political system, they concluded that the 'extent to which corrupt governments are supported by their citizens depends on their ability to dispense such patronage', directly linking clientelism and

²⁹⁶ Ludovic Terren and Rosa Borge, "Echo Chambers on Social Media: A Systematic Review of the Literature", *Review of Communication Research* 9, (2021): 112.

²⁹⁷ Carlos Diaz Ruiz and Tomas Nilsson, "Disinformation and Echo Chambers: How Disinformation Circulates on Social Media Through Identity-Driven Controversies", *Journal of Public Policy and Marketing* 42, no. 1 (2022): 18.

²⁹⁸ Kieron Murdoch, "Prime Minister filmed handing out cash to constituents as election looms", *Antigua Observer*, Oct 17, 2022, accessed June 8, 2023, <https://antiguaobserver.com/prime-minister-filmed-handing-out-cash-to-constituents-as-election-looms/>.

²⁹⁹ Allen Hicken, "Clientelism", *Annual Review of Political Science* 14, (2011): 295.

vote-buying to corruption voting.³⁰⁰ Similarly, in 2016 Fernandez-Vazquez et al found that Spanish voters tolerated corruption when they received tangible side benefits, but punished corruption when these benefits were lacking or insufficient.³⁰¹ This attitude is observable in Antigua and contributes to an understanding of why Antiguan have re-elected allegedly corrupt politicians. One of the earliest recorded observations of this in the post-colonial era was in 1983 when the British Government Representative, John Crane, reported on Antiguan attitudes to corruption, saying 'one cynical comment which I have heard is that "we know they are all stealing but it's alright as long as they keep giving us some."' ³⁰² Some 38 years later, Akaash Mahara, Ambassador at Large for the Global Organization of Parliamentarians Against Corruption made an almost identical, if more jocose observation on Antigua's Observer Radio: 'many Antiguan and Barbudans hope to benefit from corruption; they may not look to the day when corruption ends but instead look to the day when their patron is the one with his nose in the trough, so that perhaps as he sloshes about in it some of those illicit benefits might splatter on them.'³⁰³ These two quotations, both by external observers, demonstrate that an expectation of side-benefits has been a prominent and consistent feature of Antiguan political history during the post-colonial period, one that underpins public tolerance and even support for corruption.

Another observation by a British diplomat, this time in 1994, emphasised the role of dependency in vote-buying and clientelism. In 1994, the British High Commissioner to the eastern Caribbean reported to the Foreign and Commonwealth Office that 'personal hand-outs from those in power' constituted 'a sort of parallel welfare system' which might collapse if the ALP lost the forthcoming election.³⁰⁴ This is an important commentary because it highlights the fact that for many voters in poor societies, clientelism or vote-selling can be an essential source of income and provide economic stability. Conversely, disengaging from clientelist relationships can be economically dangerous. This is a topic which requires further investigation, but Allen Hicken has done some work highlighting that clientelist relationships involve highly unbalanced hierarchies, usually between a politician and a member of the

³⁰⁰ Luigi Manzetti and Carole J. Wilson, "Why Do Corrupt Governments Maintain Public Support?", *Comparative Political Studies* 40, no. 8 (2007): 963.

³⁰¹ Pablo Fernández-Vázquez, Pablo Barberá, and Gonzalo Rivero, "Rooting Out Corruption or Rooting for Corruption? The Heterogeneous Electoral Consequences of Scandals", *Political Science Research and Methods* 4, no. 2 (2016): 395.

³⁰² John M. Crane (British Government Representative in Antigua) to Giles L. Bullard (British High Commissioner, Bridgetown), October 20, 1983, "Internal Political Affairs of Antigua", FCO 44/2839, TNA, 2.

³⁰³ Akaash Maharaj speaking on "The Big Issues: Corrupt Politics and the Crisis of Accountability in Antigua and Barbuda", first broadcast on Newsco Observer Radio 91.1 FM, (Antigua and Barbuda), October 31, 2021, 24:17-24:37.

³⁰⁴ Emrys T Davies, British High Commissioner, Bridgetown, to Douglas Hurd, Foreign and Commonwealth Office, London, January 14, 1994, "Annual Review", FCO 160/327, TNA, 3.

public. In small states like Antigua where most politicians are also cabinet ministers, this imbalance is pushed to an extreme. In such relationships, disengagement by the client can result in reprisals from the patron. They might fire the client or otherwise make them lose their job and/or pursue similar vendettas against members of the former-client's family or friends. As government ministers, patrons could have other means to punish apostate clients ranging from the revocation of a work permit to general victimisation. Again, these pressures are particularly pronounced in small developing states like Antigua where poverty, under/unemployment, and subsistence living make job loss potentially ruinous. Therefore, while this dissertation emphasises the role of agency in sustained systemic corruption, it must not be assumed that clientelism and vote-selling are voluntary engagements; for some, they may be necessary means of economic survival.

A second rational choice explanation for corruption voting is the trade-off hypothesis. This approach hypothesises that voters perceive corruption as just one facet of a politician's character. Others include the politician's partisanship, personality, policy platform, record in office, and relationship with the voter.³⁰⁵ In practice, voters may decide that one or more of these facets compensate for a politician's corruption, rendering them the overall preferred candidate. As emphasised by Golden, this weighing process is highly personal and will differ for each voter based on their preferences and judgements.³⁰⁶ Klasnja et al have supported the trade-off hypothesis but shown it to be more effective/prevalent among lower educated and less wealthy voters.³⁰⁷ This suggests this phenomenon is even more useful in explaining corruption voting in less developed states like Antigua than wealthier ones like the UK. In states like Antigua that are polarised according to partyism, a candidate's partisanship is the most important factor in deciding whether or not to overlook corruption. Electoral data consistently shows that Antiguan voters are unlikely to be deterred from supporting their party's candidate, even when that candidate is proven to be corrupt. This conforms to findings from Rundquist et al which show that voters in highly polarised societies will support corrupt candidates of their own party above 'clean' opposition candidates.³⁰⁸

³⁰⁵ Anduiza, Gallego, and Munoz, "Turning a Blind Eye", 1668.

³⁰⁶ Mirian Golden, "Some Puzzles of Political Corruption in Modern Advanced Democracies", 2006, paper to be published in a volume edited by Hideko Magara on political accountability (in Japanese), available online, May 24, 2023, <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=96a59c453b50dbcf40619c7d364b7478746528>, 11.

³⁰⁷ Marko Klasnja, Noam Lupu, and Joshua A. Tucker, "When do voters sanction corrupt politicians?", *Journal of Experimental Political Science* 8, no. 2 (2021): 168.

³⁰⁸ Rundquist, Strom and Peters, "Corrupt Politicians and Their Electoral Support", 956.

Corruption and Voter Behaviour in Antigua

Throughout the period under review, Antiguan voters have demonstrated a clear tendency to re-elect corrupt politicians. Because Antigua does not have local government (aside from the Barbuda Council), analyses of voter behaviour must be based on general election statistics. By examining a broad range of sources, including government data, reports by the Supervisor of Elections and/or the Electoral Commission, and (since 1999) assessments of that information by Commonwealth and OAS election observer groups, I have compiled the most reliable database of Antiguan election statistics available. This takes into account important data points overlooked by other datasets, such as invalid or rejected votes. Nonetheless, this dataset is far from perfect. Manipulation of and failure to update the voter register is a common issue in Antiguan political history, as detailed in chapter three's discussion on elections. Outside observers (Douglas Payne in 1999 in particular) have noted that voter registers are often inflated by the names of deceased or otherwise no longer valid electors. This means voter turnout may be higher (in percentage terms) than the data suggests. It also makes comparisons of vote numbers between elections difficult, obliging analyses to focus on percentages rather than numbers. This is further complicated by the fact that Antigua's voting population has significantly but sporadically grown over time, as birth rates have increased, migration patterns have changed, and the franchise has been amended. But with these caveats in mind, this is the most dependable data available and analysis reveals interesting trends in voter behaviour and corruption. First, corruption does not lead to abstention or apostasy. And second, corruption can increase turnout if a strong party uses it as a rallying call to previously apathetic voters. Both of these points speak to the importance of political culture and partisanship in Antigua's history of corruption.

A fruitful way of examining the effect of corruption on voter behaviour is to compare data from elections immediately before and after a major corruption scandal. One of the earliest of these was the 1986-87 runway scandal which implicated Vere Bird Jr in a plot to profiteer from the US\$11 million redevelopment of Antigua's airport, discussed in more detail in chapter five. The danger this posed to the economy and workers' jobs caused massive public outcry and forced Prime Minister Bird to set up the Nedd Investigation which, though highly restricted, said Vere Jr had conducted himself 'in a manner unbecoming a Minister'.³⁰⁹ This became a constant basis for attack by opposition groups, with the nickname 'Vere "Runway" Bird' commonly used in speeches and articles.³¹⁰ Yet this widely-reported scandal

³⁰⁹ "Airport Expenditure Detailed", *The Herald*, Oct 29, 1986, ANA, 1.

³¹⁰ "ACLM-UNDP Hold Massive Meeting", *Outlet*, September 4, 1987, ANA, 3.

seems to have had minimal impact on voter behaviour. Turnout in Vere Jr's constituency St John's Rural South decreased by 1 percent from 57 in 1984 to 56 in 1989. This is contrary to a small but influential body of literature which holds that the most likely outcome from corruption is voter abstention, most forcefully argued by Stockemer et al's 2011 study of corruption and turnout in over 70 democracies between 1984 and 2009.³¹¹ Moreover, turnout in St John's Rural South did not stand out as low in 1989; it was just four percentage points lower than the national average (60 percent), and four constituencies had lower turnouts. Furthermore, Vere Jr's vote share actually increased following his implication in the runway scandal, rising from 72 to 75 percent. This data shows two things: the runway scandal did not encourage voters in St John's Rural South to abstain; and three quarters of voters supported Vere Jr despite his role in the scandal. This strongly suggests the importance of information bias and rational choice in explaining corruption voting.

The re-election of Vere Jr in 1989 outraged some contemporaries, including Tim Hector. In *Outlet*, Hector lashed out at the voters of St John's Rural South, saying Antigua was falling 'deeper and deeper into the bottomless pit of officially sanctioned deceit, illegality and corruption' because 'the people tolerate it. To be blunt, the people voted for it.'³¹² This uncharacteristic admonition of voters by Hector demonstrates that even politically astute observers at the time did not recognise or fully appreciate the powerful reasons voters re-elect corrupt politicians. Hector assumed voters would punish a corrupt incumbent. This is an assumption shared by many modern commentators and campaigners, who overlook the factors of information bias, vote-buying, and rational choice. Other contemporaries made explicit allegations when coming to terms with Vere Jr's re-election. Also writing in *Outlet*, defeated ACLM candidate Anthonyson King asked 'is it an indication of the amount of money spent on the campaign? Surely Vere Runway had more money and more workers than any other candidate in the election. Where did our morals go? Money talks.'³¹³ Here, King clearly implies that vote-buying played a key role in Vere Jr's election in 1989. But King, like Hector, does not contemplate information bias or rational choice. He presupposes three sequential things: that voters believed Vere Jr was corrupt; that they saw corruption as a moral evil or indicator of bad-mindedness; but they overlooked this in exchange for a bribe. While some of this may be true to some extent and for some voters, it presents only a partial picture. Some voters, because of information bias, may have not believed Vere Jr was guilty in the runway scandal to begin with. Other voters meanwhile may have believed him guilty and believed

³¹¹ Daniel Stockemer, Bernadette LaMontagne, and Lyle Scruggs, "Bribes and ballots: The impact of corruption on voter turnout in democracies", *International Political Science Review* 34, no. 1 (2011): 74-90.

³¹² Tim Hector, "Editorial: Antigua plunging deeper into the pits", *Outlet*, October 20, 1989, 8.

³¹³ Anthonyson King, "The 1989 Elections - A Review", *Outlet*, Match 17, 1989, ANA, 9.

corruption wrong, but supported Vere Jr nonetheless because they made a rational decision that this corruption was compensated by his other characteristics, like his being the ALP candidate.

A second case study to explore the link between voting and corruption is the 1990 Guns for Antigua scandal in which Vere Jr was implicated in a gun-running conspiracy. This was a massive scandal that received international attention, culminating in the Blom-Cooper Inquiry which named Vere Jr a definite conspirator, as examined in chapter five.³¹⁴ The UPP built their 1994 campaign around integrity and anti-corruption, with slogans like 'Leadership you know you can trust' and pledged to 'eradicate corruption'.³¹⁵ Turnout did decline in St John's Rural South, but not considerably, from 56 percent in 1989 to 51 percent in 1994. This turnout likely had more to do with a weak opposition than purposeful abstention attendant to the 1990 arms scandal. This was the first election in which the newly-founded UPP fielded candidates. The UPP had been formed in 1992 from a coalition of parties and anti-ALP groups and its slate of candidates in 1994 reflected this diversity. Some UPP candidates did very well in 1994, particularly those that had been long-serving leaders in the Antigua Workers Union. Donald Halstead, who had been a founding member of the AWU and George Walter's second in command, won 61 percent of the vote in his constituency. Similarly, the emerging charismatic leader of the UPP, Baldwin Spencer, discussed below, won 66 percent.

But in 1994 the UPP did not yet have a strong party identity capable of taking on the ALP nationwide. Many individual candidates fared poorly - the aforementioned Anthonyson King won just 22 percent of the vote in St Peter. Vere Jr's challenger was Tim Hector who, though a popular journalist, was never a successful politician, possibly because of his radical socialism which has never appealed to a wide Antiguan electorate. Prior to 1994, Hector stood as a candidate for his socialist pan-African party, the Antigua Caribbean Liberation Movement, winning just 58 votes. In 1994 he stood for the UPP and won just 537 votes, or 32 percent. In contrast, Vere Jr secured another safe victory, with 64 percent of voters backing him. While down from his 1989 apogee, 64 percent support is still a significant majority given the seriousness of the arms scandal and the effort the UPP had put into making corruption and integrity key issues in the election. This is further evidence that corruption did not affect Antiguan voting behaviour in a way that determined electoral outcomes. Some contemporaries predicted this. Less than two months before the election,

³¹⁴ "Vere Bird sent to the Cleaners - "A Thoroughly Unprincipled Man - A definite conspirator" - Blom-Cooper", *Outlet*, November 09, 1990, ANA, 1.

³¹⁵ "Leadership You Know You Can Trust: 1999 Manifesto", UPP Election Manifesto, 1999, Antigua and Barbuda, ANA, 7.

Emrys Davies, the British High Commissioner based in Barbados, told the UK Foreign Secretary that in Antigua 'corruption is so blatant, all-pervasive and of such long-standing that the electorate will not have the nerve to throw the miscreants out at the next election'.³¹⁶ He specifically said this was because 'personal hand-outs from those in power...might, after all, stop'.³¹⁷ Vote-buying, then, was recognised by British statesmen as a determining factor in Antiguan elections.

One of the greatest political upsets in Antiguan history was the UPP's landslide victory in 2004. After 28 years of dominance, the ALP lost all but four seats in the House, handing the UPP a huge majority which it maintained for ten years. Corruption, and the public's awareness of it, played a role in this outcome, but it was not the election's defining issue. Instead, 2004 should be seen as the peak of a new wave of partisanship and polarisation in Antiguan politics. The late 1980s to mid 1990s was a period of relatively low partisanship during which the ALP enjoyed largely unchallenged hegemony. The PLM's leader, George Walter, was arrested and briefly imprisoned on corruption charges in 1979. Though released on appeal, Walter was unable to stand in the 1980 election, his spirit was crushed by his experience, and the party divided over how to respond.³¹⁸ Meanwhile, the PLM's second in command, Donald Halstead fled to the US to avoid his own imprisonment. Because the PLM, like all successful Antiguan parties, was built on a foundation of the leader's personality, the withdrawal of Walter and Halstead from the political field led to the party's collapse between 1979 and the 1984 election. Between 1984 and 1992, the most politically active voters lent their support to successive parties that quickly formed, fought and lost an election, and then collapsed: the United Progressive Movement (in 1984) and the United National Democratic Party (UNDP, in 1989). Neither of these parties attracted even half the votes the ALP was able to rely upon because they did not have clear leadership or a strong party identity.

This changed in 1992 when Baldwin Spencer (then leader of the UNDP) led the formation of a new party, the United Progressive Party (UPP), by combining with the Antigua Caribbean Liberation Movement. The UPP quickly and effectively learned to copy what had made the ALP and PLM so successful, namely a strong party brand and personalised leadership. While the UPP polled well in the 1994 election, by 1999 it had built itself into a formidable challenger to the ALP's political dominance. Most importantly, it had organised itself around

³¹⁶ Emrys T Davies, British High Commissioner, Bridgetown, to Douglas Hurd, Foreign and Commonwealth Office, London, "Annual Review", January 14, 1994, FCO 160/327, TNA, 3.

³¹⁷ Davies to Hurd, FCO 160/327, 3.

³¹⁸ Robert J Alexander, *A History of Organised Labour in the English-Speaking West Indies*, (Westport: Praeger Publishers, 2004), 181.

the leadership and personality of Baldwin Spencer. Like previously successful politicians, Spencer had been a long-standing leader of the labour movement and a prominent figure in the Antigua Workers Union. After being elected in 1989 (becoming the lone opposition MP, representing the UNDP) he used his platform to gain the attention of voters who were opposed to Bird's ALP but, for the time being, felt politically homeless. He did this through attention-grabbing gestures such as tabling a doomed no confidence motion in the government after the Guns for Antigua scandal. After the 1999 election was criticised by outside observers like Douglas Payne, Spencer went on a hunger strike and led protests calling for electoral reform. This positioned Spencer as part of a Caribbean legacy of heroic campaigners, stretching back to the likes of Uriah Butler in Trinidad who also used the hunger strike as a form of protest in 1935.³¹⁹ This protest allowed Spencer (at least in the eyes of his supporters) to claim credit for the introduction of the Electoral Commission in 2002. The combination of long service to the labour movement, self-sacrifice, and claimed success brought Spencer the unique kind of charismatic authority that had underpinned V. C. Bird's long leadership. The development of a Spencer-personality-centred political party by the turn of the century can be seen most demonstrably by simply comparing the covers of UPP manifestos for elections in 1994 and 1999. The former is dull and confused while the latter is dominated by a large photograph of Spencer, with the title spelled out in the now-iconic UPP colours of yellow and blue. By the early 2000s, Spencer had created a powerful political movement by recognising and capitalising on two key themes of Antiguan political culture: personality and partyism.

Corruption and anti-corruption fed into the UPP's new political strategy. The young party's leading personalities were held up as paragons of virtue and integrity, while the ALP were lambasted as bad-minded, corrupt, and ultimately incompetent. The 2004 manifesto's opening line said the policies of the ALP 'and the conduct of its leadership have brought immeasurable shame and pain' to Antigua.³²⁰ This drive was made all the easier from 2002 onwards when the UPP were gifted yet another ALP government corruption scandal. In 2002, it was revealed that successive ALP governments had been abusing and misallocating funds from the Medical Benefits Scheme - a state-mandated insurance scheme for all employers and employees.³²¹ In the wake of this scandal, it was inevitable that the newly energised UPP would channel this energy into themes of integrity, anti-corruption, and

³¹⁹ Richard Hart, "The birth of the trade union movement in the English-speaking Caribbean area", *Social and Economic Studies* 48, no. 3 (1999): 185.

³²⁰ "An Agenda for Change: United Progressive Party 2004 Manifesto", United Progressive Party, 2004, ANA, 4.

³²¹ *George et al v McIntyre et al*, High Court of Antigua and Barbuda, 24 June, 2003, accessed June 18, 2023, <https://ag.vlex.com/vid/george-et-v-mcintyre-792668981>, paragraph 5.

personality. 'Integrity will be the bedrock of the UPP', the manifesto's opening page proclaimed, 'Transparency and Accountability will be our watchwords.'³²² That said, the UPP's actual manifesto pledges around anti-corruption were few and vague, including pledges to 'energise the private sector' and 'increase productivity and competitiveness'.³²³ A handful of specific policies were included, like introducing a Freedom of information Act, though these are fairly few in number.³²⁴ Most of the UPP's 2004 manifesto was taken up by the standard set of ambitious policies that have been found in almost every manifesto written by any mainstream Antiguan party since 1980, including: economic diversification; agricultural reform; support for small and local business; and a revolution in education. The policy content of the UPP's manifesto did not therefore reflect the party's broader rhetoric around corruption and integrity. Rather than lead to a rigorous, thought-through, and policy-centred election platform with clear anti-corruption policies, corruption in the early 2000s was simply fed into the overbearing personality-centred rhetoric of Antiguan politics. Corruption was not presented as a systemic failing or institutional problem requiring policy solutions, but as a character defect or consequence of bad mindedness which necessitated a change of people in office. In effect, the UPP were saying 'don't hate the game, hate the player'. This was another example of the high degree to which Antiguan elections are fought and won on people not policies, and parties not politics.

Around 90 percent of Antiguan voters turned out in 2004. This is well above the average for the period under review (74 percent) and stands out in modern Caribbean political history. But examining where those votes went reveals interesting things about corruption and political culture in Antigua. Despite the high salience of corruption in 2004, the ALP did not lose vast numbers of voters between 1999 and 2004. In 1999, 17,521 people voted for ALP candidates, while in 2004 this number remained high at 16,544, a drop of just 5.6 percent. Around a third of this decline can be accounted for by the fact that in 2004 the ALP did not field a candidate in Barbuda, which in 1999 had added 329 votes to the ALP's total. The Prime Minister, Lester Bird, actually gained votes in 2004, despite heading a supposedly corrupt government. The ALP vote thus remained strong. This adds to the large body of evidence from Antigua that shows that corruption does not suppress voter turnout.

³²² "An Agenda for Change: United Progressive Party 2004 Manifesto", United Progressive Party, 2004, ANA, 1.

³²³ "An Agenda for Change: United Progressive Party 2004 Manifesto", United Progressive Party, 2004, ANA, 7.

³²⁴ "An Agenda for Change: United Progressive Party 2004 Manifesto", United Progressive Party, 2004, ANA, 40.

The total number of votes cast increased by 6,238 in 2004, and the UPP's votes increased by 7,179 in the same period. This data suggests that the UPP drew some votes away from the ALP, but the vast majority of its new supporters were people who had not voted before. This draw was possible because the UPP had created a strong party identity, built around the personality of Spencer, that was able to challenge the hegemony of Lester's ALP. The corruption scandals of the early 2000s provided a vehicle by which Spencer could extend his party's appeal, incorporating corruption into the usual personality-centred rhetoric of American politics. While corruption was a factor in the 2004 election, it was not the key variable that determined the outcome. The key variable, and the point of difference in 2004, was political culture and the presence of a strong party with a powerful identity and personalised brand. This explains why 2004 saw a massive increase in turnout, while other periods of high corruption salience saw minimal changes to voter behaviour. This evidence then lends support to the argument that it is partisanship rather than corruption informed voter behaviour in Antigua.

Conclusion

Lester Bird's reflections on Antiguan democracy, with which this chapter opened, are profound and revealing. His assertion that Antiguan politics has the potential to destroy friendships, undermine democracy, and retard development has undoubtedly been proven true by Antiguan history. He was also right to lay the blame for this on the all-or-nothing partyist rivalry that has characterised Antiguan politics, as well as the absolutist ambitions of strong personalities. Antigua's history of political polarisation is indivisibly bound to its history of corruption. Polarisation has accentuated in-group preferences and information biases which affect how voters respond to corruption allegations, limiting their ability to hold corrupt politicians to account. Polarisation has also heightened broad tolerance of corruption by in-party politicians by couching politics in absolutist terms; many Antiguanians have preferred to elect a corrupt politician of their own party then countenance the empowerment of any other politician, no matter how clean. This is the epitome and logical conclusion of the 'my party, right or wrong' attitude which had its genesis in the labour schism of 1967 and has remained a constant feature of Antiguan politics ever since. The long-term entrenchment of party-based networks of patronage and influence have also established vote-buying as common practice in Antigua, rewarding corrupt politicians able and willing to purchase votes whilst further curtailing voters' ability to punish corrupt actors.

If the Westminster system, as enacted in a small state, gave politicians the tools to pursue corrupt practices, it was Antigua's polarised partisanship that provided the necessary context for it to become endemic and sustained over decades. In part, partisanship provided the motivation for corruption to become commonplace, as ordinary citizens came to see it as tolerable, and even necessary, in the fight for political supremacy. Ordinary voters became complicit in corruption, engaging in corrupt practices of vote-buying and clientelism. At the same time, Antigua's political culture gave politicians the confidence that they could engage in corruption with little to fear in the way of electoral repercussions. The compound effect of all these political factors - information bias, in-party preference at any cost, vote-buying, and so on - was to create a cultural context in which corruption was seen as both attractive and practicable. It was therefore Antigua's partisan context that meant 'corruption has become woven into the warp and the weft of Antiguan politics' for over forty years³²⁵

However, just because corruption is doable and alluring, does not mean it inevitably becomes endemic. Like most states, and most institutions of any sort, Antigua has always had a number of anti-corruption safeguards that are supposed to monitor the use of political power and detect abuses. The next three chapters examine these safeguards and assess how they have failed to effectively prohibit and punish corruption in Antigua.

³²⁵ Akaash Maharaj speaking on "The Big Issues: Corrupt Politics and the Crisis of Accountability in Antigua and Barbuda", first broadcast on Newsco Observer Radio 91.1 FM, (Antigua and Barbuda), October 31, 2021, at 22:57-23:04.

Chapter Three: Principles of Good Governance - Inviolable Law or Rules to be Broken?

In 1985, barely four years after independence, Tim Hector wrote the following in *Outlet*: 'The people elect representatives. But the government, once elected, makes a hash of all rules. Good government and democracy are violated by the very representatives the people elect.'³²⁶ This observation speaks to the core theme of this chapter – the good governance principles of Antiguan politics and the ways they have been violated by corrupt politicians. All states (and for that matter, all institutions, businesses, and societies) have a set of principles, rules, or guidelines that govern how power is to be distributed, used, and held in check. When enforced and obeyed properly, these principles create systems hostile to corruption wherein power cannot be abused for private gain, or, if abuse does occur, it is rapidly detected, exposed, and punished. When it comes to nation states, the principles regulating the distribution, use, and regulation of political power are usually codified in constitutions, sometimes with later amendments or supplementary legislation. Stephen Potts has rightly used the analogy of corruption as 'a cancer on the body politic' to argue that 'prevention and early detection' are the best ways to eradicate it.³²⁷ In this sense, the good governance principles of a state should have an prophylactic effect whereby corruption is inhibited in the first place or is quickly 'treated' and 'cured' before it can spread and become systemic within a polity.

The principles of good governance explored here constitute the first line of defence in Antigua's three-part anti-corruption arsenal. But this chapter will show that these principles have frequently been violated by Antiguan governments in ways that allowed corruption to flourish. These methods include: subtle rule-bending; not so subtle law-breaking; amendments or changes to laws; and even flagrant disregard of key principles of governance. To explore this topic, this chapter focuses on three key principles common to all healthy democracies and widely seen as markers of good governance: parliamentary scrutiny of the executive; freedom of speech and an unencumbered press; and free and fair elections. These three principles have clear anti-corruption functions. Effective legislative or parliamentary scrutiny means that governments cannot abuse public resources for private gain or pass laws and make decisions aiding corruption. If they do, Parliament and

³²⁶ Tim Hector, "Parliament useless", *Outlet*, February 22, 1985, ANA, 1.

³²⁷ Stephen Potts, "Ethics in Public Service: An idea whose time has come", in *Public Sector Ethics: Finding and Implementing Values*, ed. Charles Stampford and Noel Preston, with Carol-Ann Bois, (London: Routledge, 2002), 89.

parliamentary-convened bodies like the Public Accounts Committee should quickly identify and sanction corrupt behaviour. Freedom of speech and a free press is essential in exposing corruption and prompting informed public debate on politicians' conduct. And free and fair elections are essential in giving voters the opportunity to punish corrupt politicians and remove them from power. It will be shown that in Antigua, these principles have been violated in ways that facilitated corruption and allowed it to go undetected and/or unpunished. When the principles examined here are flouted, it falls to secondary lines of defence in the fight against corruption: anti-corruption agencies and public inquiries, which will be examined in chapters four and five respectively.

Rule-bending and Rule-breaking

A robust and well-defined set of rules underpinning principles of good governance is seen as a marker of good governance, particularly when those rules guarantee political accountability and transparency, popular participation in democratic processes, and the rule of law.³²⁸ Studies on corruption tend to focus on the presence or absence of suitable rules governing a political society. Usually this leads to the conclusion that corruption follows from the wrong type of rules or the absence of necessary rules. This in turn can lead to institution-centric explanations of corruption which risk implying that corruption is an inevitable consequence of the wrong institutions/rules being used in the wrong context. The suggestion that corruption inevitably results from the Westminster system being used in a small state could be an example. But it is also important to consider the role of proactive rule manipulation by political actors. Corrupt politicians should be seen not just as opportunistic exploiters of an inherited political system but as active agents purposefully manipulating and changing that system over time to suit their interests. This has been less well-studied and rarely has proactive rule-bending/breaking been investigated as a subject in its own right. The history of rule-bending in Antigua cautions us to pay greater attention to the agency of these bad-faith political actors and recognise that political systems are not fixed but are vulnerable to abuse and deformation.

Where existing literature has explored the link between rule-bending and corruption, it has done so most fruitfully when combining political rules and government systems with an appreciation of a society's contemporary politics. Aradhana Sharma has argued that in modern India a 'teeming overabundance' of laws created a contradictory and confusing web

³²⁸ Veerle Van Doeveren, "Rethinking good governance", *Public Integrity* 13, no. 4 (2011): 302.

of regulations which corrupt politicians have been able to exploit for their own advantage.³²⁹ Elsewhere, Chuah, Loayza, and Myers have explored how excessive and complex bureaucracy and regulation can be exploited to create 'rent-seeking opportunities by those who function as gatekeepers' within a tangled net of regulations, overlapping laws and jurisdictions, and complex institutional relationships.³³⁰

In the Caribbean, a renewed emphasis on good governance, largely driven by international donors, led to a reappraisal of government systems in the 1990s. This involved a deeper look at the political rules and norms in a region which has frequently, but somewhat mistakenly, been held up as a bastion of good governance and democracy. Prominent among these revisionist scholars was Percy Hintzen who began to look under the surface of political institutions and examine the cultures that informed how they operated in practice and how malicious operation could impede development. Hintzen found that in many cases the formal mechanisms of democracy (elections, parties, representative assemblies, and so on), while sound on paper, were in practice being manipulated by a political elite into 'an instrument of regimentation' used to advance their own interests.³³¹ Similarly, Selwyn Ryan, also in 1997, argued that the Caribbean's democratic reputation was 'ritualistic' and hid a reality marked by the public's exclusion from decision making processes, tribal political discrimination, and centralised authoritarian rule.³³² As mentioned in chapter two, this centralised rule was often focused around maximum leaders in each state, in whom power was 'effectively personalised' after long-term programs of power accumulation and entrenchments.³³³

More recently, some scholars have highlighted the relationship between partisanship and rule-bending and how this can lead to corruption. For instance, in a 2013 examination of recent authoritarianism in Latin America, Kurt Weyland emphasised the importance of populism in making rule-bending palatable to the public. In populist political cultures, Weyland argues, couching political rhetoric in terms of an 'us versus them' struggle for

³²⁹ Aradhana Sharma, "New Brooms and Old: Sweeping Up Corruption in India, One Law at a Time", *Current Anthropology* 59, Supplement 18 (2018): 73.

³³⁰ Lay Lian Chuah, Norman Loayza, and Bernard Myers, "The Fight Against Corruption: Taming Tigers and Swatting Flies", World Bank Research and Policy Briefs, no. 145050, (January 1, 2020), accessed Feb 22, 2023, available at SSRN: <https://ssrn.com/abstract=3586635>, 3.

³³¹ Percy Hintzen, "Democracy and middle class domination in the Anglophone Caribbean", in *Democracy in the Caribbean*, ed. Carlene Edie, (Westport, CT: Praeger, 1997), 11.

³³² Selwyn Ryan, "Problems and prospects for the survival of liberal democracy in the Anglophone Caribbean", in *Democracy in the Caribbean*, ed. Carlene Edie, (Westport, CT: Praeger, 1997), 241.

³³³ Jeffrey Haynes, "The Third World and the third wave of democracy", in *Democracy and Political Change in the Third World*, ed. Jeffrey Haynes, (New York: Routledge, 2001), 8.

survival legitimises rule-bending in the eyes of supporters.³³⁴ I argue that pernicious polarisation has had a comparable effect in Antigua because it justifies extreme acts on the grounds that they are necessary for in-group survival.³³⁵ My Masters dissertation has shown how pernicious polarisation facilitated the passage of repressive anti-constitutional laws such as the 1972 Public Order Act and two 1971 Newspaper Acts.³³⁶ Pernicious polarisation was also exploited to justify rule-bending among party supporters in the post-colonial period.

Michael Collier has been among those who have sought to combine institutional approaches with more cultural and agency-centred understandings of corruption and political rule manipulation. Collier has rightly said, 'Rules tell people what they should do, what they must do, and what they have a right to do...Considering their material circumstances, agents follow or disregard rules to achieve their goals.'³³⁷ These material circumstances include a range of factors, some institutional and some cultural. Institutional factors include things like the existence of rigorous regulatory institutions and the agent's perception that these will effectively detect and sanction corruption. Cultural material circumstances include political and social pressures on the agent, such as orders by party leaders, demands from constituents, and the agent's own morality and perspectives. More recently, Veenendaal and Corbett have sought to synthesise institutional and cultural approaches in their book-length study of democratisation in small and postcolonial states.³³⁸ While they thoroughly agree that institutions mattered in post-colonial democratisation, they reject simplified colonial-inheritance path dependency theories espoused by Weiner Hadenius and Clague et al, amongst others.³³⁹ Instead they say that colonial-era political institutions, once established in places like Antigua, diverged in their effect and use in response to local traditions and political cultures, not least those engendered through small state politics.³⁴⁰ More recently, Indianna Minto-Coy has argued that Caribbean corruption is rooted in a

³³⁴ Kurt Weyland, "Latin America's Authoritarian Drift: The Threat from the Populist Left", *Journal of Democracy* 24, no. 3 (2013): 21.

³³⁵ Jennifer McCoy, Tahmina Rahman, Murat Somer, "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities", *American Behavioral Scientist* 62, no. 1 (2018): 16–42.

³³⁶ Joseph Gascoigne, "Partyism and Polarisation: A History of Antiguan Political Culture, 1967-1976," (Master's dissertation, University of York, 2020).

³³⁷ Michael Collier, "Explaining corruption: An institutional choice approach", *Crime, Law and Social Change* 38, (2002): 4.

³³⁸ Jack Corbett and Wouter Veenendaal, *Democracy in Small States: Persisting Against All Odds*, (Oxford: OUP, 2018).

³³⁹ Axel Hadenius, *Democracy and Development*, (Cambridge: CUP, 1992); Christopher Clague, Suzanne Gleason, and Stephen Knack, "Determinant of Lasting Democracy in Poor Countries: Culture, Development, and Institutions", *The Annals of the American Academy of Political and Social Science* 573, no. 1 (2001): 16-41.

³⁴⁰ Corbett and Veenendaal, *Democracy in Small States*, 84.

particular combination of weak public administrative institutions and strong political cultures of partisanship and corruption-rationalisation.³⁴¹

This dissertation adds to this interdisciplinary approach by demonstrating that Antiguan corruption became endemic because Antigua's small size enabled politicians to bend or break political rules in ways that served their private and partisan interests. The pernicious polarisation of Antiguan politics gave them the motivation and the justification to do this, confident they could legitimise such action to their partisan supporters. This latter factor helped sustain practices of rule-bending over extended periods, making the abuse of constitutional principles a chronic feature of Antiguan politics. With key principles of good governance violated, ignored, or changed, corruption proliferated unencumbered and unchallenged. This chapter will now examine three good governance principles common to democracies: parliamentary scrutiny of the executive; the right to free speech; and free and fair elections.

Parliamentary Scrutiny

The rigorous and thorough scrutiny of government conduct by the legislature is a fundamental principle of democracy and good governance. But in a small state context the Westminster system effectively removes the separation of powers, meaning the legislature is rendered a rubber stamp institution which cannot scrutinise the government. The absence of scrutiny has meant discriminatory and unconstitutional laws have been passed by the Antiguan Parliament with relative ease. Without Parliament to block such laws, Antiguan have often had to resort to the judiciary to intervene. For example, in 1994 the ALP passed a Business Licence Act (BLA) which gave the government unbridled power to regulate and monitor private businesses, not least by requiring them to seek a government-approved business licence. But a group of Antiguan business leaders, including the Presidents of the Antigua and Barbuda Bar Association and the Antigua and Barbuda Medical Association, successfully challenged the law's constitutionality. High Court Judge Redhead declared the BLA null and void because it violated the plaintiffs' constitutional rights to life (by means of a livelihood), their right to free expression, and their right to privacy and freedom from search and seizure.³⁴² This conclusion was affirmed by Judge Matthew at the Court of Appeal in

³⁴¹ Indianna Minto-Coy, "The History of Public Administration in the Commonwealth Caribbean", *Public Administration and Policy in the Caribbean*, ed. Indianna D. Minto-Coy and Evan M. Berman, 33-60, (New York: Routledge, 2019).

³⁴² *Goodwin et al v The Honourable Attorney-general et Al*, High Court of Antigua and Barbuda, No. 121 of 1995, Judgement given June 30, 1997, Paragraph 82 and 102.

1997.³⁴³ That both the High Court and Court of Appeal ruled against the government, despite the political influence discussed in chapter one, demonstrates the blatantly unconstitutional nature of this law. It also shows the overconfidence of a political regime - in power at that point for eighteen uninterrupted years - which had become used to passing any laws it liked, with no legislative scrutiny.

Avoiding parliamentary scrutiny of bills also opened doors for corrupt politicians to exploit public resources for private gain. The true extent of this form of corruption may never be known because of the secrecy that surrounds government finances and the lack of reliable data. Detailed information on government finances only began to be published after the reform of the Director of Audit office in 2014. Despite limited resources and a lack of government cooperation (explored below), the audit office has identified numerous instances of government appropriation that stand out as possible red flags of corruption. When retrospectively reviewing government finances for 2011, auditor Dean Evanson noted that EC\$59,686,544 had been appropriated by the government for various purposes, some of which were unidentified, without parliament's approval.³⁴⁴ This violated the constitutional requirement that Parliament authorise all government appropriation and expenditure.³⁴⁵ There is no proof that these funds were used for illegal or improper purposes, but their allocation by the government without parliamentary scrutiny is a violation of the constitution in its own right, regardless of how they were later used. It also has to be wondered why the government would bypass parliamentary scrutiny if the funds were to be used for legitimate and reasonably justifiable reasons. Such allocations are examples of fundamental constitutional rules, let alone principles, being broken.

At other times, the government used its parliamentary majority to grant itself access to additional funds on one-off and emergency bases, as allowed under section 94.2 of the constitution and the 2006 Finance Administration Act.³⁴⁶ But because of the lack of executive-legislative separation, these supplementary appropriation bills stand no opportunity of being rigorously scrutinised, let alone blocked. From an anti-corruption perspective, bringing these bills before Parliament provides the legislature (and the public) an opportunity to scrutinise government conduct, assessing why additional funds are needed, for what purpose, and how justifiable the new expense is. In rigorous parliamentary

³⁴³ The Honourable Attorney-general et al v Goodwin et al, Court of Appeal, Eastern Caribbean Supreme Court, October 25, 1999.

³⁴⁴ Dean Evanson, "Report of the Director of Audit on the Public Accounts of Antigua and Barbuda for the Financial Year ended 31st December, 2011", 2011, ANA, 57.

³⁴⁵ Constitution of Antigua and Barbuda, 1981, section 94.1.

³⁴⁶ Constitution of Antigua and Barbuda, 1981, section 94.1.

democracies, the government would have to provide a full accounting and justification if the appropriation bill was to be passed. But in states where the legislature is a rubber stamp, the government's reasoning can be as vague, absent, or untruthful as it likes. The 1991 appropriation bill discussed in chapter one is a good example of such a bill being glided through Parliament with no questions asked.

Other constitutional provisions that have been exploited are parliamentary standing orders which regulate the conduct of legislative sessions. Standing orders can be invoked or suspended by simple majority votes in the House of Representatives and as such are always open to use by the government in such a small legislature. Two standing orders in particular have been abused by governments seemingly intent on minimising scrutiny: the rule allowing Parliament to sit in secret, and the rule requiring different sittings for successive readings of the same bill.³⁴⁷ These are common standing orders in Westminster systems, but their use is rare and usually requires clear and legitimate justification. But Antigua's small size means the government can invoke them more easily than in states like the UK or Canada.

During secret sessions, legislation and appropriations can be passed without public knowledge of bills' content or justification. Forcing bills through in a single sitting minimises scrutiny even further. On November 19, 1987, Parliament, dominated by the Antigua Labour Party (ALP), held a secret session during which two financial appropriation bills were passed, along with several bills including The Royal Bank of Canada (Loan) Act, the Consumer Protection and Safety Act, the Magistrates Court of Procedure Act, and the Law Revision Act.³⁴⁸ At the same time, the Minister for Legal Affairs successfully tabled a resolution mandating the compulsory acquisition of nearly seven acres of private land in the affluent Jabberwock Beach area owned by Freddie Jarvis.³⁴⁹ Jarvis was a potential business rival to Patrick De Nedde, a close associate of cabinet minister Vere Jr and co-conspirator in the 1986 Runway Scandal. By exploiting the Standing Orders of the House, the government passed a huge raft of financial, judicial, and regulatory legislation without parliamentary scrutiny and with no public awareness of the laws' content until they were enacted.

The above examples are potential instances of corporate corruption, where the rules of Parliament were abused in ways that benefited the cabinet or the governing party as a whole. But there are also opportunities of unilateral corruption whereby individual ministers

³⁴⁷ Standing Orders of the House of Representatives of Antigua and Barbuda, Revised Edition 2020, 93.(2); 49.(2).

³⁴⁸ "Secret Session of Parliament Held", *Outlet*, December 4, 1987, ANA, 2.

³⁴⁹ "Secret Session of Parliament Held", 2.

could abuse their position for personal gain or to benefit close associates. Some of the most notable examples of rule-bending/breaking in this regard have involved senior members of the ALP conspiring with leading foreign businessmen. For example, in 1982 Lester Bird, then deputy Prime Minister, negotiated a deal with Bruce Rappaport on behalf of the government but without the participation or approval of Parliament. Through this deal, one of Rappaport's companies bought a 75 percent stake in the state-owned Antiguan oil refinery for US\$6 million. This violated the requirement for Parliament to approve the sale or purchase of any state-owned property. Rappaport was also granted a near-monopoly on oil sales in Antigua. However, only US\$600,000 of the purchase price was paid upfront; the remainder was to be paid once the refinery was renovated and fully operational. But instead, Rappaport turned the refinery into a storage facility for oil imported from Suriname and Trinidad that was then sold in Antigua through Rappaport's monopoly or re-exported for profit. This could be seen as an example of a minister breaking clear parliamentary rules in order to benefit a long-term associate and corrupt businessman.

Another example is the relationship between minister Hilroy Humphreys and Maurice Sarfati. In the mid-1980s Sarfati applied to establish a melon farm in Antigua called Roydan Farm Ltd. When he was Minister of Public Works, the ALP's Hilroy Humphreys had publicly opposed the venture but he changed to supporting Sarfati after becoming Minister for Agriculture. As a large farming enterprise on a small island, Roydan Farm's success depended on the support of the Minister for Agriculture. In 1990, *Outlet* reported that in June and July 1987, in his capacity as Minister for Agriculture, Humphreys issued two promissory notes to Roydan Farms Ltd - two for US\$297,750 and one for US\$1,191,000.³⁵⁰ Then, on July 20, 1987, five days after the last note was issued, Sarfati paid US\$9,000 into a private bank account owned by Humphreys at the Republic National Bank of Miami, Florida.³⁵¹ It is difficult to see this as anything other than an example of bribery. Reflecting on this and further examples of promissory notes being issued for seemingly improper reasons, Tim Hector wrote: 'Public funds have become a well into which Ministers dip, by way of Promissory Notes, amounting to millions, to satisfy themselves and their foreign white cronies'.³⁵² As part of the prior negotiations over the land for Roydan Farm, another minister, Vere Bird Jr, had ensured Sarfati's enterprises received a number of concessions including exemptions from property tax, income tax, and import duties, as well as the approval of various operating licences and (perhaps most scandalously) free access to state-owned

³⁵⁰ "Humphreys puts Antigua in the Sh...Shaving Cream!", *Outlet*, August 31, 1990, ANA, 1.

³⁵¹ Payne, "The Failings of Governance in Antigua and Barbuda", 13; "Humphreys puts Antigua in the Sh...Shaving Cream!", *Outlet*, August 31, 1990, ANA, 3.

³⁵² "Caught With his Hand in Cookie Jar", *Outlet*, October 12, 1990, ANA, 4.

groundwater.³⁵³ Vere Jr had also gained cabinet's approval for the land transaction with the promise of a feasibility study, which later turned out not to exist. In return, Sarfati's secretary delivered multiple cheques for \$5,000 to Vere Jr and a cheque for \$20,000 to his wife.³⁵⁴ This profligate use of state resources, not to mention the damage done to competing local farmers, demonstrates the lengths some Antiguan ministers were willing and able to go to in order to appease and enrich their closest associates. The seemingly free-flow of cash in return demonstrates the ease with which some government services could be bought by wealthy businessmen in Antigua in the 1980s. All of this appears to have happened without any parliamentary involvement, oversight, or scrutiny.

A further example of rule-avoidance or rule-bending involved Allen Stanford. Now incarcerated in the US for a billion-dollar ponzi scheme operated out of Antigua, Stanford was appointed to Antigua's newly-founded International Financial Sector Authority (IFSA) in 1998. The ISFA was marketed as a move towards transparency and tighter regulation, reflective of the international good governance and anti-corruption zeitgeist of the 1990s. But Stanford's appointment, surely at odds with his extensive banking and financial sector interests, shows this innovation was a facade in violation of the internationally recognised Basel Principles for banking regulation.³⁵⁵ Shortly after Stanford's appointment, IFSA revised the Antiguan sector's regulations and strengthened secrecy provisions, directly contradicting the spirit of transparency and accountability prevalent at the time. Simultaneously, the government passed an amendment to the 1996 Money Laundering (Prevention) Act which restricted supervision, minimised international enforcement, and heightened secrecy.³⁵⁶ These moves prompted the US Treasury Department (the UK Treasury soon followed) to issue an advisory in April 1999 that all transactions routed through Antigua should be examined for evidence of money laundering.³⁵⁷ The advisory said Antigua was creating 'a haven' whose existence will undermine international efforts of the United States and other nations to counter money laundering'.³⁵⁸ In response, Antigua's government passed reforms superficially improving transparency, including the establishment of a supposedly impartial Financial Services Regulatory Commission (FSRC) in 2002. But the FSRC itself was later

³⁵³ Payne, "The Failings of Governance in Antigua and Barbuda", 13.

³⁵⁴ Payne, "The Failings of Governance in Antigua and Barbuda", 13.

³⁵⁵ US Department of the Treasury, "Press Release: Treasury Warns Banks on Transactions with Antigua and Barbuda", *US Department of the Treasury*, April 7, 1999, accessed January 21, 2023, <https://home.treasury.gov/news/press-releases/rr3066>, np.

³⁵⁶ Laws of Antigua and Barbuda, Money Laundering (Prevention) Act, 1996.

³⁵⁷ William Baity (Acting Director), "FinCEN Advisory: Enhanced Scrutiny for Transactions Involving Antigua and Barbuda", *Fincen.gov*, April 01, 1999, accessed January 23, 2023, <https://www.fincen.gov/resources/advisories/fincen-advisory-issue-11>, np.

³⁵⁸ Baity, "FinCEN Advisory", np.

found to be complicit in corruption by the US Securities and Exchange Commission.³⁵⁹ This debacle is an example of some Antiguan law-makers appearing to change rules and regulatory frameworks in order to create a financial environment conducive to potentially corrupt interests. It is also another example of anti-corruption strategies that look good on paper and are passed to appease international pressure, while in reality the corruption-conducive status quo is preserved. The recurrence of rule-bending scandals involving a succession of foreign businessmen, from Rappaport in the 1980s to Stanford in the 2000s, also speaks to the long-term nefarious influence such men have had on Antiguan politics for so long. This influence has been a consistent feature of post-colonial Antiguan history, testifying to the continuation of quasi-colonial dynamics well after political independence.

There have also been ample examples where avoiding the principle of parliamentary oversight allowed some ministers to pursue policies from which they themselves directly benefited. This was most commonly done through public procurement. Prior to 1991, there was no mechanism or agency to scrutinise government procurement in Antigua, meaning potentially-corrupt or self-serving practices could pass unnoticed. An example is the Antigua Aggregates scandal in Barbuda. In the early 1980s, Lester Bird established a sand mining company called Antigua Aggregates, with government ministers Hugh Marshall and Robin Yearwood as co-owners. The ALP government granted this company a lease to mine sand from the Palmetto Point area of Barbuda at the cost of 79 cents (US) per cubic yard.³⁶⁰ This sand was a valuable commodity in the 1980s Caribbean construction boom and at one point was being sold on by Antigua Aggregates for US\$5.55 per cubic yard, with as many as three barge-loads leaving Barbuda every day.³⁶¹ According to Lester Bird, Antigua Aggregates was set up to preserve Barbudan jobs.³⁶² To give the impression of fair-minded intervention, the government established the Barbuda Industrial Development Agency in 1983 which had authority over mining operations as well as responsibility for other development projects in Barbuda. The Agency comprised a five-person board, three members were from the Ministry of Economic Development, giving the government majority control of the Agency. Likely because of this membership bias, the Agency favoured the continued operation of Antigua Aggregates. In this way, government ministers used their ministerial discretion to grant themselves, as private individuals, a lucrative business arrangement and minimise oversight

³⁵⁹ Stephen Clarke, "Antigua and Barbuda: History of Corruption and the Stanford Case", Report for the Law Library, Library of Congress, LL File No. 2011-005064, (2011), available online, accessed August 12, 2023, <https://www.loc.gov/item/2018298888>, 3.

³⁶⁰ Robert Coram, *Caribbean Time Bomb: The United States' Complicity in the Corruption of Antigua*, (New York: William Morrow and Company, 1993), 105.

³⁶¹ Coram, *Caribbean Time Bomb*, 105.

³⁶² Lester Bird, *The Comeback Kid*, (St Johns, Antigua: self-published, 2019), 285.

of the business's operation. The Agency is yet another example of a supposedly independent regulator intended to give the impression of impartial accountability whilst in reality entrenching government control.

The Antigua and Barbuda Airways International Ltd (ABAI) scandal illustrates this self-aggrandisement still further. In 1985 Vere Bird Jr, as minister responsible for aviation, founded an airline (ABAI) with a view to organising flights between Antigua and London. The Managing Director of ABAI was Vere Jr's frequent co-conspirator, Maurice Sarfati.³⁶³ But before ABAI began operating, the government signed a contract with British Airways (BA) which, at that point, was the only airline operating between Europe and Antigua. The contract stated that before chartering/buying their own aircraft, ABAI would buy seats on existing BA flights. BA was also given a monopoly on the UK-Antigua route which only ended when Virgin Atlantic began flying from London to Antigua in 1998. In return, BA paid 1 percent of all London-Antigua passenger and cargo revenue to ABAI. In reality, ABAI only existed on paper and had no offices, employees, or revenue, and certainly had no potential to operate an airline. In effect, the government sold BA a monopoly on transatlantic flights in return for regular cash payments. This deal was condemned on both sides of the Atlantic. Even Antigua's government-appointed Director General of Tourism, the widely respected Yvonne Maginley, was so outraged she publicly called the deal 'spurious' and said there was no evidence of any work undertaken by ABAI in any capacity.³⁶⁴ Managing Director of the affluent St James's Club wrote to the Antigua Tourist Department, saying the deal was 'totally unacceptable' and gave BA a 'stranglehold' that threatened Antigua's tourism and economy.³⁶⁵ This deal is an example of a minister, Vere Jr, abusing his cabinet position to generate profits for himself and his associates. The fact that there was no parliamentary mechanism by which this sort of behaviour could be scrutinised or sanctioned speaks to the impotence of Antiguan legislative oversight. The ability of governments to bend or exploit rules on government finances and contracts was an open door to corruption and the abuse of public positions for private gain.

But scrutiny by the House of Representatives is not the only theoretical safeguard to stand between the public purse and potential government corruption. An institution tasked by Parliament to scrutinise government finances specifically is the Public Accounts Committee (PAC). PACs are a characteristic of the Westminster system and have been described as

³⁶³ Louis Blom-Cooper, *Guns for Antigua*, (London: Duckworth, 1990), 9.

³⁶⁴ Quoted in "£1 million is Paid into Antigua Company", *Outlet*, February 02, 1990, ANA, 3.

³⁶⁵ Quoted in "£1 million is Paid into Antigua Company", 3.

'the queen of the select committees.'³⁶⁶ They are committees of cross-party MPs obliged to scrutinise government accounts and report irregularities to the legislature.³⁶⁷ In the Caribbean, they are established either by the constitution, as in Antigua; by standing orders of the legislature, as in St Lucia; or by legislation in the case of Barbados.³⁶⁸ The PAC's theoretical importance is demonstrated by the fact that it is one of only two constitutionally-mandated committees in Antigua (the other being the Advisory Committee on the Prerogative of Mercy).³⁶⁹ It is a convention of the Westminster system that a PAC's partisan membership reflects the distribution of seats in the legislature, with a member of the opposition as chairperson.³⁷⁰ In some states, like Trinidad, the constitution prescribes membership, while Antigua's only requires at least one PAC member to be an MP from Barbuda.³⁷¹ In 2020, the regional average was for PACs to have seven members - four government MPs and three from the opposition.³⁷² The powers given to Caribbean PACs vary from detailed to vague. For example, Barbados's PAC has extensive codified powers, such as the authority to summon witnesses and take testimony under oath.³⁷³ This reflects the regional anti-corruption zeitgeist in which Barbados' 2003 Act was introduced. Antigua's PAC is on the other end of the spectrum and is empowered only to consider audits and reports laid before it by the Director of Audit.³⁷⁴ The effectiveness of weak PACs like Antigua's thus relies on the effectiveness of auditors: if the reports presented to a PAC are incomplete or inconclusive, the PAC will be unable to make a meaningful assessment of the government's accounts. As chapter 4 examines the Director of Audit in detail, it is important to set out here how Antigua's distribution of political power rendered the PAC ineffective.

The constitution requires the House of Representatives to appoint, from its own members, a PAC at the start of each parliamentary session. However, because the cabinet dominates the House, governments have the opportunity to prevent a PAC from being convened. Not

³⁶⁶ Peter Hennessy, quoted in "Holding Government to Account: 150 Years of the Committee of Public Accounts", *UK Parliament*, (2007), accessed February 11, 2023, <https://www.parliament.uk/globalassets/documents/commons-committees/public-accounts/pac-history-booklet-pdf-version-p1.pdf>, 7.

³⁶⁷ O'Brien, *Constitutional Systems*, 187.

³⁶⁸ Constitution of Antigua and Barbuda, 1981, 98; Standing Orders of the House of Assembly, St Lucia, (Amendment) Act, 2003, section 68; Laws of Barbados, Public Accounts Committee Act, 2003.

³⁶⁹ Constitution of Antigua and Barbuda, 1981, section 85-86.

³⁷⁰ See Erskine May, paragraph 38.65: "Committee of Public Accounts (Public Accounts Committee)", *erskinemay.parliament.uk*, accessed August 17, 2023, <https://erskinemay.parliament.uk/section/5950/committee-of-public-accounts-public-accounts-committee>.

³⁷¹ Constitution of Trinidad and Tobago, 1976, 119(2).

³⁷² "Commonwealth Association of Public Accounts Committees", Port of Spain, Trinidad and Tobago, January 21-23, 2020, accessed June 13, 2022, <https://www.uk-cpa.org/media/3433/capac-caribbean-workshop-2020-report.pdf>, 4.

³⁷³ Public Accounts Committee Act, Barbados, 17(a).

³⁷⁴ Constitution of Antigua and Barbuda, 1981, section 98.

convening a PAC may be a deliberate decision by the governing party, a case of oversight whereby the PAC is forgotten about, or governments may assume PACs just replicate the membership and decision-making of the House and thus deem them pointless. Regardless of the reason, the absence of a PAC is a serious issue because it means a fundamental constitutional requirement is not being adhered to. Sometimes, Antigua has been without a PAC for long periods. After their 2014 electoral landslide, the ALP government did not establish a PAC until February 2017. That the PAC is only set up when the government chooses was described in 2017 by Baldwin Spencer, then chair of the finally-established PAC, as 'an inherent weakness in the whole constitutional arrangement' in need of serious reform.³⁷⁵ But as of 2023, no reforms to the mechanisms establishing the PAC have been introduced.

When established, PACs have often struggled to function because of partisanship and a lack of cooperation between Antigua's opposing parties. Cross-party membership of the PAC is supposed to ensure its deliberations cannot be accused of excessive bias and findings have bi-partisan support. But in Antigua, pernicious polarisation has meant such cooperation has often been impossible and multi-party membership has only led to impasse. Even though the chairperson is an opposition MP, the governing party's inbuilt majority gives the government the ability to derail PAC functionality if it chooses. This dynamic is not necessarily an impediment to effective scrutiny in larger states, where PAC members are drawn from backbenchers. But it is ruinous in small states like Antigua where most governing-party MPs are also ministers. The presence of government ministers on the PAC was not accounted for by constitutional framers and there is no provision for how the PAC should act in the case of a committee member's own conduct being scrutinised. This makes the PAC an example of the government checking its own homework and is another case of an anti-corruption mechanism that works on paper but fails in practice.

One way PACs in Antigua have been derailed is by governing-party MPs failing to attend meetings. Whether on purpose or through oversight, such absenteeism meant the PAC only met eight times between 1990 and 2003.³⁷⁶ Other countries have fared even worse: Barbados saw only two reports from its PAC to Parliament in thirty years, while in 2008 it was claimed the PAC had not met for more than twenty years.³⁷⁷ Over a long period, non-existent or sporadic PACs cannot be an effective safeguard against government

³⁷⁵ "Opposition leader calls for overhaul of Public Accounts Committee", *Antigua Observer*, February 9, 2017, accessed June 16, 2022, <https://antiguaobserver.com/opposition-leader-calls-for-overhaul-of-public-accounts-committee/>.

³⁷⁶ O'Brien, *Constitutional Systems*, 189.

³⁷⁷ O'Brien, *Constitutional Systems*, 188.

financial misconduct. In April and May 2000, the Caribbean Centre for Development Administration (CARICAD) conducted a survey of efficiency and accountability as perceived by public officials in the eastern Caribbean. The project, led by Jit Gill, received 104 anonymous responses from Antiguan public-sector employees of different levels of seniority. Of those surveyed, 87 percent said that they or their head of department/organisation had never appeared before the PAC in the preceding year.³⁷⁸ Only 12 percent thought the PAC was effective or very effective at enforcing accountability for public expenditure, while 66 percent thought it was ineffective.³⁷⁹

For a long time, Parliament and the PAC were the only bodies theoretically able to scrutinise government finances. This changed in 1991 with the establishment of the Tenders Board. Coming only in 1991, this was a notably late innovation, even in the Caribbean context; by contrast, Trinidad's Central Tenders Board was set up in 1961. In Antigua, the Tenders Board was established in the 1990s in the context of increased international attention to good governance in the developing world. But while it looked good on paper, in practice it was a largely powerless institution that failed to perform an anti-corruption function.³⁸⁰ Even with the Tenders Board, 'government procurement plans, bidding opportunities, and contract awards are not published'; most procurement was still seemingly done through short-lists or unilateral action by the relevant minister.³⁸¹ A 2011 Procurement Administration Act was passed to strengthen public procurement by setting out clearer processes for competitive tender and establishing a complaints mechanism, all overseen by a new Procurement Board. But this reform fell flat because the supporting regulatory framework was not implemented.³⁸²

There were several rules governing the Tenders Board which weakened its ability to be an effective check on the government. From the outset, the Tenders Board was not a politically independent institution: of its seven members, five were appointed by the Minister of Finance, while the remaining two were *ex officio* – the Permanent Secretary in the Ministry of

³⁷⁸ "Administrative and Civil Service Reform, Antigua and Barbuda, Survey Questions and Responses: Part V: Oversight Mechanisms", *The World Bank Group*, accessed June 17, 2020, <http://www1.worldbank.org/publicsector/civilservice/countries/antigua/part5.htm#m18>

³⁷⁹ "Administrative and Civil Service Reform, Antigua and Barbuda, Survey Questions and Responses: Part V: Oversight Mechanisms", *The World Bank Group*.

³⁸⁰ Michael Collier, "Explaining corruption: An institutional choice approach", *Crime, Law and Social Change* 38, (2002): 1.

³⁸¹ Delphine Moretti, Eliko Pedastsaar, Kris Kauffmann, John Short, and Matthew Smith, "Antigua and Barbuda: Public Expenditure and Financial Accountability (PEFA) Performance Assessment", International Monetary Fund, December 2014, 64.

³⁸² Wayne Mitchell and Michael Baptiste, "Measuring the Efficiency of Public Sector Investment Management Systems: The Case of Antigua and Barbuda", *Social and Economic Studies* 66, no. 1/2 (2017): 185.

Finance (whose appointment required Prime Ministerial approval) and the Crown Solicitor.³⁸³ The extent to which such an appointed body could ever act as a robust check on ministerial corruption is doubtful. Additionally, the 1991 Tenders Board Act contained what could be argued to be a self-destruct clause, obliging the Board to comply with any direction from the relevant minister.³⁸⁴ This provision is not unique and is found in comparable establishing legislation in other Caribbean states.³⁸⁵ But it has been used multiple times in ways that have significantly altered the Antiguan Board's function. For example, in 2016 ALP minister Lennox Weston ordered the Tenders Board to raise the exemption limit (below which contracts would not fall under the Board's jurisdiction) from EC\$20,000 to EC\$100,000.³⁸⁶ This was a huge increase that exempted vast numbers of government contracts from the Board's scrutiny. Another order in 2018 obliged all public offices to submit any purchases exceeding EC\$100,000 to cabinet for approval before they were sent to the Tenders Board.³⁸⁷ The government's spokesman claimed these changes were done to decrease waste and inefficiency.³⁸⁸ While they certainly reduced the Board's workload, these reforms also had the effect of reducing the Board's independent input into the tender process because they would only see proposals of a certain value and only ones that had received cabinet pre-approval.

Even earlier, in 2002, the Tenders Board Act had been amended to enable the government to apply for exemptions from the tender process completely.³⁸⁹ This was justified on the grounds that the tender process took too long in the case of urgent or emergency projects. But exemption requests quickly became the norm rather than the exception. In 2017, a Commonwealth Secretariat consultant, Christopher Adams, reported that 'certain requisitioning departments requested exemption from the normal procurement method for most of their requirements'.³⁹⁰ Later, during a 2019 on-site assessment of the implementation of the Inter-American Convention Against Corruption by the OAS, representatives of the Tenders Board stated that 'the vast majority of the Board's business' was consumed

³⁸³ Laws of Antigua and Barbuda, The Tenders Board Act, 1991, Section 5.(1).

³⁸⁴ Laws of Antigua and Barbuda, The Tenders Board Act, 1991, section 32.(1).

³⁸⁵ Laws of Trinidad and Tobago, Central Tenders Board Act, 1961, section 33.

³⁸⁶ Minister of State, Ministry of Finance and Corporate Governance, to Sean Cenac (Chairman of the Tenders Board), February 25, 2016, accessed January 16, 2023, http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic5_atg_circ160225_annex25.pdf

³⁸⁷ Ministry of Finance, Circular 5 of 2018, accessed Jan 16, 2023, http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic5_atg_circ52018_annex23.pdf

³⁸⁸ Orville Williams, "Cabinet reiterates policy decision on government purchases", *Antigua Observer*, October 18, 2019, accessed October 11, 2023, <https://antiguaobserver.com/cabinet-reiterates-policy-decision-on-government-purchases/>.

³⁸⁹ Laws of Antigua and Barbuda, The Tenders Board (Amendment) Act, 2002.

³⁹⁰ Christopher Adams, "Modernizing and Strengthening of Public Procurement in Antigua: Final Report", Commonwealth Secretariat, 2017, accessed February 16, 2023, http://www.oas.org/es/sla/dlc/mesicic/docs/mesicic5_atg_finalreportmodernpubproc_annex30.pdf, 11.

validating exemption requests rather than overseeing the tender process and that 'tender exemption has become the general rule'.³⁹¹ In a 2012 comparative study on public procurement in the Caribbean and Latin America, Natalia Volosin (an Argentine attorney and consultant specialising in anti-corruption and public procurement) cited Antigua's 2002 amendments as a prime example of 'reform to move backward', meaning changes to regulations that weaken their effectiveness.³⁹² While there is no proof that the 2002 reform, or the changes of 2016 and 2018, were motivated by corruption, it is undeniable that they provided opportunities that could be exploited by corrupt actors in the government. It is also true that reducing the Board's oversight in this way curtailed scrutiny of government at a time when most states and international organisations were placing ever-greater emphasis on the importance of robust and independent anti-corruption safeguards.

Even in the few cases where public procurement was done under the full terms of the Tenders Board Act, international organisations have been highly critical of the efficacy of the tender process. The OAS has found the Board's purview extremely restricted, ultimately concluding that it could not 'detect or sanction unlawful acts regarding the award of certain contracts' or assess 'if a contract was awarded, among other things, through an illegal, fraudulent or irregular process'.³⁹³ Similarly, the IMF has observed that 'only a very limited [number] of full and open competitive tenders have been undertaken' because most procurement was done through 'a restricted procurement method (short listing)'.³⁹⁴ Likewise, a 2017 study of public sector investment management in Antigua by Wayne Mitchell (an economist at the IMF) and Michael Baptiste (of the Caribbean Development Bank) concluded that Antigua's public investment system was undermined by 'a weak institutional and legal environment' and further handicapped by 'limited information, waste and leakage of resources, and inadequate technical expertise'.³⁹⁵ They also noted that Antigua scored poorly in a public investment management index in comparison to other small states, both in the Caribbean and beyond.

³⁹¹ "Antigua and Barbuda: Final Report, 14 March 2019", Report by the Organisation of American States on the Mechanism for Follow-Up on the Implementation of the Inter-American Convention Against Corruption, adopted at the Thirty-Second Meeting of the Committee of Experts, Washington D.C., March 11-14, 2019, 18.

³⁹² Natalia Volosin, "Comparative Public Procurement in Latin America and the Caribbean", *European Procurement and Public Private Partnership Law Review* 7, no. 3 (2012): 160.

³⁹³ "Antigua and Barbuda: Final Report", OAS, 21.

³⁹⁴ Delphine Moretti, Eliko Pedastsaar, Kris Kauffmann, John Short, and Matthew Smith, "Antigua and Barbuda: Public Expenditure and Financial Accountability (PEFA) Performance Assessment", International Monetary Fund, December 2014, 64.

³⁹⁵ Wayne Mitchell and Michael Baptiste, "Measuring the Efficiency of Public Sector Investment Management Systems - The Case of Antigua and Barbuda", *Social and Economic Studies*, 66, no. 1/2 (2017): 160.

Exploitable loopholes in its establishing legislation, combined with the later changes to its working practices, made the Tenders Board another anti-corruption safeguard that seemed good in theory but largely ineffective in practice. While there have been legitimate reasons to reform the way the Board works, the changes made, whether intentional or not, also reduced the scope and quality of the Board's oversight function. At the same time the Antiguan government has ignored repeated calls from leading international organisations to strengthen the Tenders Board and create a more rigorous system for public procurement, especially in the 2010s. Implementing such changes should not have had a high cost, especially if the government drew on the advice of specialist organisations like the IMF. Ignoring the recommendations of the OAS, IMF, and others without offering any clear explanation strongly suggests that some leading politicians deliberately favoured a weak and opaque public procurement system. Maintaining an ineffective Tenders Board is contrary to principles of scrutiny, transparency, and accountability and only serves to create opportunities which may be exploited by corrupt actors.

Many of the issues identified here - the emasculation of Parliament, the inefficacy of the PAC, and reforms to public procurement - result directly from the unchecked power available to governments in small states using the Westminster system. With no separation between legislature and executive, governments have the ability to bypass regulations it does not like, to amend the laws it finds disagreeable, or to weaken rules and regulations on government conduct. The Westminster system has also placed too much unchecked discretion in individual ministers, enabling them to invoke parliamentary standing orders when it suits them, bypass bodies like the Tenders Board, or inhibit the PAC through partisan obstruction. When intentional and pursued over a long period, actions like these have a negative cumulative effect. The consequence is a political environment effectively free from meaningful scrutiny and conducive to corruption. This is not to say that all Antiguan politicians have engaged in corruption or wilfully supported corruption-conducive reforms. But it is apparent that the lack of parliamentary oversight in Antigua has created opportunities for corrupt actors. This was most explicit in the 1980s when alleged instances of blatant corruption were identified and reported on by Tim Hector. But the true extent of corruption during the post-colonial period is hard to establish, not least because ineffective parliamentary scrutiny has led to a dearth of material evidence.

Freedom of Speech

The right to free expression has been a fundamental principle of most democracies for decades and includes the right to a free and unencumbered press. These rights are guaranteed in the anglophone Caribbean by constitutional provisions, often referred to as Bills of Rights. Jamaica was the first to include a Bill of Rights in its draft independence constitution, basing its own on that of Sierra Leone which had itself taken inspiration from the European Convention on Human Rights.³⁹⁶ Trinidad followed with a version modelled on the Canadian Declaration of Rights.³⁹⁷ After this, all newly independent anglophone states included a Bill of Rights in their constitutions, mostly based on Jamaica's example.³⁹⁸

There is practically universal consensus that a free press is important to democracy and good governance, with some calling it one of the most vital ingredients in modern democratic governance.³⁹⁹ Some have gone so far as to say that journalism is important for human development because it gives a voice to poor and marginalised people and allows them to hold politicians accountable.⁴⁰⁰ This belief has been expressed by academic specialists and non-academic practitioners alike. In 1999 James Wolfensen, President of the World Bank, declared that 'A free press is not a luxury. A free press is at the absolute core of equitable development'.⁴⁰¹ Research has given practical credence to such claims, correlating greater press circulation and improved governance, sometimes in specific areas like crisis responsiveness.⁴⁰²

Some historians and political theorists like David Anable and Michael McFaul have emphasised the importance of a free and competitive press in transitioning to democracy.⁴⁰³ In contrast, an unfree media can have a decidedly anti-democratic effect by strengthening authoritarian regimes, maintaining corrupt social and economic systems, and stymieing public access to information.⁴⁰⁴ Cross-national studies, including states in the global south, have supported these general precepts, with Peter Leeson among those associating greater

³⁹⁶ O'Brien, *Constitutional Systems of the Commonwealth Caribbean*, 36.

³⁹⁷ O'Brien, *Constitutional Systems of the Commonwealth Caribbean*, 34.

³⁹⁸ O'Brien, *Constitutional Systems of the Commonwealth Caribbean*, 34.

³⁹⁹ Chappell Lawson, *Building the Fourth Estate: Democratisation and the Rise of a Free Press in Mexico*, (University of California Press: Berkeley, 2002), 2-3.

⁴⁰⁰ Pippa Norris, *Driving Democracy: Do Power-Sharing Institutions Work?*, (Cambridge: CUP, 2008), 187.

⁴⁰¹ James Wolfensen, "Voices of the Poor", *Washington Post*, November 19, 1999, A39.

⁴⁰² Roumeen Islam, "Do More Transparent Governments Govern Better?", Policy Research Working Paper, no. 3077, (Washington, DC: World Bank, 2003); Timothy Besley and Robin Burgess, "The Political Economy of Government Responsiveness: Theory and Evidence from India", *The Quarterly Journal of Economics* 117, no. 4 (2002): 1415-1451.

⁴⁰³ David Anable, "The role of Georgia's media - and Western aid - in the Rose Revolution", *Harvard International Journal of Press/Politics* 11, no. 3 (2006): 7-43; Michael McFaul, "Transitions from Postcommunism", *Journal of Democracy* 16, no. 3 (2005): 5-19.

⁴⁰⁴ Norris, *Driving Democracy: Do Power-Sharing Institutions Work?*, 189.

government media ownership or control with a 'more politically ignorant and apathetic' public.⁴⁰⁵ Similarly, Aymo Brunetti and Beatrice Weder found a strong correlation between greater press freedom and reduced corruption while Errol Mendes gives numerous recent examples of a free press exposing political corruption and precipitating political change in a variety of states from India to the Philippines.⁴⁰⁶

There is therefore wide agreement that a free press is necessary in exposing corruption, giving political institutions or voters the opportunity to punish corrupt actors. This helps explain why press freedom has often come under attack by corrupt governments. In countries like Antigua, such attacks accentuate problems already faced by media outlets in small states, including: a lack of talented and educated local journalists; a dearth of resources necessary to perform high-quality investigative work; and a reliance on sponsors or donors who may be politically motivated.⁴⁰⁷ In the face of these challenges, well-funded organisations with political backing, like Pointville Communications in Antigua, thrive while smaller businesses, like *Outlet*, have collapsed.

Since the 1990s, the work of specialist organisations like Freedom House has enhanced both public and political awareness of press freedom globally. Drawing on data generated through their annual 'Freedom in the World' reports, Freedom House has published annual reports on 'Freedom and the Media' in different countries across the world.⁴⁰⁸ The latest, released in 2019, examined 195 countries, including a very limited assessment of Antigua which found it was a free democracy but one in which 'Government corruption remains a concern' and journalists face threats of seditious libel charges.⁴⁰⁹ Reports like these attempt to determine a society's level of press freedom based on the ways news content is influenced by: legal controls such as libel or honour laws; the presence of direct, indirect, or self-censorship; partisanship of media ownership, control, or influence; the safety of

⁴⁰⁵ Peter Leeson, "Media Freedom, Political Knowledge, and Participation", *Journal of Economic Perspectives* 22, no. 2 (2008): 155–169.

⁴⁰⁶ Aymo Brunetti and Beatrice Weder, "A Free Press is Bad News for Corruption", *Journal of Public Economics* 87, no. 7/8 (2003): 1801–1824; Errol Mendes, "Corruption: The Cancer of the International Bill of Rights - Democracy and Freedom of Expression, the Main Treatments?", in *Bridging the Global Divide on Human Rights: A Canada-China Dialogue*, ed. Errol Mendes and Anik Lalonde-Roussy, (Oxford: Ashgate Publishing, 2003), 294–295.

⁴⁰⁷ Jessica V. Roitman and Wouter Veenendaal, "'We Take Care of Our Own': The Origins of Oligarchic Politics in St. Maarten", *European Review of Latin American and Caribbean Studies*, no. 102 (2016): 73

⁴⁰⁸ See for example, Freedom House, "Freedom and the Media 2019: A downward spiral", *FreedomHouse.Org*, (2019), accessed Jan 19, 2023, https://freedomhouse.org/sites/default/files/2020-02/FINAL07162019_Freedom_And_The_Media_2019_Report.pdf.

⁴⁰⁹ See for example, Arch Puddington, ed., *Freedom in the World 2019: The Annual Survey of Political Rights & Civil Liberties*, (Lanham, Maryland: Rowman and Littlefield, 2020), 58.

journalists and sources. These measurements are assessed by a combination of in-house analysis, expert consultation, and fieldwork.⁴¹⁰ These are useful indicators by which to assess a country's degree of media freedom. But the scale and speed of Freedom House's work, not to mention the inherent comparative quality of their reports, can produce results that only superficially grasp the nature of a society's relationship with its media. This shortcoming makes detailed examinations of countries' media important because they can add depth of understanding to the breadth generated by cross-national studies using generalised measurements. An example is Piero Stanig's 2014 study of newspaper freedom in Mexico, which involved the harvesting of empirical data from 6 non-consecutive issues of 54 state-level dailies published in 2001.⁴¹¹ Only through in-depth studies, and particularly ones that acknowledge the history of media freedom in individual states, can the relationship between media and the history of corruption be understood.

As mentioned, the most important forms of political expression in post-colonial Antigua have been newspapers (both print and, more recently, online), radio, and social media. Television and printed pamphlets have also played a role, though not as significant. The existence, accessibility, and freedom of these media forms is necessary if the public are to hold politicians to account. Without freedom of expression, citizens cannot publicly raise allegations of corruption, cannot share relevant information, and cannot criticise corrupt politicians or laud virtuous ones. At the same time, professional journalists cannot critique the government, cannot disseminate information about potential or proven corruption, and cannot keep the public informed about the behaviour of politicians. In such an environment, corruption can take place with reduced fear of detection and sanction. Throughout the post-colonial period, it has often been investigative journalists who initially raised and pursued allegations of corruption in Antigua. This alerted and provided guidance to official investigative organisations or inquiries which built on the work of journalists. This was certainly the case in 1986 when Antigua's *Outlet* (itself building on initial work by French newspaper *Le Figaro*) brought the Guns for Antigua scandal to national and international attention, beginning a process culminating in the Blom-Cooper Inquiry.⁴¹²

The right to free expression in Antigua is guaranteed by section 12 of the constitution.⁴¹³ Strict terms are prescribed by which these rights may be legally curtailed, such as for

⁴¹⁰ Freedom House's methodology can be found at: "Freedom and the Media Research Methodology", *FreedomHouse*, 2023, accessed January 19, 2023, <https://freedomhouse.org/freedom-and-media-research-methodology>.

⁴¹¹ Piero Stanig, "Regulation of Speech and Media Coverage of Corruption: An Empirical Analysis of the Mexican Press", *Midwest Political Science Association* 59, no. 1 (2014): 175-193.

⁴¹² Henry, *Shouldering Antigua and Barbuda*, 190.

⁴¹³ Constitution of Antigua and Barbuda, 1981, Section 12.2.

national defence, public order, and public health.⁴¹⁴ Some specific curtailment of freedom of expression is common and widely accepted, particularly when it relates to matters of licensing, concentration of ownership or market control, official secrecy, intellectual property, libel, and taxation.⁴¹⁵ However, these legitimate restrictions can be exploited by governments to excessively curtail press freedom and thus avoid media scrutiny. The methods used by Antiguan governments to infringe upon press freedom have changed during the post-colonial period in response to varying factors. The most significant of these factors include: changing domestic political contexts, especially the performance of opposition parties; increasing international scrutiny (exemplified by Antigua's recent inclusion in Freedom House's reports); the cumulative role of judicial review in Antiguan law and politics; and material changes in the nature of 'the media', particularly the decline of newspapers and the rise of unregulated internet-based platforms.

One of the most long-running methods of press control in Antigua has been the use of laws and regulations to inhibit or stifle opposition news outlets. The most egregious example of this came under the Progressive Labour Movement (PLM) government of 1971-1976 which passed two laws which restricted press freedom. The 1971 Newspaper Registration (Amendment) Act required all newspaper outlets to acquire a publishing licence.⁴¹⁶ This only cost EC\$600 a year but was subject to government approval and could not be granted by a Court Registrar, as was the case for most business licences. Meanwhile, the Newspaper Surety (Amendment) Act required publishers to make a deposit of EC\$10,000 to cover potential legal costs they might incur on account of material printed in their publication(s). This was a significant sum, especially for a small publishing company, but the fee could be waived if the government deemed the publisher was able to cover any future costs themselves.⁴¹⁷ These laws effectively gave the government control over Antigua's press landscape and placed huge economic pressure on outlets that did not have the government's support. At the time this included the pro-ALP newspapers *The Workers' Voice* and *Antigua Star*. Antigua Star Ltd successfully challenged these laws in the Antigua High Court as well as the Court of Appeal on grounds that they violated the constitution. In particular, the Court of Appeal criticised the licence fee, saying 'a person cannot be required to purchase that which the constitution has freely granted', meaning the right to free expression.⁴¹⁸ The passage of these laws just four years after gaining self-governance demonstrates that Antiguan politicians did not see free expression as a fundamental right

⁴¹⁴ Constitution of Antigua and Barbuda, 1981, Section 12.4.(a).1.

⁴¹⁵ Norris, *Driving Democracy: Do Power-Sharing Institutions Work?*, 188.

⁴¹⁶ The Newspapers Registration (Amendment) Act, Antigua, no. 8 of 1971.

⁴¹⁷ The Newspaper Surety Ordinance (Amendment) Act, Antigua, no. 9 of 1971.

⁴¹⁸ The Antigua Court of Appeal, Eastern Caribbean Supreme Court, no. 4 of 1972.

from the very beginning of the post-colonial era. It also set a precedent whereby free expression was deemed a legitimate target of repression by successive governments.

It is interesting to note that the above-mentioned court decisions went against the newly-elected PLM government. Whether the same decisions would have been reached if similar laws had been enacted by the long-governing ALP, with its well-established influence over the High Court and Court of Appeal, is an important consideration when reflecting on judicial independence in Antigua. Whatever the courts' motivations, the 1972 ruling had the effect of asserting freedom of the press as a constitutional right. This was significant because the 1967 Associated Statehood constitution was markedly brief and vague, only guaranteeing 'freedom of conscience, of expression, and of peaceful assembly and association' for citizens.⁴¹⁹ The Court of Appeal's decision extended this protection to newspapers and publishers. Perhaps cognisant of the 1971-1972 controversy, the framers of the 1981 independence constitution included 'freedom of the press' as an explicitly protected right.⁴²⁰ However, this later constitution also provided for instances where free expression may be legally infringed, such as by legislation concerning 'defence, public safety, public order, public morality or public health'.⁴²¹ After 1981, it was these caveats that were exploited to curtail the rights of the free press.

The most frequently exploited of these caveats was the rule that freedom of the press may be restricted when it becomes a matter of public order. Recourse to public order laws to suppress free speech had its roots in colonialism and was demonstrated across the British Caribbean. For example, in the context of the 1938 Jamaican labour rebellion, Alexander Bustamante and William Grant were arrested on a charge of sedition for holding a public meeting. Later, Stennett Kerr-Coombs and Hugh Buchanan (secretary of the Bustamante unions) were arrested and charged with seditious libel for an article in the *Jamaica Labour Weekly*.⁴²² These methods of legal repression, developed and used during colonialism, were observed by the likes of Bustamante in Jamaica and V. C. Bird in Antigua and then used by them in the post-colonial period when they were the ones in charge of laws and law-enforcement. This mirrors the way other colonial methods of control were copied and replicated by post-colonial leaders. Chapter five explores this idea in more detail, in relation to the selective use of commissions of inquiry.

⁴¹⁹ Antigua constitution Order, 1967, section 1(b); and expanded in section 10(1).

⁴²⁰ Antigua and Barbuda Constitution, 1981, section 3.b.

⁴²¹ Antigua and Barbuda Constitution, 1981, section 4.a.1.

⁴²² Palmer, *Freedom's Children*, 51 & 243.

In Antigua in the 1980s, the ALP government combined the constitutional caveat that free speech could be curtailed if it threatened public order with a 1972 Public Order Act, first passed by the PLM.⁴²³ The 1972 Act criminalised 'false statements likely to undermine confidence in the conduct of public affairs' as well as statements deemed 'threatening, abusive, or intimidating' as breaches of public order.⁴²⁴ Defining public order in this way gave the government substantial scope to infringe free speech, invoking their constitutional right to do so. Cherry-picking and combining rules in this way is an example of corrupt political actors exploiting what Aradhana Sharma, in the Indian context, called a 'teeming overabundance' of sometimes contradictory and confusing laws.⁴²⁵

In May 1985, Tim Hector was charged under the 1972 Public Order Act for an article published in *Outlet*. Hector's piece claimed it was an open secret in Antigua that a government minister had been stopped by US Intelligence Services at an airport in Miami, carrying a large sum of cash. The charge against Hector attracted international attention. In particular, the PEN American Centre (now PEN America) wrote a letter to V. C. Bird, signed by the centre's president Susan Sontag and others, calling on him to 'drop all charges against Mr Hector' on the grounds that 'a free press is essential to any society' and journalists must 'work in freedom and without fear of reprisals from [their] government'.⁴²⁶ Despite such direct condemnation, Magistrate Sobers found Hector guilty and sentenced him to six months in prison. Hector was released on bail pending two court cases. In the first instance Hector made an unsuccessful appeal against his conviction. On February 24, 1986, the Court of Appeal upheld Sobers' verdict although they did reduce the sentence to three months and suspended the jail term pending the outcome of Hector's other legal case.⁴²⁷ In that other case, Hector challenged the constitutionality of the 1972 Act at the High Court. On May 7, 1986, Judge Matthew delivered his verdict that section 33b of the Public Order Act (which criminalised statements likely to undermine confidence in the government) was 'excessive, and arbitrary' and violated the constitution.⁴²⁸ This was appealed and eventually heard before the Judicial Committee of the Privy Council (JCPC) in January 1990. That court was absolute in its ruling in favour of Hector, stating:

⁴²³ Laws of Antigua and Barbuda, Public Order Act, 1972.

⁴²⁴ Laws of Antigua and Barbuda, Public Order (Amendment) Act, 1976, sections 34.(1) and 33.(1).a and b.

⁴²⁵ Aradhana Sharma, "New Brooms and Old: Sweeping Up Corruption in India, One Law at a Time", *Current Anthropology* 59, Supplement 18, (2018): 73.

⁴²⁶ Susan Sontag, Faith Sale, and Rose Styron to V.C. Bird, January 4, 1988, reprinted in "Drop charges against Hector", *Outlet* January 22, 1988, ANA, 2.

⁴²⁷ "No Judge, No Constitutional Case", *Outlet*, Jan 24, 1986, ANA, 1; "Hector sentenced to 3 months in prison", *Outlet*, February 28, 1986, ANA, 1.

⁴²⁸ "Bird Regime Appeals", *Outlet*, June 6, 1986, ANA, 1.

In a free democratic society it is almost too obvious to need stating that those who hold office in government and who are responsible for public administration must always be open to criticism. Any attempt to stifle or fetter such criticism amounts to political censorship of the most insidious and objectionable kind. At the same time it is no less obvious that the very purpose of criticism levelled against those that have the conduct of public affairs by their political opponents is to undermine public confidence in their stewardship and to persuade the electorate that the opponents would make a better job of it than those presently holding office.⁴²⁹

In its conclusion, the JCPC approved Hector's appeal and found that his conviction, as well as sections of the Public Order Act, 'offend against the constitution and cannot therefore have any effect.'⁴³⁰

This decision was a milestone in the history of free expression in Antigua. It definitively proscribed the kind of legislative cherry-picking used by Antiguan governments to suppress accountability. After the nullification of the 1972 Newspaper Acts, this further restricted the government's power to interfere in the free press. The 1990 decision also expanded on the precedent for rigorous judicial review of laws infringing free speech. This is particularly significant given the judicial culture of 'presumed constitutionality' prevalent in the anglophone Caribbean. Presumed constitutionality sets a high bar for judicial nullification of laws, making *Hector v Attorney General et al* even more noteworthy. In part because of this, this case attracted a great deal of international attention.⁴³¹ The American Jurist Association sent a delegation to observe Hector's case in the Court of Appeal because it believed 'the Hector case has aroused international concern about the freedom of the Press in Antigua.'⁴³² Since 1990 no Antiguan government, of either party, has sought to curtail free speech in such an explicit and legalistic way. As with the 1972 case, *Hector v Attorney General et al* also showed that the highest echelons of Antigua's judicial system could be an effective safeguard against unconstitutional government action. This counter-argues Michael Collier's claim that in 'the vast majority' of states, judiciaries are not an effective check on executive power because they are 'dependent upon executive branches that control not only the

⁴²⁹ Leonard Hector v Attorney General of Antigua and Barbuda and others, Judicial Committee of the Privy Council, January 22, 1990, 4.

⁴³⁰ Leonard Hector v Attorney General of Antigua and Barbuda and others, Judicial Committee of the Privy Council, January 22, 1990, 6.

⁴³¹ O'Brien, *The Constitutional Systems of the Commonwealth Caribbean*, 225.

⁴³² "Law Challenged in Court", *Outlet*, Nov 8, 1985, ANA, 1.

budgets, but also the selection, promotion, and discipline of judges'.⁴³³ As addressed in chapter one, this can and should be said of Antigua's lower courts, but it is untrue of the JCPC where the most important constitutional and free speech cases have ultimately been decided.

After 1990, Antiguan governments had to resort to alternative, non-legislative methods to infringe free speech. A key method was what I call 'dragging'. This is a tactic of deliberate delay, obfuscation, and postponement whereby the government is purposefully slow to carry out its responsibilities and by doing so impedes the functioning of other dependent individuals and institutions. Dragging can be compared to filibustering in the sense that both practices prevent normal business from being done for an indeterminate period. Similarly, neither dragging nor filibustering strictly speaking break the rules governing the relevant institution, but they are seen as instances of rule-bending or exploitation done to produce a particular outcome. Dragging is one of the tactics discussed in chapter four's analysis of anti-corruption agencies in Antigua but it has also been used to frustrate Antiguan media outlets and thus limit free speech.

A clear case of dragging is the establishment of Observer Radio. In March 1995, brothers Samuel and Winston Derrick applied for a licence to establish a new radio station called Observer Radio.⁴³⁴ They already published the moderately successful daily (except Sundays) newspaper called *The Daily Observer*. Their envisioned radio station would be the first station not controlled by the Bird family or the ALP (with the exception of the gospel radio station Lighthouse FM (broadcasting from 1975) and music station Gem FM). But under the Telecommunications Act (1951), the Derricks needed to get a licence from the Telecommunications Officer, Campbell Matthew. After repeated delays and lack of government response, on July 23, 1996 Observer Publications Ltd notified the government that they intended to begin broadcasting on September 1, 1996, with or without a licence. In reply, Campbell Matthew told Observer Limited that unlicensed operation would be illegal. Five days later, on July 28, 1996, Matthew began working directly for Prime Minister Bird and it seems he was not replaced as Telecommunications Officer. In the absence of an officer, licensing responsibility reverted back to the Minister for Communications, a brief concurrently held by the then-Prime Minister, Lester Bird. This is a clear conflict of interests as the Prime Minister could use this authority to impede the establishment of broadcasters not loyal to him or his party. This seems to have been the case in 1996. The accumulation of

⁴³³ Michael Collier, "Explaining corruption: An institutional choice approach", *Crime, Law and Social Change* 38, (2002): 17.

⁴³⁴ *Observer Publications Ltd v Campbell et al*, Judicial Committee of the Privy Council, March 19, 2001, paragraph 2.

multiple ministerial portfolios by individual politicians is a problem inherent in small state politics, but it can be exploited to maximise individual ministers' power and discretion, as the Dericks' experience shows.

On August 6, 1996, the Derricks wrote to Lester Bird informing him of their intention to begin broadcasting in September. They said that if they did not receive a clearly-reasoned objection they would assume the government had no justifiable grounds to deny their right to broadcast a radio station. In a reply on August 12, 1996 the Prime Minister's secretary reiterated the earlier illegality warning of the Telecommunications Officer and told the Derricks their application was 'still under consideration'.⁴³⁵ Two days later, Winston Derrick replied, 'to record our pleasure that the Prime Minister has no objection to the opening' of their radio station.⁴³⁶ Seventeen months after their initial application, the Derricks began broadcasting Observer Radio on September 1, 1996 without the licence, invoking their constitutional right to free expression and dissemination of information. The next day police raided the Scott's Hill headquarters and confiscated all equipment.

The Derricks initiated legal proceedings culminating finally in a hearing before the JCPC in 2000. The judgement handed down on March 19, 2001, stated that the government's failure to grant a licence to the Derricks without a timely explanation was a violation of their constitutional right to free expression. The judges held that while 'no one has an absolute right to establish a broadcasting station', a licence to do so could only be denied 'on constitutionally justifiable grounds'.⁴³⁷ Working on this presumption, the JCPC concluded that 'No specific reason of any kind, technical or otherwise, has ever been given... Violation of the appellant's constitutional rights is therefore plain'.⁴³⁸ The judgement mandated that the licence be granted and all equipment returned, with compensation for anything damaged or lost.⁴³⁹

That the Derricks were deliberately penalised is evidenced by the fact that in January 1997 Grenville Radio Limited (commonly known as ZDK) was granted a special 25-year licence almost instantly. The directors of Grenville Radio were Lester Bird, Ivor Bird, Vere Bird Jr, and their mother Lydia.⁴⁴⁰ At this point it seems Lester Bird still had responsibility for telecoms licensing, meaning he exploited his ministerial position to grant himself and his

⁴³⁵ Observer Publications Ltd v Campbell et al, paragraph 2.

⁴³⁶ Observer Publications Ltd v Campbell et al, paragraph 34.

⁴³⁷ Observer Publications Ltd v Campbell et al, paragraph 4.

⁴³⁸ Observer Publications Ltd v Campbell et al, paragraph 3.

⁴³⁹ Observer Publications Ltd v Campbell et al, paragraphs 54 and 55.

⁴⁴⁰ Observer Publications Ltd v Campbell et al, paragraph 9.

family a radio licence whilst simultaneously keeping the Derricks' perpetually 'under review'. This is a clear demonstration of a conflict of interest and another example of Bird bending the rules for personal gain. As the JCPC justices pointed out in 2001, had the Grenville Radio application and approval become public knowledge before or during the Derricks' trial, the plaintiffs could have made a strong argument about discrimination as well as unconstitutionality.⁴⁴¹ Even so, 2001 was a major turning point in the history of free speech in Antigua, definitively proscribing curtailment of free speech on the airways. Their defeat was hammered home to the ALP government in 2004 when the stridently UPP-supporting radio station, Crusader Radio, began broadcasting.

The controversial establishment of Observer Radio fits into a wider eastern Caribbean context. In the 1990s and 2000s, there were numerous instances of regional governments being taken to court for interfering in the people's right to free expression. In many cases this involved the right to operate a new and privately-controlled radio station or programme. For example, in the mid-1990s, the Anguillan Government set up a call-in radio show called "Talk Your Mind" to be broadcast on the state-owned station Anguilla Radio. However, over time the content of the call-ins and the resultant discussions became increasingly critical of the government. In July 1996, the Minister of Information instructed the host, Mr Benjamin, to change the format from call-in to panel show and to generally steer the content into a more pro-government direction. Benjamin refused, saying this 'was not in keeping with good journalism' and went against principles of open access and discussion. Shortly afterwards the Minister ordered the programme be discontinued. On application to the High Court, Benjamin and others successfully argued that the Minister's action was a contravention of section 11 of the Anguillan constitution which guaranteed freedom of expression.⁴⁴²

The Derricks' case demonstrates three things about corruption and rule-bending in Antigua at the turn of the twenty-first century. First, it shows that government efforts to suppress press freedom persisted well into the post-V. C. Bird era, continued by his son and successor Lester Bird. Second, it shows that after the 1990 JCPC ruling on the Public Order Act governments replaced proactive legal efforts to bring down opposition media outlets with tactics of dragging and delay. Third, the Derrick case shows that the only reliable check on government rule-bending regarding constitutional freedoms was the JCPC; other bodies like the Public Service Commission, the Antiguan Parliament, and even junior courts failed to prevent or remedy violations of the constitution. If the Derricks had not been able to appeal

⁴⁴¹ Observer Publications Ltd v Campbell et al, paragraph 11.

⁴⁴² Benjamin et al v The Honourable Minister of Information and Broadcasting et al, High Court (Saint Christopher, Nevis And Anguilla), no. 56 of 1997, January 7, 1998.

to the JCPC, it is hard to imagine how Observer Radio could ever have been lawfully and safely established. By extension, it is difficult to see how, in such a context, any radio or television broadcaster could exist in Antigua without the government's approval. As such, without this level of judicial review Antigua would have lacked one of the most widely recognised essential principles of good governance and democracy - the right to free expression, including the freedom of the press. This point was conveyed eloquently ten years earlier by Harold Lovell, future opposition MP and UPP leader, in reaction to Hector's 1990 case before the JCPC. Published in *Outlet*, Lovell wrote:

How can we claim to be playing a game when we disregard the basic rules of the Constitution? How would we regard a batsman who, trapped plumb lbw, declared the lbw rule to be void of no effect in relation to him? The Privy Council's recent decision represents the straight index finger of a foreign but respected umpire who, in response to a confident "how zat", told the batsman he was out.⁴⁴³

Lovell's analogy creatively conveys the sense of frustration felt by opposition MPs and supporters in the wake of the 1990 Hector case and again ten years later during the controversy over Observer Radio. They recognised that they were powerless to restrain the legislative power of the government, even if that meant the constitution was to be trampled by repressive laws curtailing free speech and manipulation of pre-existing laws and regulations. Instead, those that fell foul of the ALP had to rely on recourse to the courts, and the JCPC in particular, to defend their constitutional rights.

Why the JCPC has proved a more consistent defender of free speech and been more likely to find against the government in these important cases warrants its own dedicated investigation. But the information presented here suggests higher levels of judicial independence and impartiality in the JCPC would feature prominently in such a study. A wide variety of judges may sit on the JCPC, including justices of the UK Supreme Court (the Law Lords before 2009, appointed through a specially-convened selection commission) and Judges from certain Commonwealth courts. The JCPC is therefore: not subject to political interference by the Antiguan Prime Minister; not influenced by Antiguan partisanship and political rivalry; and not subjected to the same degree of intimidation found in small, polarised states like Antigua. Cognisant of these factors, a majority of Antiguanians have expressed greater faith in the JCPC as a fair and independent court than they have in more regional courts: in 2018 a

⁴⁴³ Harold Lovell, "Judicial Terrorism", *Outlet*, February 23, 1990, ANA, 5.

government-backed referendum to replace the JCPC with the Caribbean Court of Justice received just 48 percent support, far short of the required two thirds majority. On the same day a similar referendum failed to pass in Grenada while in 2009 St Vincentian voters rejected constitutional reforms including abandoning the JCPC, demonstrating this perception is not unique to Antigua.⁴⁴⁴

Beyond repressive legislation and dragging, governments can also use intimidation and victimisation to try and silence critics. In the context of free expression, intimidation refers to deliberate acts designed to scare or threaten individuals into self-censorship or silence. The government is specially placed to use intimidation tactics, not least through invoking the coercive power of the state and police, such as the arrest of Tim Hector in 1985. On July 8, 1985, Hector landed at Antigua's airport and was arrested by Superintendent Dodds Joseph, publicly handcuffed, and taken to prison where he was strip-searched and jailed for three days until released on bail. This strikes a contemporary outside observer as an unusually harsh way to treat a journalist/editor arrested for an article published in his newspaper. It appears calculated to disturb and embarrass Hector and to intimidate him and his colleagues, all whilst sending a very clear message to the wider public. This was the view of colleagues at *Outlet*, who saw Hector's arrest as another attempt to 'break the will and determination of the man, undermine the efficiency of Outlet, and blunt the driving thrust of ACLM.'⁴⁴⁵ Hector had been arrested three times before, on each occasion after public demonstrations against the ALP government, including a protest in 1978 against Antigua's complicity in illegal arms sales to South Africa. Even a former ALP Senator is reported to have said of the government's legal wranglings that it 'now looks like a vendetta against Tim Hector in particular.'⁴⁴⁶ The effort, time, and public money spent by the government in successive attempts to silence Hector must have intimidated not only him but any other would-be journalists and government critics in Antigua. This helps explain why Antigua's media remained so limited for so long, with few Antiguan journalists apart from Hector rigorously investigating and writing about government corruption, at least until the Derricks in the late 1990s.

During Hector's arrest and trial, Superintendent Joseph publicly threatened Conrad Luke (Vice-Chairman of the ACLM and, later, editor of *Outlet*), allegedly telling Luke that he had

⁴⁴⁴ Cynthia Barrow-Giles and Ronnie R. F. Yearwood, "Mandatory constitutional referendums in Commonwealth Caribbean constitutions: placing 'people' at the centre of the constitution?", *King's Law Journal*, advance article published online September 25, 2023, <https://doi.org/10.1080/09615768.2023.2254674>, 17.

⁴⁴⁵ "Tim Hector Imprisoned", supplement in *Outlet*, July 9, 1985, ANA, 3.

⁴⁴⁶ "Bird Regime Appeals", *Outlet*, June 6, 1986, ANA, 2.

'three .38 shots for you. Is not jail we going to put you. We going to string you up in a tree.'⁴⁴⁷ Prior to this, Joseph had accelerated rapidly through the police hierarchy following the ALP's return to power in 1976 and had gained a reputation for brutality, spying, and contempt of court. His impartiality can therefore be questioned and his conduct in the context of Hector's arrest portrayed the image of a police officer under the direction of and/or loyal to the Bird regime. The erosion of police impartiality, either real or perceived, contributed to a culture of intimidation in which journalists were encouraged to self-censor and potential sources kept silent. While not an explicit curtailment of free speech, this likely had the effect of discouraging the kind of rigorous journalism and free expression that is essential to scrutinising government and exposing corruption.

Other instances of intimidation include physical attacks on the property of Tim Hector and *Outlet*. These were numerous, particularly in the 1980s and 1990s and coincided with periods of political tension. *Outlet*'s headquarters, George Weston House, was broken into ten times in the five years leading up to August 1987.⁴⁴⁸ While no culprits were found by the police, it seems these burglaries were politically motivated; valuable items were ignored or left while documents, correspondence, and files appeared to have been examined or taken by the burglars. There is no evidence to connect burglaries like these to the ALP government but physical attacks on the security *Outlet* would have contributed to a wider climate of intimidation and fear designed to inhibit Hector et al's exercise of their right to free speech. The consistent failure of the police to successfully investigate any of these crimes further supported the appearance of a corrupt or partisan police force being used as an arm of government control.

Moreover, Hector frequently complained of government efforts to spy on him, his fellow journalists at *Outlet*, and campaigners at ACLM. Such claims may indicate paranoia or even slander on the part of Hector and he did not provide hard proof for his claims. However, an intelligence report by the British Government Representative in Antigua, J.M. Crane, said Hector's claims 'are basically true' and that spying efforts were 'rather worrying in the context of the freedom of speech.'⁴⁴⁹ Crane did not share his evidence for these claims (at least, not in the documents publicly available at TNA) but his report strongly indicates Hector's suspicions were well-founded. Crane's primary motive was to provide the British government with as accurate information as possible about internal political affairs in Antigua. Given Hector's visceral anti-British and socialist ideology, it is unlikely Crane would have

⁴⁴⁷ "Dodds threatens ACLM Vice-chairman Conrad Luke", *Outlet*, July 19, 1985, ANA, 1.

⁴⁴⁸ "Outlet's office broken into again", *Outlet*, August 28, 1987, ANA, 4.

⁴⁴⁹ J.M. Crane to G.L. Bullard, British High Commissioner, Bridgetown, December 1, 1983, "Internal Political Affairs of Antigua", FCO 44/2839, TNA, 1.

exaggerated the nefariousness of the Bird government's anti-Hector campaign simply to paint Hector in a positive light. A government/Bird-convened surveillance programme on Hector would have had two alternate benefits. If it was effective and covert, spying on Hector could have revealed his sources in the government or Public Service which would have been of inestimable value to the government. Alternatively, if the public became aware of potential spying (through Hector's public complaints about it) then potential sources as well as other journalists would be intimidated into silence, cutting off Hector's supply of information. Given this double benefit, as well as the ease with which a government could spy on one man in such a small state, it seems plausible that Hector was subject to a surveillance campaign for at least some period of time.

The Derricks also reported perceived attempts to intimidate them and their staff. In 2002, a year before his death, Samuel Derrick told the international Committee to Protect Journalists that government officials frequently visited Observer headquarters, threatening to shut them down.⁴⁵⁰ He also claimed that the government began broadcasting its own radio show on a frequency close to Observer Radio and with a more powerful government-owned transmitter, disrupting Observer's output. Such petty attempts to intimidate and inconvenience the Derricks demonstrate the government's frustration, post-2001, with an open and free press. A more recent trend has been for senior politicians to threaten legal action as a means of intimidating not just journalists but other politicians and even members of the public who allege corruption. In 2009, Lester Bird successfully sued Crusader Radio as part of a defamation lawsuit brought in relation to allegations of ALP government corruption made at a public rally in 2008 by then Leader of the Opposition Baldwin Spencer.⁴⁵¹ Then, in 2017, Prime Minister Gaston Browne sued Lena "Queen Ivena" Phillip for a calypso song, *Nasty*, in which she accused his government of corruption.⁴⁵² Cognisant of this, no publisher has reprinted the lyrics of Philip's song, presumably out of fear that they too might be sued by Browne. This shows the climate of fear in which Antiguan news publishers have had to operate for so long. The ability and willingness of wealthy and influential politicians like Bird or Browne to sue already-struggling publishers for libel forces them into high degrees of self-censorship. This undermines their ability to act as a constant and rigorous check on

⁴⁵⁰ "Attacks on the Press 2001: Antigua and Barbuda", *Committee to Protect Journalists*, March 26, 2002, accessed August 24, 2023, <https://cpj.org/2002/03/attacks-on-the-press-2001-antigua-and-barbuda/>.

⁴⁵¹ *Lester Bird v Winston Baldwin Spencer and Crusader Publications and Broadcasting Limited*, High Court of Antigua and Barbuda, Eastern Caribbean Supreme Court, 185 of 2009, judgement given February 21, 2012.

⁴⁵² "New Trial Date Set For Defamation Case Against Queen Ivena", *Antigua News Room*, November 22, 2019, accessed October 4, 2023, <https://antiguanewsroom.com/new-trial-date-set-for-defamation-against-queen-ivena/>.

government corruption. These high-profile cases also serve to warn members of the public against making allegations of corruption, intimidating them into self-censorship of their own.

As well as intimidation, the right to free speech has been bent and intruded upon by victimisation – the deliberate efforts to penalise, disadvantage, and otherwise hurt people and their associates that use their right to free speech in a way disagreeable to the government. On two occasions printing machines bought by *Outlet* were dropped and destroyed by port personnel, seemingly by accident but very possibly on purpose.⁴⁵³ Similarly, Hector and *Outlet* routinely ran into unexplained legal and financial problems as menial as insurance companies losing documentation, which Hector cited as an example of the 'monkey business' journalists face in Antigua.⁴⁵⁴ Again, there is no material evidence to link such challenges to the Antiguan government, but this kind of blockage and difficulty added to an environment already very hostile to free and critical journalism.

A specific example of victimisation that was later corrected involved the sacking of two journalists at *The Antigua Sun*, owned by Allen Stanford and widely seen as supporting the ALP government in the late 1990s. Just before the 1999 election, two of the paper's most senior staff were fired for staging a sick-out protesting heavy editorial control by the owner. They claimed that Stanford had forced them to pull an article critical of Prime Minister Lester Bird. Subsequently, Antigua's Industrial Court (established in 1975 to enforce the Antigua and Barbuda Labour Code) ordered Stanford to pay his former employees, Louis Daniel and Horace Helps, EC\$72,000 in damages for wrongful dismissal.⁴⁵⁵ While in this case the journalists were vindicated, their experience serves as a window into the world of heavy-handed editorial pressure in which Antiguan journalists have had to work. It also shows how owners of even supposedly apolitical media outlets were willing to censor their platforms' content for partisan purposes.

Both intimidation and victimisation have been used by the government (and their supporters) to try and infringe upon the right to free expression throughout the post-colonial period. These methods became particularly relevant in the post-1990 period when legal mechanisms became unworkable after the 1990 JCPC ruling. Intimidation and victimisation were also particularly apparent during times of political tension, such as in the wake of *Outlet's* revelations of a corruption scandal or in the context of a political demonstration. At

⁴⁵³ Tim Hector, "On this and that", *Outlet*, July 22, 1988, ANA, 4.

⁴⁵⁴ Hector, "On this and that", 4.

⁴⁵⁵ "Attacks on the Press 2001: Antigua and Barbuda", *Committee to Protect Journalists*, March 26, 2002, accessed August 24, 2023, <https://cpj.org/2002/03/attacks-on-the-press-2001-antigua-and-barbuda/>.

the same time, as the Derrick passport example shows, a low-level of victimisation has become an embedded part of the pernicious polarisation of Antiguan society. By this polarisation, even people simply related to free-thinking journalists are routinely given second-class treatment by the government. This is not a uniquely Antiguan problem but is a pan-Caribbean issue, as examined by Cynthia Barrow-Giles in 2011.⁴⁵⁶ Barrow-Giles gave the example of a former journalist in Barbados who claimed government ministers would telephone presenters to chastise them in response to an unfavourable news story. She also cited the case of Fazeer Mohammed who was fired from his job as a talk-show host on Trinidad's state broadcaster after he criticised Prime Minister Persad-Bissessar.

The unregulated and uncontrollable medium of the internet and social media have posed new challenges and opportunities for this unrelenting culture of challenge and suppression. As early as 2010, a somewhat optimistic Larry Diamond called the internet 'liberation technology' and said it allowed citizens to 'to report news, expose wrongdoing, express opinions, mobilize protest, monitor elections, scrutinize government, deepen participation, and expand the horizons of freedom.'⁴⁵⁷ But he also acknowledged it is 'merely a tool, open to both noble and nefarious purposes.'⁴⁵⁸ The most successful politicians have grappled with this 'liberation technology' by fully embracing social media and seeking to dominate internet-based platforms. The most notable in this regard is Prime Minister Gaston Browne himself, who routinely engages in heated conversations with Antiguan on Facebook comment sections and maintains a constant media presence, often attacking the opposition in vitriolic language. By maximising content creation, figures like Browne are able to dominate and steer the public conversation, effectively squeezing out opposition and critical voices. This is a reincarnation of the market-dominance strategy characteristic of the 1980s when the V. C. Bird operated a near monopoly of print and broadcast media. Because of the free and unregulated nature of the internet such a monopoly is impossible to maintain today, hence the focus on content creation to maximise exposure and attention at the expense of rival interests.

⁴⁵⁶ Cynthia Barrow-Giles, "Democracy at Work: A Comparative Study of the Caribbean State", *The Round Table* 100, no. 141 (2011): 296.

⁴⁵⁷ Larry Diamond, "Liberation Technology", *Journal of Democracy* 21, no. 3 (2010): 70.

⁴⁵⁸ Diamond, "Liberation Technology", 71.

Image Three: Gaston Browne's use of social media⁴⁵⁹

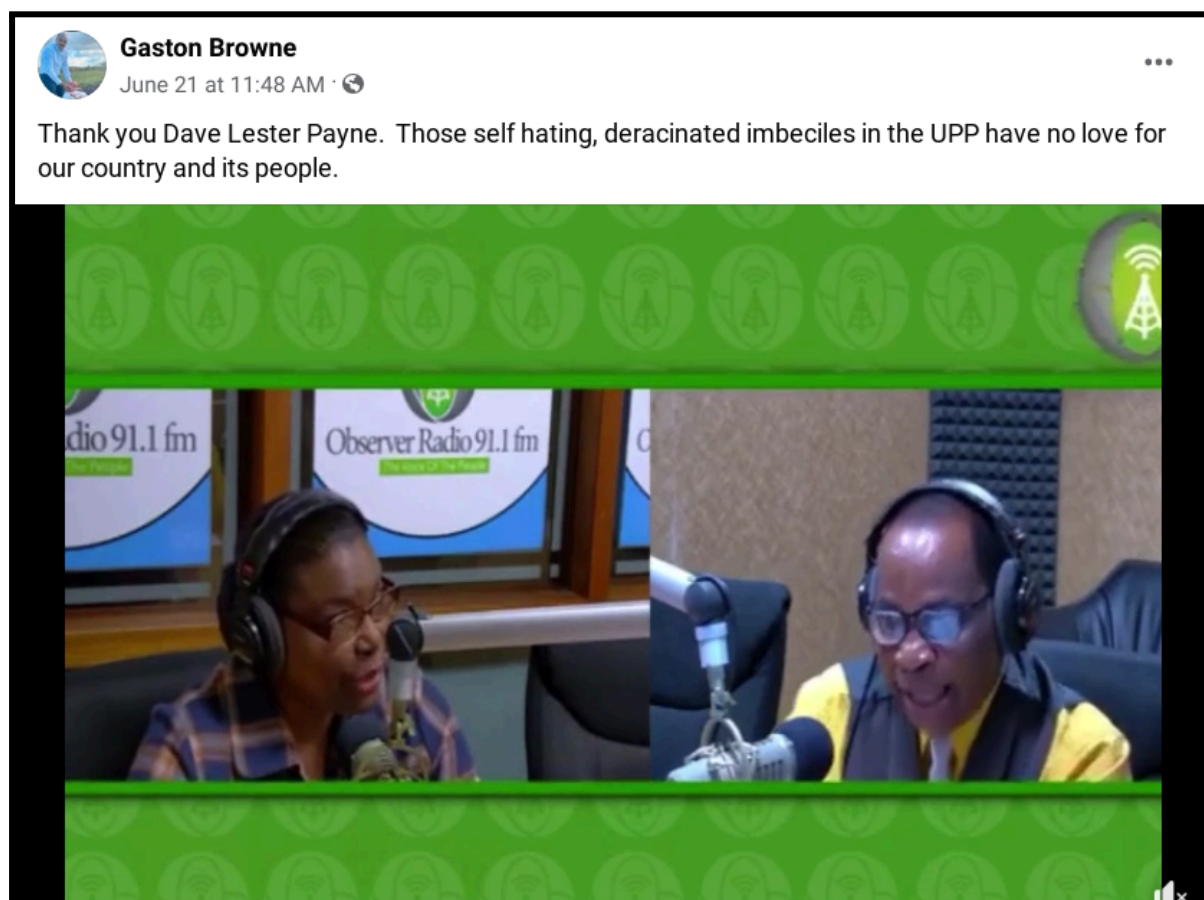
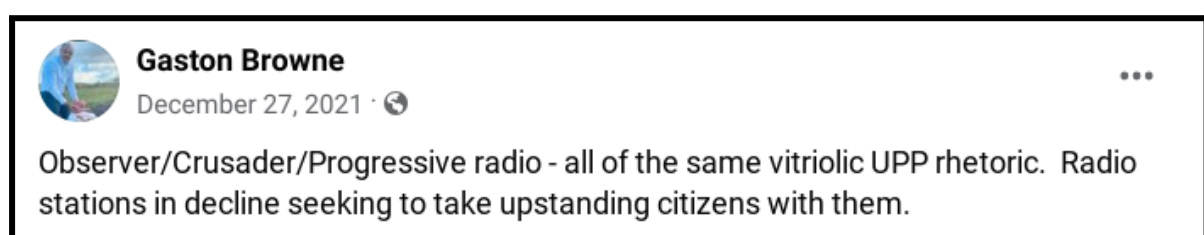


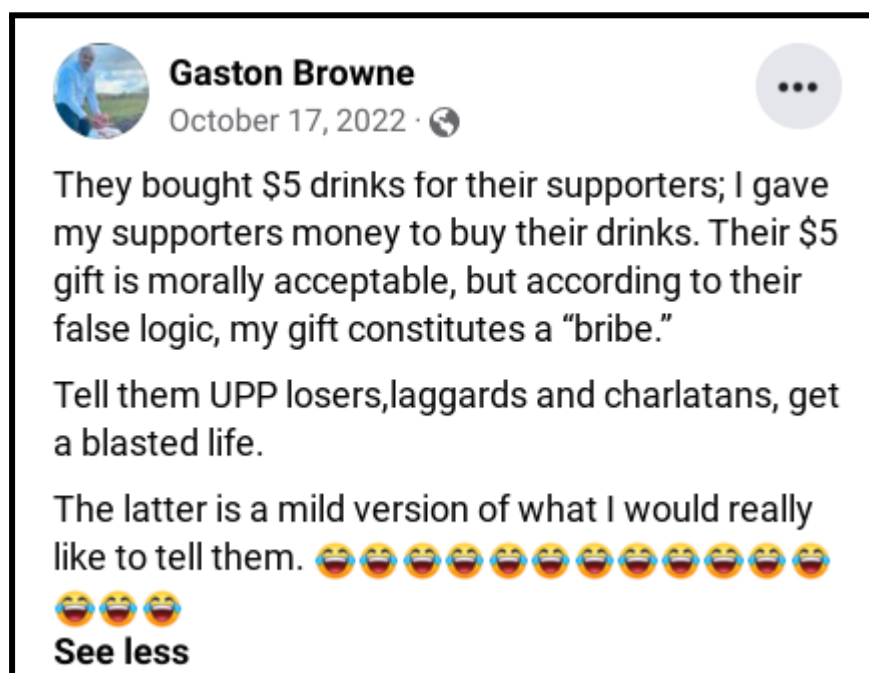
Image Four: Gaston Browne's use of social media⁴⁶⁰



⁴⁵⁹ Screenshot from Gaston Browne's personal Facebook page, featuring a video recording of an Observer Radio broadcast with the caption, "Thank you Dave Lester Payne. Those self hating, deracinated imbeciles in the UPP have no love for our country and its people.", post made June 21, 2023, screenshot taken July 11, 2023, <https://www.facebook.com/princegaston.browne>.

⁴⁶⁰ Screenshot, Gaston Browne's personal Facebook page, featuring an image of a letter by Sir Gerald Watt with the caption "Observer/Crusader/Progressive radio - all of the same vitriolic UPP rhetoric. Radio stations in decline seeking to take upstanding citizens with them.", post created December 27, 2021, screenshot taken July 11, 2023, <https://www.facebook.com/princegaston.browne>.

Image Five: Gaston Browne's use of social media⁴⁶¹



On the other hand, the internet theoretically provides a unique space to identify, expose, and discuss political corruption. This is aided by features unique to the internet and not readily available to other media forms such as anonymity, secrecy, internet research, and instantaneous communication across the island and diaspora. However, the enduring nature of Antigua's polarised partisanship means it is difficult to translate these theoretical advantages into practical consequences. The rigorous and well-marketed social media campaign of the Democratic National Alliance failed to translate into electoral impact at the 2023 General Election, when the party won just 466 votes across the whole country. This shows the great extent to which Antigua remains polarised between the ALP and the main opposition party. With this polarisation as an enduring absolute, the overall impact of the internet has so far been to replicate and even deepen the echo-chamber effect of partisan radio shows and newspapers.

But that is not to say that the internet and unregulated platforms cannot and will not perform some positive function in the near future. Social media, particularly Facebook, is already a popular platform for debate and political argument. But anonymous news websites *Antigua News Room* and *Antigua Breaking News* are also an increasingly active space where news

⁴⁶¹ Gaston Browne, personal Facebook page, post made in response to allegations of bribery. Post made October 17, 2022, accessed September 6, 2023, <https://www.facebook.com/princegaston.browne/videos/631255022002637/>.

stories can be posted anonymously and comments made under pseudonyms. Here, accusations of corruption can be made openly and there is potential for these sites to serve as public notice boards for the exposure of corruption, sharing information, and raising concerns. Perhaps recognising this, the government has recently announced intentions to clamp down on these sites. In 2021, Attorney General Steadroy Benjamin said he was 'troubled' by social media and unregulated websites where posts can be made freely and anonymously.⁴⁶² He said legislation would be introduced to bring online posts under the same legal framework and regulation as articles published by registered news outlets. This would involve forcing their owners and publishers to be registered in Antigua and would bring them under the same libel and defamation laws as other publishers. This call was repeated in November 2022 with Information Minister Melford Nicholas calling for 'a new legislative framework' to regulate these websites.⁴⁶³ These moves indicate the government recognises that the internet is being used by some as a subversive space and that its potential as a challenge to corruption is significant.

In complete contrast, parliamentarians are protected from legal action by parliamentary privilege. This is a convention of the Westminster system (and seen to varying degrees in other polities, such as the in the US) whereby things said by MPs during parliamentary proceedings are not subject to liability, charges of defamation, or other legal action.⁴⁶⁴ Privilege during the course of parliamentary proceedings was codified in Antigua's 1981 constitution⁴⁶⁵ But in 2015, the ALP government passed the 2015 Defamation Act which expanded privilege to cover all statements made by MPs whilst in Parliament, whether or not the relevant House was in session.⁴⁶⁶ So while the government wants to clamp down on the freedom of expression online, they have expanded it for themselves. Privilege allows MPs to make allegations of corruption and to generally slander their opponents in Parliament, free from the legal need to validate or prove their claims. In 2017, Prime Minister Gaston Browne accused UPP leader Harold Lovell in Parliament of complicity in the Odebrecht scandal then rocking the Caribbean and Latin America. In response, Lovell challenged Brown to repeat the accusation outside Parliament and thus beyond the protection of parliamentary

⁴⁶² Elesha George, "AG proposes law to 'deal with' malicious journalism", *Antigua Observer*, February 9, 2021, accessed September 21, 2023, <https://antiguaobserver.com/ag-proposes-law-to-deal-with-malicious-journalism/>.

⁴⁶³ Robert A. Emmanuel, "Judge orders online media houses to issue apology", *Antigua Observer*, November 10, 2022, accessed September 21, 2023, <https://antiguaobserver.com/judge-orders-online-media-houses-to-issue-apology/>.

⁴⁶⁴ *Erskine May's treatise on the law, privileges, proceedings and usage of Parliament*, (25th edition, 2019), online edition, accessed September 22, 2023, <https://erskinemay.parliament.uk/section/4581/freedom-of-speech-in-debate>, Part 2, Chapter 13.

⁴⁶⁵ Constitution of Antigua and Barbuda, 1981, section 58.

⁴⁶⁶ Laws of Antigua and Barbuda, The Defamation Act, 2015, section 24.(2).(i).

privilege.⁴⁶⁷ Browne did not do this, meaning that while his allegation of corruption was reported as a matter of public record and heard repeatedly across Antigua, Lovell had no right to legally challenge it. More recently, in January 2018 UPP MP Wilmoth Daniel unsuccessfully sued Prime Minister Gaston Browne after Browne accused Daniel of corruption, alleging he burned down properties to secure an insurance payout.⁴⁶⁸ The Court of Appeal held that the defamation claim must fail because Browne was protected under parliamentary privilege, even though the comments were made when the House was suspended. This was a direct application of the new Defamation Act which had expanded privilege just three years earlier.⁴⁶⁹

Journalists have highlighted the disparity between politicians giving themselves greater protection whilst imposing more restrictions on news outlets. A 2017 *Antigua Observer* editorial said Antigua's Defamation Act forced online platforms like *Antigua Observer* into self-censorship and called for greater legal protections for publishers.⁴⁷⁰ Other anglophone Caribbean states face similar disparities. Clive Bacchus, executive director of St Kitts radio station WINN FM, said parliamentary privilege was being used to slander people from the protection of Parliament.⁴⁷¹ And David Ellis, manager of Barbados's Statcomm Network, has called for reform to parliamentary privilege and legislation to hold politicians accountable for their language. These developments emphasise the fact that freedom of the press is never guaranteed and fixed, but is a right under constant challenge, defence, and negotiation. More than two decades after the JCPC's landmark ruling in *Observer v Campbell et al*, the Antiguan government still sees a free media environment as a challenge that needs to be controlled. This alone testifies to the fact that a free and vibrant media is an important check on corruption and guarantees of that freedom must be an integral feature of any anti-corruption strategy.

⁴⁶⁷ "Another day, another scandal", *Antigua Observer*, February 17, 2017, accessed September 22, 2023, <https://antiguaobserver.com/another-day-another-scandal/>.

⁴⁶⁸ "An opposition MP threatens to sue the PM", *Antigua Observer*, January 11, 2018, accessed September 22, 2023, <https://antiguaobserver.com/an-opposition-mp-threatens-to-sue-the-pm/>.

⁴⁶⁹ "PM Warns Those Who Plan To Sue Him For Defamation To Come Good", *Antigua News Room*, September 23, 2019, accessed September 22, 2023, <https://antiguanewsroom.com/pm-warns-those-who-plan-to-sue-him-for-defamation-to-come-good/>.

⁴⁷⁰ "Editorial: A strong democracy in paradise", *Antigua Observer*, July 26, 2017, accessed September 22, 2023, <https://antiguaobserver.com/editorial-a-strong-democracy-in-paradise/>.

⁴⁷¹ "Regional broadcasters say it is time to revisit parliamentary privilege", *Antigua Observer*, January 15, 2018, accessed September 22, 2023, <https://antiguaobserver.com/regional-broadcasters-say-it-is-time-to-revisit-parliamentary-privilege/>.

Free and Fair Elections

Issues undermining free and fair elections	
Partisanship	The appointment/employment of politically partial election officials.
Lack of a secret ballot	The ability - both perceived and actual - for political leaders to know how people voted in elections
Intimidation	Perceived and actual threats coercing voting behaviour
Election fraud	Particularly misrepresentative voter registers
Changes to the franchise	Altering people's legal right to vote in ways that favour one party over another

Along with parliamentary scrutiny and freedom of speech, free and fair elections constitute an important principle that has often been challenged in Antigua's post-colonial history. As well as being an essential part of democracy, elections theoretically perform an anti-corruption function. This is because they give voters the opportunity to punish corrupt politicians and reward virtuous ones if they wish. But as multiple scholars have emphasised, elections need to conform to certain norms and standards in order to be considered free and fair. Indeed, many authoritarian regimes stage performative elections in what Jeffrey Haynes has called facade democracies or minimal democracies.⁴⁷² Antigua is not an authoritarian state, but at times (especially prior to 2001) its governments have tried to use quasi-authoritarian methods to bend political rules and steer electoral outcomes. Antiguan history thus provides ample evidence for Toby James' assertion that 'electoral laws and institutions are not neutral' but are selectively chosen, manipulated, and supplemented by politicians for partisan gain, raising serious 'consequences for the legitimacy of democracies'.⁴⁷³ Existing literature on the relationship between democracy and corruption is

⁴⁷² Jeffrey Haynes, "The Third World and the third wave of democracy," in *Democracy and Political Change in the Third World*, ed. Jeffrey Haynes, 1-20, (New York: Routledge, 2001); See also: Andreas Schedler, "Elections Without Democracy: The Menu of Manipulation", *Journal of Democracy* 13, no. 2 (2002): 36.

⁴⁷³ Toby S James, *Elite Statecraft and Election Administration*, (Basingstoke: Palgrave MacMillan, 2012), 2.

extensive and often focused on understanding why voters re-elect corrupt politicians.⁴⁷⁴ Chapter two has already shown that partisanship and clientelism are two explanations for the re-election of corrupt politicians but electoral interference is another.

None of this is to say that Antigua is undemocratic. It has generally been ranked as a free democracy by Freedom House and other organisations.⁴⁷⁵ In common with its anglophone Caribbean neighbours (excluding Grenada and Guyana), Antigua has been characterised by the peaceful transfer of political power through democratic means and the lasting adherence to the Westminster constitutional system. It has been part of the Caribbean's successful transition from colonialism to democracy, helping establish the region as one of the most stable and democratic parts of the developing world.⁴⁷⁶ Indeed, democracy in Antigua has often been healthier and more robust than in some Caribbean states, such as Jamaica with its history of gang violence and garrison culture. But what is needed in the case of Antigua - and many other Caribbean states - is a more nuanced conceptualisation of democracy because as Andreas Schedler has argued, democracy is not an absolute that is either present or absent but 'admits of degrees'.⁴⁷⁷

Caribbean academic discourse on the nature of democracy is well-established. In the 1960s, St Lucian economist and Nobel Prize winner, Arthur Lewis, advocated an autochthonous conceptualisation of West-African (and by extension, Caribbean) democracy that emphasised equal engagement and pluralism, rather than simplistic Eurocentric majoritarianism.⁴⁷⁸ In a similar vein, in the 1980s (as the latest British colonies, including Antigua, secured independence) Clive Thomas argued that post-independence constitutions or 'settlements' were inherently authoritarian, focusing power in a new political elite whilst marginalising the masses.⁴⁷⁹ In a review of Thomas's work, Antigua's Tim Hector went further, arguing that Caribbean states became more authoritarian after independence because the new political elite had no material interests other than personal power and wealth, motivating them to 'use the state as an instrument of private accumulation'.⁴⁸⁰ A

⁴⁷⁴ Marko Klašnja, Noam Lupu, and Joshua A. Tucker, "When do voters sanction corrupt politicians?", *Journal of Experimental Political Science* 8, no. 2 (2021): 161-171; De Vries and Solaz, "The Electoral Consequences of Corruption", 391-408.

⁴⁷⁵ See for example: "Freedom in the World 2023: Antigua and Barbuda", *FreedomHouse*, 2023, accessed August 24, 2023, <https://freedomhouse.org/country/antigua-and-barbuda/freedom-world/2023>.

⁴⁷⁶ Barrow-Giles, "Democracy at Work: A Comparative Study of the Caribbean State", 286.

⁴⁷⁷ Schedler, "Elections Without Democracy: The Menu of Manipulation", 37.

⁴⁷⁸ Arthur Lewis, *Politics in West Africa*, (London: George Allen and Unwin, 1965), 64.

⁴⁷⁹ Clive Thomas, *The Rise of the Authoritarian State in Peripheral Societies*, (New York: Monthly Review Press, 1984).

⁴⁸⁰ Tim Hector, "The Rise and Fall of Authoritarianism in the Caribbean", *The CLR James Journal*, 22, no. 1/2 (2016): 283.

historical approach can offer a more nuanced understanding of Caribbean democracy, focusing on what Trevor Munroe has called 'quality of democracy'.⁴⁸¹ Antigua has indeed experienced varying 'degrees' and fluctuating 'quality' of democracy during its post-colonial period, with episodes of democratic backsliding overseen by the new post-colonial political elite. Rivke Jaffe's assertion, made in relation to Jamaica, that 'the electoral process can easily accommodate forms of political choice that are not necessarily free or individual' equally applies to Antiguan history.⁴⁸²

Since Associated Statehood was instituted in 1967, Antigua has had twelve general elections, four of which (1971, 1976, 2004, and 2014) have seen a change of government. These elections have been generally peaceful, though legal challenges, recounts, and occasional instances of violence have happened in some cases. But this peaceful visage does not mean these votes have been entirely free and fair. Various issues have undermined seemingly democratic elections. Some of these are systemic and reflect Antigua's long-term polarisation, such as the difficulty in getting impartial and apolitical people to serve as election officials. Other issues constitute deliberate efforts to influence the outcome of particular elections, such as vote-buying or changes to electoral franchises. These problems have not always been faced simultaneously and some have been more apparent during certain election cycles than others. Of the issues that are a deliberate strategy of political interference, they constitute a toolkit to which politicians can turn depending on the needs of the moment. Sometimes many of these tools have been required, such as in the context of a strong political opposition and a poor government record; at other times just a few strategies have sufficed to influence the electoral outcome.

The rules governing Antiguan elections were established in part by the 1967 and 1981 constitutions and in greater detail by several Representation of the People Acts. The constitution requires general elections to be held at least every five years, on a date set by the Governor-General on the advice of the Prime Minister.⁴⁸³ It also mandates an ad hoc Constituency Boundaries Commission, with two members appointed by the Prime Minister, one by the Leader of the Opposition, and a chairman appointed by the Governor-General after consultation with the Prime Minister.⁴⁸⁴ The constitution also requires the appointment of a Supervisor of Elections, approved by both Houses of Parliament, whose function is to be

⁴⁸¹ Trevor Munroe, *Renewing Democracy into the Millennium: The Jamaican Experience in Perspective*, (Kingston: The University of the West Indies Press, 1999), 14.

⁴⁸² Rivke Jaffe, "Between ballots and bullets: elections and citizenship in and beyond the nation-state", *Citizenship Studies* 19, no. 2 (2015): 130.

⁴⁸³ Constitution of Antigua and Barbuda, 1981, section 61.1.

⁴⁸⁴ Constitution of Antigua and Barbuda, 1981, section 63.

established by law.⁴⁸⁵ Beyond this, the constitution leaves elections for Parliament to regulate by legislation. Antigua's Representation of the People Act has been amended eleven times and the 2001 amendment introduced a permanent five-person Electoral Commission which was tasked with organising elections, regulating conduct of election officials, and ensuring compliance with the law.

When considering interference in elections, it is important to recognise how small some Antiguan constituencies are and how narrow the margins of victory. This is an issue unique to SIDS, where a handful of votes may mean the difference between a candidate's defeat and their election. This in turn could determine the balance of power in Parliament and thus the party in government, particularly when the First Past the Post voting system distorts the scale of the winning party's share of seats in the House. For instance, in 1999 the ALP's Sherfield Bowen defeated Wilmoth Daniel by just eight votes in a constituency with only 1,669 voters. Similarly, in 2009 Molwyn Joseph defeated Bertrand Joseph by 21 votes. And in 2023, the ALP's Melford Nicholas defeated Harold Lovell by six votes. As this latter election gave the ALP a House majority of one, these six votes potentially made the difference between an ALP government and a UPP-led coalition. Such tiny margins mean election interference only needs to be effective in a handful of cases to make a difference to election outcomes.

From the outset, it has to be acknowledged that Antigua's electoral history has been characterised by a lack of rigorous contemporary scrutiny. Among the richest sources for analysing elections in Antigua are the reports by various observer missions sent to monitor the preparation and conduct of elections. Election observer missions began to become commonplace across much of the developing world in the 1990s. This reflected the shifting zeitgeist after the end of the Cold War which saw a rise in international efforts at peace-keeping and the promotion of good governance, particularly in developing and conflict-ridden states.⁴⁸⁶ The percentage of all global elections that were observed rose from none in the early 1960s to around 80 percent by 2011.⁴⁸⁷ Election observation is now a 'nearly universal phenomenon', especially in the Global South.⁴⁸⁸ In the anglophone Caribbean, election observer teams are predominantly sent by the Commonwealth, the OAS, and CARICOM.

⁴⁸⁵ Constitution of Antigua and Barbuda, 1981, section 67.

⁴⁸⁶ Aila M. Matanock, "How International Actors Help Enforce Domestic Deals", *Annual Review of Political Science* 23, (2020): 358.

⁴⁸⁷ Susan D. Hyde, "Catch Us If You Can: Election Monitoring and International Norm Diffusion", *American Journal of Political Science* 55, no. 2 (2011): 356.

⁴⁸⁸ Sarah Sunn Bush and Lauren Prather, "The Promise and Limits of Election Observers in Building Election Credibility", *The Journal of Politics* 79, no. 3 (2017): 921.

In line with global trends, international observers began monitoring Antigua's elections in 1999.⁴⁸⁹ Most of these were sent by the Commonwealth Secretariat or the OAS. While these reports can be valuable historical sources, their conclusions should not be taken at face value. Observer groups were often in Antigua for short periods of time and could not possibly have gotten to grips with the practicalities of Antigua's constitutional framework or its polarised partisanship in such a brief period. Observer groups also base many of their assumptions on conversations with election officials who in the case of Antigua are not impartial agents but part of Antigua's perniciously polarised politics. This assessment concurs with Eric Bjornlund's 2004 cross-country comparative study of election observations which found them to be 'dangerously superficial' and capable of leading 'the international community to accept the legitimacy of highly flawed processes'.⁴⁹⁰

But observer group reports can still be valuable historical sources in other ways: submissions by election officials can give insight into the conduct of elections and problems staff faced; they can convey some public perceptions and offer a snapshot of public opinion unfiltered by domestic partisan media; and first-hand observations by members of observer groups give insight into the lived experience of elections in Antigua from the point of view of an external observer. All the while, the content of these reports can be compared to Supervisors of Elections' reports and material changes like legislative reform to identify key issues and problems that arose repeatedly at different elections in the last forty years.

The first issue undermining free and fair elections is partisanship among election officials. This has applied to permanent public officers as well as ad hoc election staff. By the norms of the Westminster system, and indeed any democratic electoral process, political bias on the part of election officials is anathema because they occupy important positions through which they could influence election outcomes. Election officials may do this through means ranging from recording who votes when and where all the way to destroying ballot papers. In more developed democracies, these vulnerabilities are guarded against by a host of rules and norms, from rigorously enforced Codes of Conduct, to education courses for election officers, to the televised counting of ballot papers, all overseen by dedicated and well-resourced public bodies, like the Electoral Commission in the UK. But in small and developing states like Antigua these safeguards may be lacking or inadequate to the challenge of election interference, especially when interference is coming from the

⁴⁸⁹ Michael Collier, *Political Corruption in the Caribbean Basin*, (London: Routledge, 2013), 1.

⁴⁹⁰ Eric Bjornlund, *Beyond Free and Fair: Monitoring Elections and Building Democracy*, (Baltimore: Johns Hopkins University Press, 2004), 305.

government. In some cases this is deliberate but in others this is a challenge inherent in a very small developing state which lacks the money, human resources, and a large enough pool of qualified people to deliver robustly and reliably fair elections. Antigua's highly polarised politics and its high rate of public political engagement also make it difficult to find impartial election officers. In this case, it becomes more important than ever that other safeguards against bias are robust and that the public can have confidence in the fair conduct of elections.

In the first observed election in 1999, the problem of election staff neutrality became strikingly apparent. In the run up to the election the Commonwealth Observer Group interviewed then-Supervisor of Elections John Richard about his staff, including all those employed to organise and deliver the election. Among his difficulties, Richard complained that he had had to dismiss and replace multiple returning officers who had 'blatantly compromised their neutrality by acting as campaign managers or agents' for candidates in the election.⁴⁹¹ This is as far from officer neutrality as one could get, short of them actually being candidates. It shows a demonstrable conflict of interest as the people tasked with recording voter behaviour and counting ballots had a clear and publicly-demonstrated political interest. In this instance, the conflict of interest was so blatant that Richard was able to replace much of his staff. Despite this, 'there was a general perception [among the public] that the majority of election officials were active supporters of one party or the other.'⁴⁹² In a country as politically engaged and as polarised as Antigua, it is difficult to see how this could not be the case, unless the government drafted in a foreign or transnational team to run elections. Barring this, it becomes essential that the rules and institutions governing elections are robust enough to counteract any bias introduced by partisan election staff.

Following recommendations of the 1999 Commonwealth Observer Group, the 2001 amendment to the Representation of the People Act established a five-person Electoral Commission to organise and run general elections.⁴⁹³ Three members (including the chairman) were nominated by the Prime Minister and two by the Leader of the Opposition. However, the commission was also plagued by partisanship. It did not actually meet until April 2003 because of fierce political arguments over its membership. In the run up to the commission's first election in 2004, another Commonwealth Observer Group remarked that the commission seemed 'unable to transcend their party/political affiliations to function in an

⁴⁹¹ "The General Election in Antigua and Barbuda, 9 March 1999: The Report of the Commonwealth Observer Group", (London: Commonwealth Secretariat, 1999), 11.

⁴⁹² "The General Election in Antigua and Barbuda, 9 March 1999: The Report of the Commonwealth Observer Group", 11.

⁴⁹³ Laws of Antigua and Barbuda, Representation of the People (Amendment) Act, 2001.

impartial and united manner.⁴⁹⁴ Moreover, the observer group stated that though the commission was supposed to be independent, it was treated like a government department, with all funding and spending applications going through the Finance Ministry and requiring cabinet approval. This has posed challenges for the commission in carrying out its work to a high standard. In 2004, the commission requested \$1.6 million from the government to pay for the equipment and staff to run the 2004 election and to pay for technical services from the Elections Office in Jamaica. But just one and a half months prior to the election the funds had still not been provided. Deputy Chairman of the commission, Bruce Goodwin, accused the government of 'pussyfooting' and threatened to resign if the resources were not made available.⁴⁹⁵ Such delays resulted in a scramble to get the election organised on time and gave rise to disconcerting headlines including 'Commission divided days before elections'.⁴⁹⁶ These problems, often played out in public and through the press, would have done little to reassure voters of the efficacy of the new Electoral Commission or the fairness of elections. The way the government could control the budget of the commission is another example of a new and supposedly independent public body, with a clear anti-corruption function, being brought under financial control of the government.

In light of these problems, the Commonwealth Observer Group recommended that the commission be expanded to include representatives from Civil Society Organisations (CSOs).⁴⁹⁷ This only happened in 2011, when the commission was expanded to seven members, with the additional two nominated by CSOs.⁴⁹⁸ The 2011 Amendment Act specifically states that one member of the commission will be nominated jointly by the Antigua Christian Council (ACC) and the United Evangelical Association of Antigua and Barbuda (UEA) and that the other new member will be nominated jointly by the Chamber of Commerce and the Employers' Federation. This inclusion reflects the greater role that CSOs were seen to be able to perform at the time, particularly in light of systemic deadlock among political appointees alone. It also reflects how outspoken CSOs, particularly the churches, had become around the theme of elections and accountability. In March 2004, the ACC had requested and been given official status as an election observer by the Electoral Commission for the 2004 election.⁴⁹⁹ Meanwhile the UEA issued a press release warning the Electoral Commission, the ALP, and the UPP that if the 2004 elections were not 'clearly fair,

⁴⁹⁴ "Antigua and Barbuda General Election, 23 March 2004: The Report of the Commonwealth Expert Team", (London: Commonwealth Secretariat, 2004), 12.

⁴⁹⁵ Eucelia Hill, "Electoral Commission gets go-ahead", *Antigua Sun*, February 16, 2004, ANA, 3.

⁴⁹⁶ Eucelia Hill, "Commission divided days before election", March 11, 2004, ANA, 1.

⁴⁹⁷ "Antigua and Barbuda General Election, 23 March 2004: The Report of the Commonwealth Expert Team", 12.

⁴⁹⁸ "Structure of the Commission", *Antigua and Barbuda Electoral Commission*, 2022, accessed Sept 6, 2022, <http://www.abec.gov.ag/about-us/structure.php>.

⁴⁹⁹ Eucelia Hill, "ACC to be Election Observers", *Antigua Sun*, March 19, 2004, ANA, 1.

transparent and in accordance with the legislation' they would 'protest and appropriate action will be taken.'⁵⁰⁰ How the UEA was to measure fairness or what constituted appropriate action was never stated. But these moves in 2004 demonstrate Antiguan CSOs speaking out against corruption and misconduct in a way that was unusual and unprecedented in Antigua. This likely reflected the high-stakes, high-partisanship context of the 2004 election, with a newly energised UPP, under the tight leadership of Baldwin Spencer, expected to defeat the ALP government. It also reflects the apogee of the global good governance zeitgeist that began in the 1990s and had practical consequences in Antigua into the 2000s. Otherwise, civil society in Antigua has been largely quiet when it comes to issues of democracy and corruption.

Efforts to promote impartiality and fairness in the delivery of elections, often resulting in a proliferation of electoral commissions or election offices, has been a common theme throughout anglophone Caribbean history.⁵⁰¹ Here, responsibility for running elections has usually been constitutionally assigned to a public officer, a Supervisor of Elections, or an Electoral Commission. But, as with so much in the field of corruption history, the fair delivery of elections received renewed attention in the 2000s and, as in Antigua, legislative innovations in some states like Jamaica led to a proliferation of new bodies to run elections. Sometimes these superseded or supplemented the work of constitutionally-mandated institutions. Antigua is a prime example, where the distinction in responsibilities between the constitutionally-mandated Supervisor of Elections and the legislatively-ordained Electoral Commission is unclear and controversial. In Jamaica, since 2006, the Electoral Commission has had nine members: four 'nominated Commissioners', two of whom are nominated by the Prime Minister and two by the Leader of the Opposition; four 'selected Commissioners' from civil society (i.e. not a politician, former politician, or political candidate) who are appointed by the Governor-General following consultation with both the prime Minister and Leader of the Opposition; plus a Director of Elections chosen by the eight other commissioners.⁵⁰² The Jamaican Commission thus has a much greater balance between political and civil society members and reflects the interests of the government and the opposition equally.

Only a handful of countries (the Bahamas, St Vincent, and Grenada) continue to vest all elections responsibility in a single public officer, raising serious questions about that officer's partiality and fairness.⁵⁰³ St Vincent, for example, does not have an Electoral Commission

⁵⁰⁰ "Churches warn Commission about fairness", *Antigua Sun*, March 22, 2004, ANA, 3.

⁵⁰¹ Daniel Montalvo, "Trust in Electoral Commissions", *AmericasBarometer Insights: 2009*, no.23, (2009), accessed September 5, 2023, <https://www.vanderbilt.edu/lapop/insights/I0823en.pdf>:1.

⁵⁰² Laws of Jamaica, Electoral Commission (Interim) Act, 2006, First Schedule, 1.(1).

⁵⁰³ O'Brien, *Constitutional Systems of the Commonwealth Caribbean*, 87.

but persists with only a Supervisor of Elections.⁵⁰⁴ In 2015, the Commonwealth observer mission advised St Vincent 'to deepen its democracy by establishing an independent election management body', in line with other anglophone Caribbean states.⁵⁰⁵ This had not taken place by the time of the 2020 election. Other states have stuck with constitutionally-mandated multi-member commissions. In St Lucia, the constitution mandates a three-member Electoral Commission, with one member nominated by the Prime Minister, one by the Leader of the Opposition, and a chairperson appointed by the Governor-General at their own discretion.⁵⁰⁶ Dominica's constitutionally-mandated Electoral Commission consists of a chairperson appointed by the President at their own discretion; two members appointed by the Prime Minister; and two by the leader of the Opposition.⁵⁰⁷ So there are a broad range of election management bodies found in the anglophone Caribbean. Most now have a broadly bi-partisan Electoral Commission, with input from the main parties and civil society. Antigua stands out for two reasons. First, two of its commissioners are appointed by specified civil society organisations. This is a strength which dilutes the input of political elites whilst increasing civil oversight of and participation in election management. But on the other hand, the second way Antigua's commission stands out is that the Prime Minister's influence outweighs that of the Leader of the Opposition and Civil Society, as he appoints three members (including the chairperson), to the opposition's two and civil society's two.

Impartial and competent election officials are essential if elections are to be run smoothly and the public is to have confidence in the outcome. This has not always happened in Antigua. The first major election controversy emerged in the wake of the 1989 General Election, the second since independence. Donald Halstead, formerly a minister in the PLM government and then a candidate for the UNDP lodged a legal application to have the election nullified in several constituencies. Among the complaints made were the late arrival of ballot papers, thus delaying the start of polling by up to five hours, and the illegal placement of campaign posters at polling sites.⁵⁰⁸ *Outlet* laid much of the blame for this with the Supervisor of Elections, Keithley Hill. In the turmoil of that election day, Hill extended the voting cut-off time from 18:00 to 21:00, for which he secured the approval of the High Court's Judge Mitchell. But at the Court of Appeal, Justice Redhead, in response to Donald Halstead's application, said neither the Supervisor of Elections nor the High Court had the power to extend the election period and that the votes cast after the 18:00 deadline were

⁵⁰⁴ Constitution of St Vincent and the Grenadines, 1979, section 34.

⁵⁰⁵ "St Vincent and the Grenadines: Interim Statement on 2015 Elections", *The Commonwealth*, December 12, 2015, accessed September 5, 2023, <https://thecommonwealth.org/news/st-vincent-and-grenadines-interim-statement-2015-elections>.

⁵⁰⁶ Saint Lucia constitution Order, 1978, section 57(3).

⁵⁰⁷ Constitution of Dominica, 1978, Section 56.(3).

⁵⁰⁸ "Weird Elections. Bird Wins.", *Outlet*, March 10, 1989, ANA, 1.

illegitimate. Redhead nullified the result of the election in St John's City West but before he could rule on the other constituencies the government and ALP candidates proactively conceded to calls for re-runs in six constituencies.⁵⁰⁹ This episode did not alter the result of the election, but it shone a bright spotlight on deficiencies and challenges in Antigua's electoral processes. Once again, fundamental principles of democracy had been bent or broken and the sanctity of the ballot had been impugned. But this episode also provides another instance of the judiciary (again at a higher level, this time the Court of Appeal) performing the role of constitutional safeguard, able, in this instance, to provide a corrective when rules had been broken. This whole experience was repeated after the 2009 election, when a legal challenge brought by the ALP saw High Court Judge Louise Blenman nullify and order a re-run for the election of three UPP MPs, including the Prime minister Baldwin Spencer, for almost the same reasons.⁵¹⁰

A tangible outcome of the 1989 election controversy was the establishment of the Free and Fair Election League (FFEL). This was and is Antigua's only election-oriented CSO and was founded by George "Rick" James in August 1991. FFEL's focus is on public education in the form of public rallies and letter-writing campaigns.⁵¹¹ The extent to which they were successful in this is debatable, and their actions alone did not encourage or compel the kind of electoral reforms for which FFEL advocates. FFEL has played a role in consulting with foreign observer missions, which has helped them appreciate the internal politics of Antigua, ameliorating to a degree one of my previous criticisms of observer groups. FFEL has also successfully taken the government and/or the Electoral Commission to court a number of times to ensure elections are managed according to law. For example, in December 2001, in response to a case brought by FFEL, the High Court ordered the government to immediately publish the full list of voters for the year 2000.⁵¹² As the only constant independent check on election procedure in Antigua, FFEL has and can continue to play an important role in safeguarding Antiguan democracy. Another CSO worth mentioning is Human Resource Professionals of Antigua and Barbuda, a small non-profit association registered in 2011 dedicated to the advancement of human resources related professions and development. In 2023, they conducted a public-education campaign designed to ensure employers and employees knew their responsibilities and rights when it came to taking time off work to vote in the 2023 election.⁵¹³ Such initiatives fill a void left by the government and supplements the

⁵⁰⁹ Payne, "The Failings of Governance in Antigua and Barbuda", 23.

⁵¹⁰ Barrow-Giles, "Democracy at Work", 289.

⁵¹¹ Eleston Adams, "Fair Election League Vows To Keep Pressure On Government", *The Daily Observer*, February 15, 2002, ANA, 16.

⁵¹² Adams, "Fair Election League Vows To Keep Pressure On Government", 16.

⁵¹³ See for example "HR considerations for Election Day", *Antigua Observer*, January 11, 2023, accessed September 6, 2023, <https://antiguaobserver.com/hr-considerations-for-election-day/>.

public education work - done with limited resources - of the Electoral Commission. The combined work of CSOs and international observer missions since the 1990s has generated ever-greater public awareness of voting rights and the work of election-related bodies. How far this trend has actually translated into improved public confidence in elections is a matter for further investigation.

Another issue affecting the freedom and fairness of Antiguan elections has been the secrecy of ballots. The confidentiality of a person's vote has long been a fundamental characteristic of free and fair elections. Without it, it may be possible for party officials and politicians to learn how individuals voted. This information can be used to reward loyal voters and punish disloyal ones. This is particularly important in clientelist relationships where knowing the client's voting record enables the patron to check if they have acted in the way expected and fulfilled their end of the exchange.⁵¹⁴

The integrity of Antigua's secret ballot was a perennial concern for election observer groups. In particular, teams sent by the Commonwealth Secretariat appear to have taken a much stiffer attitude towards the sanctity of the secret ballot than those of the OAS. Prior to 1998, the secrecy of Antiguan votes was violated by a complex practice outlined and condemned by Douglas Payne of the Centre for Strategic and International Studies. Before 1998, every ballot paper had a counterfoil which was retained by the election officer. Both the ballot and the counterfoil bore the same serial number. When a ballot paper was handed out, election officers wrote the voter's registration number on the corresponding counterfoil. By referring to the voter registers, which were in government possession, it was possible to match every voter's name to the ballot serial number and then to the marked ballot paper, via the counterfoil and officers' notes. Under pressure from the UPP and Supervisor of Elections Richard John, Prime Minister Lester Bird agreed to scrap the practice for the 1999 election. This was done through the 1998 Representation of the People (Amendment) Act.

However, despite Lester's overtures to cooperation and transparency in 1998, the 1999 election was not a secret ballot either. Every ballot paper in each constituency was consecutively numbered and on handing over a ballot paper to a voter the election official recorded the name, address, and occupation of the recipient in order in a 'poll book'.⁵¹⁵ By aligning the sequentially numbered ballot numbers with the sequentially recorded names in the poll book, it was still possible to work out who had cast which vote at each polling station.

⁵¹⁴ Susan C Stokes, "Perverse accountability: A formal model of machine politics with evidence from Argentina", *American Political Science Review* 99, no. 3 (2005): 317.

⁵¹⁵ Payne, "The Failings of Governance in Antigua and Barbuda", 40.

The keeping of a 'poll book' is not mandated by the constitution or any Representation of the People Act but was included in a guide for election officials. Douglas Payne, who interviewed Lester Bird and senior election officials in 1999, speculated that Lester knew about this 'poll book' practice in 1998 and that was why he conceded on the counterfoil issue.⁵¹⁶

Antigua's small size makes ballot secrecy harder to maintain. In large states, the sheer volume of electoral data would make direct monitoring of voter behaviour like this difficult, if not impossible, without the employment of thousands of people or use of sophisticated technology. But Antigua is so small that direct, manual correlation of ballot papers with ballot counterfoils or poll books is certainly possible. Conversations with Antiguan voters strongly suggest that this practice is common knowledge among the electorate. As with partisanship, just the perception that this kind of voter-vote identification takes place may in some cases be enough to influence how people vote. Or it may be enough to deter a critical number of people from voting at all. Either way, in some constituencies in some elections those few votes may have been enough to determine election outcomes.

Another factor that has influenced the outcome of elections in Antigua is intimidation. Intimidation was also referenced by successive election observer group reports. The 1999 Commonwealth mission noted the widespread practice of creating effigies of political candidates and staging mock hangings or burials.⁵¹⁷ Such acts are intimidating for political candidates and their supporters and clearly imply the threat of personal violence. That said, external observers did not report violence during the 1999 election. But violence was reported by the Commonwealth Observer Group in 2004. In particular, they mentioned the case of a woman whose house was burned down after she switched support from the ALP to the UPP.⁵¹⁸ Whether or not this was politically-motivated arson is hard to prove because often such crimes are not reported to the police. This is a consequence of self-censorship born of a lack of trust in the fairness and apolitical nature of the police service in Antigua. The Commonwealth mission itself raised this as an issue, saying that there was a widespread belief that senior police officers were 'under the control of the ALP administration' and that 'people feared reprisals if complaints were made'.⁵¹⁹ Self-censorship and the failure to translate acts of violence or intimidation into formal complaints and

⁵¹⁶ Payne, "The Failings of Governance in Antigua and Barbuda", 40.

⁵¹⁷ "The General Election in Antigua and Barbuda, 9 March 1999. The Report of the Commonwealth Observer Group", 16.

⁵¹⁸ "Antigua and Barbuda General Election, 23 march 2004: The Report of the Commonwealth Expert Team", 16.

⁵¹⁹ "Antigua and Barbuda General Election, 23 march 2004: The Report of the Commonwealth Expert Team", 16.

investigations means the rate of political violence in Antigua may be much higher than officially recognised.

Violence was also reported by the Commonwealth Observer Group in 2009. They said 'attacks on property belonging to political parties and candidates' was a major theme of public debate and concern in the run up to the election.⁵²⁰ The mission from the OAS mirrored these concerns, reporting that two ALP constituency offices had been destroyed by fire in the run up to the election: those of MP Asot Michael and Senator Gail Christian.⁵²¹ Meanwhile, the home of UPP Minister of Labour, Jacqui Quinn-Leandro, was broken into, gaining regional media attention as indicative of election fever in Antigua.⁵²² Whether or not these acts were actual efforts at political intimidation or violence, their widespread discussion in the media contributed to a climate of fear and tension. This environment would likely have had a deterrent effect on many voters, particularly those intending to support an opposition candidate, further distorting election outcomes.

Not all intimidation has been violent. On election days, the presence of party officials or gangs of party loyalists at polling booths may be enough to intimidate some voters into voting a certain way or not voting at all. In 2014, the Commonwealth Observer Group noted that crowds of people wearing the ALP colours and carrying partisan insignia congregated around polling stations. This was in direct violation of an official embargo on political campaign material being displayed on polling day. The mission said this could be highly intimidating and should not be allowed so close to polling stations.⁵²³

It should be noted that voter intimidation in Antigua has not been as bad as in some of its Caribbean neighbours. Jamaica's struggles with 'Garrisons' and their intimidatory effect is a notorious example of voter intimidation in other Caribbean states. But the important point is that intimidation is one of many factors that simultaneously influence voter behaviour. For some, turning up to a polling station and seeing a gang of partisan supporters congregating outside may be the final straw that breaks their will to vote. This is particularly true of more vulnerable voters like the elderly, those that live alone, or Antigua's small number of swing voters. Voter intimidation is therefore a layered process where successive pressures and

⁵²⁰ "Antigua and Barbuda General Election, 12 March 2009: Report of the Commonwealth Expert Team" (London: Commonwealth Secretariat, 2009), 13.

⁵²¹ "Final Report of the General Election in Antigua and Barbuda March 12, 2009," Organisation of American States, accessed September 21, 2023, <https://www.oas.org/sap/docs/misiones/Antigua%20and%20Barbuda%202009.pdf>, 9.

⁵²² "Road to election heats up with multiple violent acts", *SKNVibes*, February 17, 2009, accessed August 21, 2022, <https://www.sknvibes.com/news/newsdetails.cfm/8574>, np.

⁵²³ "Antigua and Barbuda General Election, 12 June 2014: Report of the Commonwealth Observer Mission", (London: Commonwealth Secretariat, 2014), 15.

concerns combine to deter voter turnout and/or influence voter behaviour. Again, it must also be emphasised that in small states like Antigua, only a small handful of voters need to be successfully intimidated for it to have a significant impact on the election result. It is also worth stating that even if intimidation has not and does not determine the outcome of an election, its presence does mean the election cannot truly be called free and fair, at least not for all voters.

Another strategy used to influence election outcomes has been election fraud. The most consistent type of electoral fraud in Antigua has been inflated or otherwise manipulated voter registers. This has been a recurring problem in multiple Caribbean countries. In 1999 Paul Sutton cited 'suspect registration of voters' as one of the 'hardy perennials of elections' in the Caribbean that routinely cause controversy and legal challenge in the context of elections.⁵²⁴ This has certainly been true of Antigua. Here, voter registers are prepared by constituency-level voter registration officers, appointed by the Governor.⁵²⁵ They are reviewed annually and constitute a list of people entitled to vote in a particular constituency.

In 1999 Antigua's population was estimated to be between 64,000 and 69,000, and at least a third of those were thought to be under voting age. However, in the 1999 election there were 52,385 registered voters.⁵²⁶ This led to the widespread assumption that the voter register was inflated by the names of voters who were deceased, had emigrated, or were not legally entitled to vote.⁵²⁷ This led to legal proceedings initiated by opposition groups after which only 1,556 names were taken off the list.⁵²⁸ The Commonwealth Observer Group reported that register-inflation was recognised as a fact and a problem by 'everyone' whom they met and by 'both sides of the political divide'.⁵²⁹

Criticism by the Commonwealth mission, by Douglas Payne, and by domestic CSOs like FFEL, as well as legal challenges in the courts, prompted the government to initiate a complete overhaul of the electoral register. This was finished in 2003 by staff from the Electoral Office of Jamaica, who were paid US\$500,000 to carry out a full re-registration exercise, including fingerprint and photograph identification cards.⁵³⁰ The resultant list contained 42,461 names, a massive drop from the 1999 register. But this decrease was

⁵²⁴ Paul Sutton, "Democracy in the commonwealth Caribbean", *Democratisation* 6, no. 1 (1999): 73.

⁵²⁵ Laws of Antigua and Barbuda, Representation of the People Act, 1975, section 6.

⁵²⁶ Payne, "The Failings of Governance in Antigua and Barbuda", iii.

⁵²⁷ Payne, "The Failings of Governance in Antigua and Barbuda", 24.

⁵²⁸ Payne, "The Failings of Governance in Antigua and Barbuda", 24.

⁵²⁹ "The General Election in Antigua and Barbuda, 9 March 1999: The Report of the Commonwealth Observer Group", 9.

⁵³⁰ "Antigua and Barbuda General Election, 23 march 2004: The Report of the Commonwealth Expert Team", 7.

short-lived and rose again after the 2004 Election at a rate markedly inconsistent with demographic changes; by the 2009 election the register was back at 52,183.⁵³¹ Ahead of the 2009 election the Antigua and Barbuda Chamber of Commerce and Industry (ABCCI) - which would later help nominate one commissioner to the Electoral Commission - issued a press release drawing attention to drastic increases in voter registers in five constituencies. In the most notable case, the number of registered voters in St Peter rose by 41 percent.⁵³² Interestingly, the 2004 election, under the revised register, had been the only time the ALP's vote in St Peter dropped below 60 percent. The Chamber of Commerce asserted that 'something is definitely amiss and warrants further investigation.'⁵³³ But further investigation does not appear to have happened.

Antigua's recurrent experience of irregularities over the voters' register is symptomatic of an electoral system that has been easily manipulated by governing politicians. Almost every election has been marked by some controversy, so much so that today allegations of corruption and fraud are essentially baked-in to election rhetoric. This means allegations are often not taken seriously by most people. The sheer number of problems and complaints raised at each election inundates the under-resourced Electoral Commission with an insurmountable list of challenges to address. It also undermines confidence in the electoral process, introducing scepticism about the validity of Antigua's democratic processes. This means voters are disinclined to risk voting against a candidate they know or believe to be corrupt because they do not expect their actions to make a real difference and they may suffer reprisals if they do. Electoral fraud thus undermines the ability of Antiguan elections to serve as a check on corruption.

Antigua's history of fluctuating voter lists is partly explained by reforms to the franchise, particularly alterations to foreign nationals' rights to vote. Like many small and developing states, Antigua has had a large foreign-born resident population as well as a large proportion of dual-citizen nationals and citizens resident in other countries. For instance, in 1994, the IMF calculated that foreign workers accounted for around a quarter of Antigua's workforce.⁵³⁴ In Antigua's polarised politics, with its tiny proportion of swing voters, this foreign-born population represents a disproportionately important pool of potential electoral support. Little

⁵³¹ "Antigua and Barbuda General Election Results - 12 March 2009", *KnowledgeWalk Institute*, 2022, accessed Aug 21, 2022, http://www.caribbeanelections.com/ag/elections/ag_results_2009.asp.

⁵³² "Final Report of the General Election in Antigua and Barbuda March 12, 2009," Organisation of American States, accessed September 21, 2023, <https://www.oas.org/sap/docs/misiones/Antiga%20and%20Barbuda%202009.pdf>, 6.

⁵³³ "Final Report of the General Election in Antigua and Barbuda March 12, 2009," Organisation of American States, 7.

⁵³⁴ Payne, "The Failings of Governance in Antigua and Barbuda", 24.

wonder then that governments have pursued policies seen by some as attempts to either appeal to this demographic or to disenfranchise it, depending on the immediate context and the party in power.

To access this pool of potential voters, in July 1998 the ALP government granted an amnesty to all illegal immigrants living in Antigua, entitling them to register for the 1999 election. Clarvis Joseph, of the Chamber of Commerce, said this amounted to a blatant effort to 'activate the new immigrant vote'.⁵³⁵ Opposition groups initiated a constitutional legal challenge against this reform, but before it came to court, the government amended the Representation of the People Act to expand default suffrage to all registered residents in Antigua.⁵³⁶ Lester Bird's assertion that these changes were introduced because the extant system was unfair is made doubtful by the timing of these changes: why did the ALP not reform electoral law in their preceding 17 years in power and why did they wait to do so until days before the registration period and just before a legal challenge?

The ALP was not the only party to alter Antigua's franchise for electoral benefit. In 2010 the UPP government passed its own amendment to the Representation of the People Act, dramatically restricting the right for Commonwealth citizens resident in Antigua.⁵³⁷ This was seen as a politically-motivated attempt to disenfranchise a predominantly ALP-voting demographic of poor, transient labourers welcomed to Antigua from larger Caribbean islands by successive ALP governments as a source of cheap labour to fuel the growing economy. The UPP countered by saying that the ALP had illegally registered many Commonwealth citizens and nearly won the 2009 election by doing so; the 2010 law, they said, was an effort to clean up the register. The 2010 amendment Act was challenged in court by now-Prime Minister, Gaston Browne, who unsuccessfully tried to argue that it was unconstitutional.⁵³⁸

A further and deliberate strategy used to influence elections has been vote-buying. As demonstrated at length in chapter two, vote-buying has been a characteristic of Antiguan political culture throughout the post-colonial period, with roots dating back to V. C. Bird's patronage and dependency networks of the mid-twentieth century. As far as free and fair elections are concerned, vote-buying can involve the offer of favours, opportunities, or bribes

⁵³⁵ Payne, "The Failings of Governance in Antigua and Barbuda", 25.

⁵³⁶ Laws of Antigua and Barbuda, Representation of the People (Amendment) Act, 1998.

⁵³⁷ Laws of Antigua and Barbuda, Representation of the People (Amendment) Act, 2010, section 5. a and b.

⁵³⁸ *Brown v Attorney General and others*, Antigua and Barbuda High Court, 2013, accessed September 6, 2022, https://www.eccourts.org/wp-content/files_mf/18.12.13gastonbrownevtheattorneygeneralofantiguaandbarbudaetal.pdf.

in return for constituents' votes. Vote-buying is most effective when done alongside some of the other election-influencing strategies detailed above. For instance, election officials who are politically partial can inform politicians about who did and did not vote, and possibly even how they voted. The politician can use this information to see if the constituent upheld their part of the vote-buying bargain, and reward or punish them accordingly. Similarly, intimidation on election day or at the polling station can serve to remind clients of their obligations to patrons, reinforcing the pressure on voters to act in a certain way. As with the other strategies outlined in this section, the small populations of Antiguan constituencies means vote-buying only needs to be effective in a handful of cases to influence the outcome of a vote.

The most recent high-profile episode of alleged vote-buying involved Prime Minister Browne distributing cash to his constituents in the months before the 2023 election.⁵³⁹ Videos and images of Browne circulated widely on WhatsApp and Facebook, indicative of how quickly information and allegations can circulate among a small community in the digital age. When Kieron Murdoch of *The Observer* contacted the Prime Minister for comment he was told to 'get a life'.⁵⁴⁰ Browne then took to Facebook to explain that he was giving people money to buy drinks, calling the UPP 'losers, laggards and charlatans', who needed to 'get a blasted life'.⁵⁴¹ ALP chairman, Chet Greene, said the event was 'much ado about nothing' and that 'You can clearly see that money is requested from the Prime Minister and he merely obliges. As those of means, we are expected to give what we have to those who do not have.'⁵⁴² The official line seems to have been that this was charity, not vote-buying. Whether this differentiation can realistically be made remains a fraught issue in Antiguan politics, as across the region.

Antigua's Representation of the People Act criminalises the giving of cash, material, or other inducements in order to influence a person's vote. But the Act makes allegations of bribery difficult to make and uphold for three reasons: context, causality, and the criminalisation of the acceptance of the bribe. As pointed out by Antiguan attorney Charlesworth Tabor, the election had not been formally called when Browne distributed the cash in the above example, so one could make a legal argument that the giving out of cash was unrelated to

⁵³⁹ Kieron Murdoch, "Prime Minister filmed handing out cash to constituents as election looms", *Antigua Observer*, Oct 17, 2022, accessed Sept 6, 2023, <https://antiguaobserver.com/prime-minister-filmed-handing-out-cash-to-constituents-as-election-looms/>.

⁵⁴⁰ Murdoch, "Prime Minister filmed handing out cash to constituents as election looms", np.

⁵⁴¹ Gaston Browne, Facebook post, post made October 17, 2022, accessed September 6, 2023, <https://www.facebook.com/princegaston.browne/videos/631255022002637/>.

⁵⁴² Murdoch, "Prime Minister filmed handing out cash to constituents as election looms", np.

voter behaviour because it did not happen in the context of an official election period or campaign. Furthermore, to prove bribery, one must demonstrate a causal link between the bribe and the recipient's voting behaviour: it must be shown that the politician gave the cash/inducement on the condition that it would determine the recipient's vote; and one must also show that the recipient voted as they did directly because they received the bribe. As Antiguan political analyst Peter Wickham has noted, both of these are very difficult to prove, not least because of the inherent secrecy and informality of such an exchange.⁵⁴³ The few court cases that have been brought on allegations of election bribery have often failed on the basis of insufficient evidence.⁵⁴⁴ And finally, because the Act also criminalises the acceptance of a bribe, a voter who makes an evidenced claim of bribery will necessarily be incriminating themselves at the same time. This, combined with a lack of whistleblower protections in Antigua, deters voters concerned about corruption from coming forward with formal allegations. These considerations are compounded if the judiciary is not perceived to be impartial and fair, further swaying would-be whistleblowers' cost-benefit analysis against making a complaint.⁵⁴⁵ In Dominica, these same challenges have led CSOs like the Concerned Citizens Movement to champion this kind of court case on behalf of intimidated, nervous, or poor voters.⁵⁴⁶

There have also been instances where the prohibition on bribery has been circumvented, sometimes with the help of other laws. For instance, the 1999 Amendment to the Representation of the People Act, which passed through Parliament in one day, legalised payment of canvassers. Prior to this, campaign managers had to rely on volunteers. This amendment had two effects. First, it increased the role of money in Antiguan politics, furthering the advantage of parties/candidates with the most money to spend. And second, it provided a 'get-out' for those accused of vote-buying because they now could argue that alleged or observed cash exchanges were not bribes but legitimate payments for canvassing work. This is another example of the government tweaking important rules around Antigua's democracy in ways that could aid and abet corrupt practices like vote-buying.

A final issue of perennial concern with regards to election fraud is the role of the press. One of the most persistent issues raised by election observers has been apparent partiality on

⁵⁴³ Elesha George, "Election bribery, treating? Prove it, experts say", October 18, 2022, accessed September 6, 2023, <https://antiguaobserver.com/prime-minister-filmed-handing-out-cash-to-constituents-as-election-looms/>.

⁵⁴⁴ See for example, *John Henry Abraham v Kever Dwight Darroux and others*, High Court of Dominica, Eastern Caribbean Supreme Court, August 25, 2010, especially paragraph 50.

⁵⁴⁵ Rose-Ackerman, *Corruption and Government*, 157.

⁵⁴⁶ George, "Election bribery, treating? Prove it, experts say", np.

the part of ABS TV, ABS Radio, and Cable TV. The Representation of the People Act sets out strict rules regulating media coverage during the campaigning period, including a mandate for 'fair and equitable coverage' of political parties.⁵⁴⁷ But ahead of the 1999 election, the ALP government amended the Act and removed five whole sections relating to broadcasting, propaganda, and campaigning in election periods.⁵⁴⁸ This amendment came into effect three weeks before the election, during which the Commonwealth Observer Group observed 'lavish' spending on campaign marketing, with the ALP notably more well-resourced, and criticised the lack of campaign spending limits.⁵⁴⁹ After the election these rules were reinstated, but that did not stop the state-owned broadcaster ABS TV ignoring UPP campaign events or giving disproportionate airtime to the ALP in the run up to the 2004 election.⁵⁵⁰ The restoration of propaganda rules via the 2001 Amendment Act was welcomed by subsequent election observer groups as a step in the right direction but criticised the regulations as flawed, weak, and poorly enforced.⁵⁵¹ These reforms under Prime Minister Lester Bird may be seen as a superficial gesture designed to portray an international image of accountability, transparency, and good governance, whilst in reality doing little to prevent corruption. This would align with other superficial reforms passed in the late-1990s and early-2000s which appeared to reflect the time's good governance zeitgeist whilst in reality doing little to tackle corruption in Antigua.

One of the most striking instances of media impropriety during an election came courtesy of ABS TV in 2004. Following a call-in from a listener, Observer Radio reported that unmarked vehicles were removing boxes and documents from the Prime Minister's office late at night, just days before the 2004 election. Speaking on his family-owned ZDK Radio, Prime Minister Lester Bird said this was standard procedure. But the UPP picketed the office because it assumed that the government was expecting to lose the election and was removing incriminating evidence.⁵⁵² ABS TV later reported that 'international observers present' at the picket had supported Lester's explanation and had condemned Observer Radio for stoking unrest. But members from the Commonwealth Observer Group, who were the only international observers present at the time, issued a press release stating they had made no

⁵⁴⁷ Laws of Antigua and Barbuda, Representation of the People Act, 1975, section 30.(1).(i).

⁵⁴⁸ Laws of Antigua and Barbuda, The Representation of the People (Amendment) Act, 1999, section 3.

⁵⁴⁹ "The General Election in Antigua and Barbuda, 9 March 1999. The Report of the Commonwealth Observer Group", 15.

⁵⁵⁰ "Antigua and Barbuda General Election, 23 march 2004: The Report of the Commonwealth Expert Team", 11.

⁵⁵¹ "Final Report of the General Election in Antigua and Barbuda March 12, 2009", Organisation of American States, 8.

⁵⁵² Marabel Jacobs, "Tension Builds, UPP supporters block PM's office", *Antigua Sun*, March 22, 2004, ANA, 1.

such claims and branding the ABS TV report a lie. ABS TV did not carry the observer group's rebuttal.⁵⁵³ This episode is striking for three main reasons. First, it blatantly demonstrates the partiality of the state-owned broadcaster. Second, it involved the obvious falsification of information, meaning the state broadcaster was used to disseminate so-called 'fake news'. And third, it undermined the perceived impartiality of the Commonwealth Observer Group which is an important, if not perfect, democratic safeguard. Treating the observer group in this way demonstrates that even a government on the eve of electoral defeat felt confident in using and abusing the media for political gain. It should also be emphasised that in such a small state this false news story only needed to influence the thoughts and actions of a few voters to have a big impact. Because ABS TV did not run the observer group's rebuttal it is very likely that many voters went to the polls not knowing the initial claims were false, still under the impression that the observer group supported the Prime Minister's version of events. This episode epitomises the dangers of a polarised and politicised media, particularly in the context of an election and especially in a small state.

The issues outlined here mean Antiguan elections have not reliably been free and fair. By extension, they have not served as the check on corruption and misconduct that they can theoretically be. Indeed, in some cases it has been deliberate corruption on the part of incumbent politicians that created these problems in the first place. Corruption and election interference are thus mutually-reinforcing processes: politicians use powers and resources at their disposal to influence voter behaviour; voters re-elect those corrupt politicians; successful politicians have greater time and resources to entrench election interference strategies; greater pressure is levied upon voters at the next election; and so on. As with the other forms of rule-bending in this chapter, election interference is made possible by cumulative processes of rule-breaking and even rule-changing, most of which are uniquely available to incumbent politicians. For example, by exploiting their dominance of Parliament, governments have been able to pass laws giving the governing party an electoral advantage. Examples of this include changes to the electoral franchise. Similarly, governments have been able to bend the rules around the conduct and administration of elections by appointing partisan supporters to important positions. At the same time, government control of public resources provides politicians and the governing party with the means to entrench vote-buying and clientelist practices on a massive scale. Perhaps the most important resource at the government's disposal in this regard has been jobs in the Public Service. These strategies do not work in isolation but combine to form an electoral environment highly favourable to the governing party. In this context corruption is not

⁵⁵³ "Antigua and Barbuda General Election, 23 march 2004: The Report of the Commonwealth Expert Team", 15.

punished by electors because there are so many other pressures and factors coercing constituents' votes.

Election interference in Antigua has been insidious because it allows politicians to pursue corrupt practices whilst hiding behind a veneer of transparency, democracy, and accountability. To many international observers, things like the development of supposedly impartial electoral offices and rules governing the conduct of elections suggest that Antigua has cultivated an increasingly free and fair democratic culture. But under the surface strategies like clientelism, partisan intimidation, interference with the electoral register, and fraud have undermined the freedom and fairness of elections since independence. Sometimes these are not recognised by even experienced election observer groups, not least those that spend such a short amount of time in Antigua and focus their fieldwork on politicians, CSOs, and electoral officers rather than the general public. In-depth and voter-centric research reveals an electoral system that is highly vulnerable to interference and utterly fails to hold corrupt politicians to account.

It is also notable that the freeness and fairness of Antiguan elections is questionable throughout the post-colonial period. In the 1990s, greater international attention to good governance placed new emphasis on the quality of democracy and fair elections. This saw election observer missions become standard practice and led to the proliferation and/or reform of bodies tasked with delivering fair, free, and reliable elections. Yet despite this, the 1990s/2000s was not a genuine turning point in the history of Antiguan democracy. This was because long-term and systemic issues continued to undermine democratic fairness. As new anti-corruption measures were introduced, Antiguan governments were able to adapt and use various strategies to continue influencing elections. While there have been sporadic victories in the fight for fair elections (like the 1989 recount), the overall trend throughout the post-colonial period has been for elections to be heavily influenced by political and partisan interests. The consequence is they have never lived up to the ideal of being an effective anti-corruption safeguard.

Conclusion

Like all systems, Antigua has a set of principles that determine how power should be distributed, monitored, and held accountable. This chapter focused on three good governance principles common to all democratic states: parliamentary scrutiny of the

executive; freedom of speech and of the press; and free and fair elections. By examining the reality of these principles over time, this chapter has demonstrated how they have been ignored or purposefully violated in ways that facilitated corruption. Parliament has never effectively scrutinised government conduct in the post-colonial period, meaning ministers have been able to prioritise private interests over public good in the passage of laws and the use of public resources, with minimal oversight. Infringements on press freedom (particularly prior to 2001 and certainly prior to 1990) minimised transparency and restricted the public's access to information about the government's conduct and any alleged corruption. And chronic but changing interference in the fairness of elections has challenged democratic accountability, eroding the electorate's ability to effectively punish corrupt politicians. The cumulative effect of these issues has been to create an environment incredibly amenable to corruption - the exact opposite of what good governance principles set out to achieve. All the while, the existence of these principles on paper and in theory gives Antigua the guise of an open, democratic, and accountable government where power is well-regulated and held in check.

The methods used to undermine good governance principles have depended on the perceived needs of the moment, reflecting domestic political contexts as well as evolving international pressures and shifts in technology and communication. Conventional domestic safeguards like Parliament or CSOs have proved weak in challenging government behaviours that infringe on these principles. But over time, heightened international attention (most notably in the case of election observer missions) and judicial intervention (often initiated by private citizens like Tim Hector) have consistently proved to be more effective and robust defenders of good governance principles. But as the historical approach used here shows, corrupt actors in successive Antiguan governments have often found different, more subtle ways to circumvent good governance principles. This has emphasised the adaptive nature of corruption and the complex, dynamic relationship between politics, corruption, and anti-corruption during the post-colonial period.

This chapter has also highlighted the cumulative and long-term damage done when good governance principles are flouted by senior politicians or governments at large. Good governance principles are not just rules of exclusive relevance to politicians and politics but have a wider influence in broad society and culture. If Parliament is always seen as toothless, voters may place little value or trust in other important public institutions, instead seeking more direct and personal avenues of grievance-resolution like appeals to politicians, which opens doors for bribery and vote-buying. If generations of voters never expect elections to be truly fair, they might think they may as well sell their vote to a corrupt

politician through vote-buying, becoming complicit themselves in systemic corruption. And persistent efforts to repress critical voices, from Tim Hector to Lena Phillip, perpetuates a long-term culture of self-censorship, where free and open criticism of government corruption is limited. The historical approach this study uses has thrown these complicated and deep-rooted issues into sharp relief and has drawn attention to the cultural issues that sustain corruption.

The successful abuse of good governance principles by some corrupt Antiguan politicians has meant the first defence in Antigua's anti-corruption strategy has failed. The principles and the rules regulating how power should be distributed and used have not prevented corruption from happening or facilitated rapid detection and punishment. For this reason, it is essential that Antigua has an effective second line of defence which can come into effect when corruption happens – the anti-corruption institutions that operate outside the main constitutional framework – which are explored in the next chapter.

Chapter Four: Anti-corruption Institutions - Able Watchmen or Toothless Tigers?

In a recent annual report, Antiguan ombudsman Marion Blair lamented that a complainant had referred to her office as a 'eunuch'.⁵⁵⁴ This was a crude but astute characterisation of an important public agency and could rightfully be applied to all anti-corruption institutions in Antigua. A growing body of research contends that legislation and rules alone are not sufficient to proscribe corruption.⁵⁵⁵ Instead, effective anti-corruption requires dedicated institutions empowered to monitor the activity of government and public officials, enforce anti-corruption regulations, respond to and investigate accusations of corruption, and, where necessary, keep the public informed about government conduct. This is necessitated in part by an attitude among some actors in public service that the determining consideration when engaging in corruption is not 'Is this right?' but 'Will I get caught?'⁵⁵⁶ Anti-corruption institutions are established to ensure corruption is caught and they thus constitute the second line of defence in a state's three-part anti-corruption arsenal. In Antigua, the main

⁵⁵⁴ Marion Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2017-2018", 2017, ANA, 23.

⁵⁵⁵ See for example: Michael Hylton and Gladys Young, "Anti-corruption efforts in the Caribbean: are we doing enough?", *Journal of Financial Crime* 14, no. 3 (2007): 250-263.

⁵⁵⁶ Tom Sherman, "Public Sector Ethics: Prospects and Challenges", in *Public Sector Ethics: Finding and Implementing Values*, ed. Noel Preston and Charles Stampford, with Carol-Ann Bois, (London: Routledge, 1998), 19.

anti-corruption institutions have been the ombudsman, the Director of Audit, and the Integrity Commission. These have evolved over time, with the ombudsman set up in 1995, the Integrity Commission established in 2004, and the auditor reformed and strengthened in 2014.

But these anti-corruption institutions have failed to function because of a combination of issues including: a political culture of dithering and delay; partisanship; chronic underfunding; and lack of cooperation from the government. Over an extended period of time, these factors have completely emasculated the three institutions examined here. Without these institutions providing constant and apolitical oversight, the second line of defence in Antigua's anti-corruption arsenal has been incapacitated and corruption has been allowed to happen without detection or sanction.

The chapter is divided into six sections. The first offers an overview of the literature on anti-corruption institutions around the world and in the Caribbean in particular. It then moves on to introduce the key anti-corruption institutions in Antigua. This is followed by four sections that assess the factors that have undermined their efficacy. Overall, the chapter shows that once again a system that appears good on paper has been ineffective at rooting out corruption in practice. Moreover, it will be shown that Antigua's constitutional framework gives the government opportunities to deliberately undermine these institutions, while political polarisation has weakened them still further.

Anti-corruption Institutions

Though anti-corruption institutions are a key component of any state's anti-corruption strategy, many scholars fail or neglect to define them. This chapter uses a definition developed by Elizabeth David-Barrett et al which describes anti-corruption agencies as 'publicly-funded entities entrusted with the objective of fighting corruption and reducing the opportunities for corruption by means of preventive and/or repressive measures.'⁵⁵⁷ Such institutions have long-existed in many states. Colin Scott traces the emergence of independent regulators to the eighteenth and nineteenth centuries, when urbanisation and industrialisation in Europe and North America meant the scale and complexity of public

⁵⁵⁷ Elizabeth David-Barrett, Aoife Murray, Johanna Polvi and Richard Burge, "Evaluating anti-corruption agencies: learning from the Caribbean", *Journal of Development Effectiveness* 12, no. 1 (2020): 76.

administration surpassed the capacity of central governments.⁵⁵⁸ In these circumstances, governments delegated regulatory and oversight functions to specialised departments. Paul Posner and Asif Shaha agree that an expanding role of the state necessitated regulatory delegation in the nineteenth century, but they suggest increasing demands for government accountability and efficiency, particularly from taxpayers and newly enfranchised voters, was the main motive for the development of the kind of bodies we now call anti-corruption institutions.⁵⁵⁹ Posner and Shaha point to the UK's 1866 Exchequer and Audit Department Act, which established the offices of Comptroller and Auditor General as an early example of an institution established specifically to monitor government conduct for legality as well as efficiency.

Another generation of regulatory agencies emerged in Europe and America during WWII and continued into the 1960s when the role of the state ballooned. Oversight agencies established during this period focussed mostly on the performance of government programmes. They were less concerned with *proper* spending and more focused on *effective* spending, motivated by the need for taxpayers' value for money.⁵⁶⁰ Mark Funkhouser has argued that the rise of performance-centred regulators saw inspectors and evaluators take a greater role in informing and shaping government policy, even at the expense of elected officials.⁵⁶¹ Yet this also had the potential of opening up new avenues for corruption, as these advisor-regulators themselves became possible instigators or targets of corruption, with even less public accountability than elected politicians.

To date most of the research on anti-corruption agencies has focussed on western Europe and North America while post-colonial states have largely been ignored. They have established agencies that are wholly focused on government corruption and integrity, convened entirely separate from the government, which sets them apart from most developed states, including those of Europe and North America.⁵⁶² Luis De Sousa has been among those to highlight this divergence, arguing that colonialism played a large role in the establishment of anti-corruption institutions in much of the global south. Regulatory

⁵⁵⁸ Colin Scott, "Independent Regulators", in *The Oxford Handbook of Public Accountability*, ed. Mark Bovens, Robert Goodin, and Thomas Schillemns, (Oxford: OUP, 2014), 473.

⁵⁵⁹ Paul Posner and Asif Shaha, "Audit Institutions", in *The Oxford Handbook of Public Accountability*, ed. Mark Bovens, Robert Goodin, and Thomas Schillemns, (Oxford: OUP, 2014), 490.

⁵⁶⁰ Posner and Shaha, "Audit Institutions", 491.

⁵⁶¹ Michael Funkhouser, "Accountability, Performance and Performance Auditing: Reconciling the Views of Scholars and Auditors", in *Performance Auditing: Contributing to Accountability in Democratic Government*, ed. J. Lonsdale, P. Wilkins, and T. Ling, (Northampton, MA: Edward Elgar: 2011), 209–30.

⁵⁶² Alan Doig and David Norris, "Improving Anti-Corruption Agencies as Organisations," *Journal of Financial Crime* 19, no. 3 (2012): 268, note 2.

institutions were imposed on colonies after WWII by metropolitan authorities eager to clean up the reputation of their colonial administrations whilst reducing the overall costs of running an empire, including corruption-induced waste and inefficiency. And once independent, these states established regulators of their own in an effort to create new political systems free from the corrupt practices characteristic of and inherited from colonial regimes.⁵⁶³ De Sousa gives the examples of Singapore's Corrupt Practices Investigation Bureau and Hong Kong's Independent Commission Against Corruption as the most effective of these decolonisation-era agencies.

The decolonising wave of regulator-creation that De Sousa referred to did not happen in the anglophone Caribbean. Instead, the Westminster system, introduced through colonialism and codified at independence, mandated several key regulatory institutions including the ombudsman and director of audit. Then, between the mid-1990s and mid-2000s, many states of the anglophone Caribbean established dedicated anti-corruption institutions. Unlike the ombudsman or auditor, these new bodies followed the 'single-agency approach' pioneered in Hong Kong and Singapore, concentrating anti-corruption regulation in a single, non-political, and specialist institution.⁵⁶⁴ This wave of institution-creation should be seen in light of the anti-corruption and good governance agenda of international donors in the 1990s.⁵⁶⁵ This led to the 'carpet-bombing' of anti-corruption institutions in much of the global south with most former colonial states setting up generalised single-agency institutions.⁵⁶⁶ In the Caribbean this wave also came after a number of corruption-related scandals, not least Antigua's Medical Benefits Scheme, briefly mentioned in chapter two. After the United Progressive Party (UPP) won power in Antigua in 2004, they passed a raft of legislation aimed at promoting integrity, honesty, and anti-corruption in government. Key laws included the Prevention of Corruption Act, the Freedom of Information Act, and the Integrity in Public Life Act. The latter established an Integrity Commission to enforce the terms of the Act. Similar legislation established comparable agencies in Trinidad and Barbados in 2000, Dominica in 2003, and St Vincent and St Lucia in 2004.

⁵⁶³ Luis De Sousa, "Anti-corruption agencies: between empowerment and irrelevance", *Crime, Law, and Social Change* 53, (2010): 6.

⁵⁶⁴ Patrick Meagher, "Anti-corruption Agencies: Rhetoric Versus Reality", *The Journal of Policy Reform* 8, no.1 (2005): 71-72.

⁵⁶⁵ Mark Jorgensen Farrales, "What is Corruption? A History of Corruption Studies and the Great Definitions Debate", (June 2005). Available at SSRN: <https://ssrn.com/abstract=1739962> or <http://dx.doi.org/10.2139/ssrn.1739962>, Accessed June 21, 2021, 10.

⁵⁶⁶ Alan Doig, David Watt, and Robert Williams, "Measuring 'success' in five African Anti-Corruption Commissions: The cases of Ghana, Malawi, Tanzania, Uganda and Zambia", research paper, U4 Anti-Corruption Resource Centre, May 2005, accessed September 26, 2023, <https://www.shareweb.ch/Site/DDLGN/Documents/U4Report-2005-1.Pdf>, 41.

While different states in the Caribbean and across the world have established regulatory institutions in response to common issues, the nature of the institutions has varied hugely from state to state as demonstrated by the financial audit institutions. According to Posner and Shaha there are four types of financial audit institutions. The rarest is the 'government department' type in which the audit institution is treated like a government department, with next to no independence. Examples include the National Audit Office of China or that of Vietnam.⁵⁶⁷ In contrast, 'courts of accounts' types are strongest and most independent, with judicial powers to ensure compliance with financial rules.⁵⁶⁸ This type is used in France (where it originated under Napoleon in 1807), Belgium, and Greece. The 'collegiate body' type is similarly composed and independent but it lacks the judicial power to impose sanctions on rule-breakers; it is used in Germany and the Netherlands.⁵⁶⁹ Finally, the 'legislative audit office' type refers to an institution established by constitutional or statutory provision with no judicial function but still empowered to investigate compliance with financial rules and make reports to the legislature.⁵⁷⁰ This type is found in many Commonwealth Countries as well as the USA. It is this type that operates in Antigua.

While Posner and Shaha's four-part categorisation was developed in relation to audit offices, it can reasonably be applied to other anti-corruption institutions. Antigua's ombudsman and Integrity Commission equally fit this model: they are set up by legislation passed by parliament; they are theoretically independent of the executive; they lack judicial function and power; and they report to Parliament. As Antiguan history shows, many of the problems faced by Antigua's anti-corruption institutions have arisen because of these fundamental features. In particular, institutions that are convened and funded by Parliament cannot really be fully independent of the executive because of the way the government dominates Parliament in Antigua's small state context. In some cases, this dynamic has even given governments opportunities to deliberately undermine the work of these institutions.

Antigua's Anti-corruption Agencies

⁵⁶⁷ Posner and Shaha, "Audit Institutions", 495.

⁵⁶⁸ Posner and Shaha, "Audit Institutions", 494.

⁵⁶⁹ Posner and Shaha, "Audit Institutions", 494.

⁵⁷⁰ Posner and Shaha, "Audit Institutions", 494.

A Director of Audit (DA) is mandated by the constitution⁵⁷¹ The DA is appointed by the Public Services Commission (PSC) but only with the consent of the Prime Minister. The DA has two tasks: ensure all government spending is used in accordance with the purposes for which it was appropriated and by the appropriate authority; and conduct an annual audit of spending by all public bodies, including government, Parliament, the courts, and all institutions established by the constitution⁵⁷² The DA has the power to audit any accounts, balance sheets, and financial statements of any enterprise controlled by or on behalf of the government. However, the constitution does not detail how the DA can or should enforce this power. It does not, for instance, grant him quasi-judicial powers of subpoena that are given to commissions of inquiry. Instead, the DA has to rely on government cooperation, a weakness of the 'legislative audit office' type of regulators which lack the enforcement powers of the 'courts of accounts' type. The DA's report must be presented to the minister responsible for finance (who in Antigua's post-colonial period has often been the Prime Minister), who must then present it to Parliament within a week. If the minister fails to do this the DA should provide a copy to the Speaker of the House who must then lay it before Parliament.⁵⁷³ All reports and findings are then passed to the Public Accounts Committee (PAC) for scrutiny and further deliberation. Section 97.8 specifically states that 'In the exercise of his functions...the Director of Audit shall not be subject to the direction or control of any other person or authority.' Though presenting detailed accounts to Parliament, the DA also plays a role in ensuring the public has access to authoritative and reliable data about government finances which can then inform voters' decision-making processes, contributing to democratic accountability.⁵⁷⁴

The office of ombudsman is also mandated by the 1981 constitution. However, the constitution only outlines the mechanisms by which the ombudsman must be appointed and removed. The functions, powers, and responsibilities of the ombudsman are not established by the constitution but left to the discretion and direction of Parliament.⁵⁷⁵ This is a significant weakness because it lessens the organisational and functional independence which Posner and Shaha identify as key requirements for an independent and effective anti-corruption agency. As with the DA, the constitution states that the ombudsman shall 'not be subject to the direction or control of any other person or authority.' After an initial surge between its

⁵⁷¹ Under the Associated Statehood constitution this office was called the 'Chief Auditor', but its functions were more or less identical; for the sake of clarity, I shall use the term Director of Audit or the abbreviation DA in reference to both offices. The Antigua constitution Order, 1967, Section 80; The Constitution of Antigua and Barbuda, 1981, Section 102.

⁵⁷² The Constitution of Antigua and Barbuda, 1981, Section 97, 2, a.

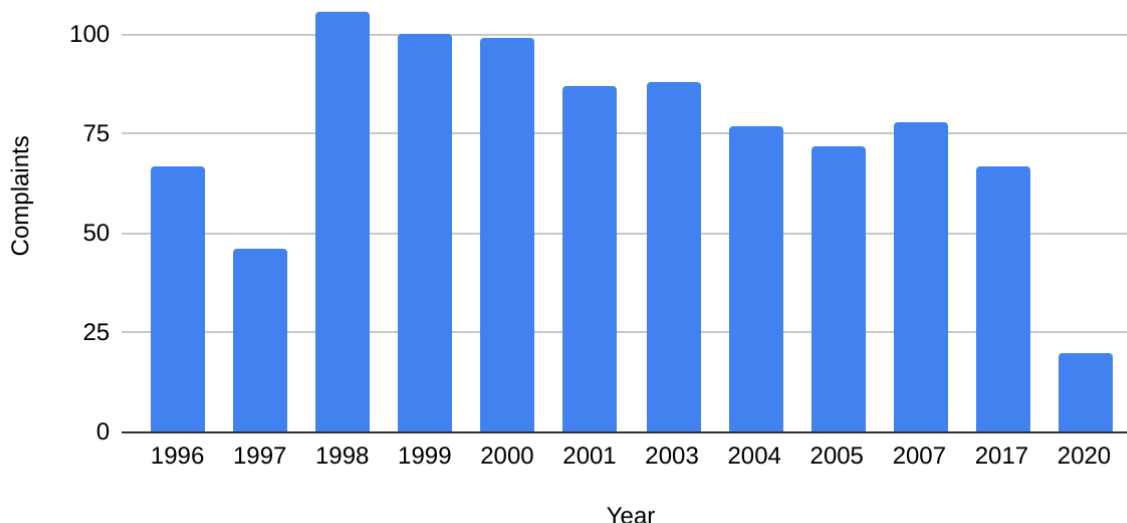
⁵⁷³ The Constitution of Antigua and Barbuda, 1981, Section 97, 5-6.

⁵⁷⁴ Rose-Ackerman, *Corruption and Government*, 163.

⁵⁷⁵ The Constitution of Antigua and Barbuda, 1981, Section 66, 4.

establishment in 1994 and 1998, the ombudsman saw a steady fall in the number of legitimate written complaints it received from the public. Applications peaked at 106 in 1998 and, with minor exceptions, has declined annually for every year that data exists. This is surprising considering the increase in Antigua's population and the size of its workforce over the same period. The declining use of the ombudsman indicates that few Antiguanans have confidence in it as an institution and feel unable to rely on it to resolve grievances or raise concerns about corruption and misconduct.

Image Six: Legitimate complaints received by the Ombudsman (1996-2020)



The Integrity Commission was established as part of a raft of anti-corruption legislation passed by the newly-elected UPP government in 2004. The relevant 2004 acts were: the Integrity in Public Life Act (which established the Integrity Commission); the Prevention of Corruption Act (which defined and established penalties for corruption); and the Freedom of Information Act. Between 1994 and 2004 legislation on integrity in public life, with supervisory commissions, was enacted in a host of anglophone Caribbean countries, beginning with Belize in 1994. The Integrity Commission was charged with enforcing the Integrity in Public Life Act and for upholding a code of conduct for public officials, as set out in the Act. A key part of its mandate was to receive declarations of all assets by public officials and ensure these were in compliance with the 2004 Act.⁵⁷⁶ The Integrity Commission was also charged with receiving and investigating allegations of non-compliance with the

⁵⁷⁶ The Integrity in Public Life Act, no.23 of 2004.

Integrity in Public Life Act or the Prevention of Corruption Act from members of the public. Prior to 2004, the ombudsman was the only public-facing body to which victims or participants of corruption could make a complaint, other than the police. The Integrity Commission was the first and only agency charged with maintaining a corruption-centred code of conduct among public officials and its creation was the most important anti-corruption step taken by any Antiguan government in the post-colonial period.

Dragging

The first and bluntest issue faced by anti-corruption institutions is 'dragging.' This refers to instances where governments delay setting up institutions that are required by the constitution, sometimes for decades. It also involves the slow appointment of key officers, impeding the work of these institutions, even when they do exist on paper. This has been done in relation to the Director of Audit and the ombudsman. It has also been done in regard to the Public Accounts Committee, as detailed in chapter one. Dragging has been the most problematic issue for anti-corruption institutions because it simply means that constitutionally- and legally-mandated institutions and offices did not exist in Antigua for extended periods. In the case of constitutionally-mandated officers, like the Director of Audit and the ombudsman, dragging is particularly nefarious because it involves the government failing its duty to ensure the constitution is enacted in full. Dragging can be a deliberate strategy to avoid scrutiny, or it can be the result of oversight, disinterest, or an inability to find the necessary staff for an institution. It has not been unique to Antigua but the length of delays here have been among the worst in the Caribbean. It is also notable that when governments have stopped dragging they have usually done so for politically-motivated reasons, rather than in deference to the constitution or out of a genuine effort to tackle corruption.

In many cases, dragging resulted from Antigua's constitutional framework. Like most codified constitutions, Antigua's has prescriptive sections mandating the establishment of public institutions. But the establishment and empowerment of these institutions is delegated to Parliament which must pass the necessary establishing legislation.⁵⁷⁷ Establishing legislation puts constitutional provisions into practice, providing detail and instruction on an institution's membership, responsibilities, authority, and relation with other public bodies. Moreover, supplementary legislation or orders passed by Parliament must provide funding for these

⁵⁷⁷ See for example, The Constitution of Antigua and Barbuda, 1981, sections 66.2 and 98.

bodies, as the resources required by the body and available to the government will change from year to year. However, Antigua's Westminster-style constitutional framework, as enacted in such a small state, gives the cabinet the ability to fully control the business of Parliament. By extension, this means the passage of establishing legislation is entirely at the discretion of the governing party which may have a vested interest in ensuring anti-corruption institutions are not set up or are unable to function for extended periods.

The most extreme instance of dragging in Antigua was done in relation to the Director of Audit which was not properly established until 2014, nearly fifty years after an auditor was first mandated by the 1967 Associated Statehood constitution. Prior to 2014, the auditor often existed in name only and seldom conducted the audits for which they were responsible. The authoritative and independent auditing of government accounts is a fundamental feature of all democratic states. It helps ensure governments collect and use the public's resources legally and appropriately, identifying irregularities which may indicate instances of corruption. Published audits also provide important and reliable data to the public which helps them make informed decisions and effectively hold their representatives to account. A functioning Director of Audit is therefore important not just for scrutinising the conduct of government but contributing to a healthy democracy. Despite this, Antigua's auditor was not operational for decades, under both Antigua Labour Party (ALP) and United Progressive Party (UPP) governments.

For much of the period under review, Antigua did have a Director of Audit but they often failed to perform their duties. When they did, the reports submitted to Parliament were often delayed. For instance, the public accounts for the year 1980 were only submitted in August 1986.⁵⁷⁸ This became a major political issue in 2002-2004 when Alister Thomas sought a court declaration that the government had acted unconstitutionally.⁵⁷⁹ Thomas was a founding member of the small political party the National Movement for Change. He claimed that the auditor, Arah Armstrong, appointed in 1996, had failed to submit audit reports on the government's accounts for multiple years. Instead, he claimed, she and her predecessor had only submitted ministerial reports, documents which lacked annual financial statements and did not constitute a thorough auditing of government accounts. Judge Joseph-Olivetti found that Thomas had successfully shown that his interests as a citizen and taxpayer had been violated by this delay. She also said:

⁵⁷⁸ Tim Hector, "St Luce and the Bird regime must reign", *Outlet*, March 27, 1987, ANA, 6.

⁵⁷⁹ Thomas v Harris et al, High Court of Antigua and Barbuda, May 12, 2004.

It is unthinkable that the minister responsible for finance, and what is more also the prime minister of any country, in these modern times would sit idly by and allow a public officer to default on matters seriously affecting his duty to Parliament, the public purse, good government, public accountability and constitutional provisions and do nothing about it.⁵⁸⁰

There are several possible explanations for why the government and Director of Audit failed to perform their duties. In the court case brought by Alister Thomas, respondents from the government, including Lester Bird who was then Prime Minister and Minister for Finance, claimed that the constitution gave the auditor autonomy and that it was not for the government to instruct her how to act. The Director of Audit said she could only do her job if the Accountant General gave her the financial year's accounts from which to work, and that this had not happened. The result was a bout of mutual blaming which did not satisfy the judge that the officers involved had not acted in a negligent way. Moreover, the judge found no evidence that the Public Accounts Committee (which at the time was chaired by UPP Leader of the Opposition Baldwin Spencer) had made formal complaints to Parliament or the Public Service Commission over Arah Armstrong's failure to present audited reports to them. That both ALP and UPP politicians were content to let the Director of Audit fail her constitutional mandate for an extended period is revealing. At the very least, it shows that neither party thought the Director of Audit was an important and necessary anti-corruption institution. At worst, it suggests both parties were complicit in deliberately minimising effective scrutiny of government economic conduct. In the early 2000s, the UPP was confident of winning the 2004 General Election. It is possible therefore that the UPP was as happy as the ALP to minimise transparency and accountability, expecting that they would soon be in charge of government finances. The systemic apathy shown to the work of the Director of Audit - by the auditor herself, the government, and the opposition - could reasonably be interpreted as a collective conspiracy of dragging or negligence designed to undermine transparency and accountability for all politicians.

The Director of Audit institution was reformed in 2014, through a Director of Audit Act, in a move that appears politically motivated. Once elected, the UPP did not strengthen the Director of Audit for ten years, instead choosing to continue the ALP custom of dragging and negligence. However, this changed in 2014 in the context of an election the UPP was this time expected to lose.⁵⁸¹ Faced with the prospect of a change of power, it is conceivable that

⁵⁸⁰ Judge Joseph-Olivetti quoted in: Jamion Knight, "Court says Lester and Baldwin complacent", *The Daily Observer*, May 13, 2004, ANA, 16.

⁵⁸¹ "Antigua and Barbuda General Election, 12 June 2014: Report of the Commonwealth Observer Mission", (London: Commonwealth Secretariat, 2014), 4.

the UPP introduced the Audit Act knowing it would serve as a check on a new ALP government. If so, the UPP's motivation in 2014 was chiefly political. If they had been driven by a sincere wish to root-out corruption in Antigua they could have reformed the Director of Audit at any time in their ten-year administration. Indeed, introducing such reforms earlier would have given these institutions time to become well-established and entrenched in Antiguan politics and economic practice. The 2014 Act was so last-minute that it only received the Governor-General's assent six days after Parliament was dissolved.

Like the Director of Audit, the ombudsman is a constitutional requirement, though in the latter case it was only included in the 1981 independence constitution. However, it was not set up until 1994, with the first ombudsman, Hayden Thomas, sworn in on June 26, 1995.⁵⁸² So for 14 years Antiguan citizens were effectively denied access to an ombudsman and the legal, workplace, and mediation rights to which they were constitutionally entitled. At the ceremonial opening of Antigua's ombudsman office on July 25, 1996, the President of the Antigua Bar Association, E. Ann Henry, remarked that until then Antiguan citizens had no legitimate and effective means of appealing against administrative mistakes and abuses of power.⁵⁸³ The only options of redress available to a wronged employee were a complaint to the relevant administrative authority or recourse to an internal departmental investigation. These were plainly inadequate because the recipient of a complaint may often be the subject of the complaint and therefore could not be relied upon to appropriately investigate and sanction their own conduct. Recourse to the courts was also an option but the high costs (in both money and time) made this a nonviable option for most Antiguan citizens.⁵⁸⁴ An ombudsman provided a cheap, accessible, simple, and confidential means by which workers and citizens could raise concerns or complaints about administrators, managers, and politicians. As E. Ann Henry asserted, the main purpose of an ombudsman is 'protection of true democracy and the rights of the individual and the accountability of government.'⁵⁸⁵

The delay in setting up Antigua's ombudsman is not unique in the eastern Caribbean but it is an extreme example. As early as 1959, the UN Division on Human Rights urged the introduction of ombudsman systems in all developing and developed states, particularly as the size and scope of government responsibilities expanded after WWII.⁵⁸⁶ This call was repeated by bodies including the Conference of International Jurists, the International Bar

⁵⁸² Laws of Antigua and Barbuda, The Ombudsman Act, 1994; Hayden Thomas, "Office of the Ombudsman, First Annual Report, 1995", 1995, ANA, 1

⁵⁸³ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 1996, ANA, 53.

⁵⁸⁴ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 53.

⁵⁸⁵ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 53.

⁵⁸⁶ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 53.

Association, and the Inter-American Bar Association, with many states following the advice throughout the 1970s. In the Caribbean, in 1966 Guyana became the first state to establish an ombudsman, motivated in part by a need for an institution able to mediate racially-motivated tensions and conflict.⁵⁸⁷ Trinidad, Jamaica, Barbados, and St Lucia all had ombudsman offices by 1982. By the time Antigua's 1981 constitution was written it was taken as a given - particularly in the context of the Commonwealth Caribbean and the Westminster constitutional framework - that an ombudsman should and would be established. One of the only states to go further than Antigua was St Kitts and Nevis which did not establish its ombudsman until 2008.⁵⁸⁸ Belize was more or less in step with Antigua, establishing its ombudsman in 1999.⁵⁸⁹ The fact that the Antiguan government failed to set up the ombudsman despite its prominent inclusion in the 1981 constitution and a consistent chorus of pro-ombudsman calls from the international community strongly suggests dragging was a deliberate political policy until 1994.

Antigua's Ombudsman Act was finally introduced and passed in August 1994. As with the 2014 reform to the Director of Audit, the reasons for its introduction may be explained in large part by the political context. In September 1993 Lester Bird succeeded his father as ALP leader and Prime Minister. This came shortly after another corruption scandal that rocked Antigua, this time involving V. C. Bird's channelling of public funds into a private bank account. During the leadership campaign Lester portrayed himself as a good-minded and honourable man, able to end government corruption. The Ombudsman Act can therefore be seen as a flagship policy designed to give the impression of a break with the past. New leadership has often been associated with anti-corruption campaigns, including in authoritarian states like communist Russia, though new leaders rarely implement their promises.⁵⁹⁰ In the Caribbean, changes of leadership, like changes of government, are often expected to precipitate 'an anticorruption housecleaning', even if this is not realised.⁵⁹¹

This performative impression of the ombudsman's establishment has been supported by the current ombudsman herself, Marion Blair. After five years in the job, in 2021, she reflected on the founding of the ombudsman, asking 'was the Ombudsman Act, 1994 really concerned

⁵⁸⁷ Thomas, "Office of the Ombudsman, First Annual Report, 1995", 52-53.

⁵⁸⁸ Laws of St Christopher and Nevis, Ombudsman Act, 2006 (in force from 31st July 2008)

⁵⁸⁹ "Belize: Ombudsman Office of Belize", Commonwealth Forum of National Human Rights Institutions, 2022, accessed July 1, 2022,

<https://cfnhri.org/members/caribbean-and-americas/belize/#:~:text=Ombudsman%20Office%20of%20Belize&text=The%20Office%20of%20the%20Ombudsman,on%20the%208th%20July%2C%201999.>

⁵⁹⁰ Leslie Holmes, *The End of Communist Power: Anti-corruption Campaigns and Legitimation Crisis*, (Oxford: Oxford University Press, 1993), 268.

⁵⁹¹ Derrick McKoy, "Known Knowns: Corruption in the Commonwealth Caribbean", *Social and Economic Studies* 61, no. 1 (2012): 2.

with complaint resolution? Or was it a mere pandering to the fears, self-preservation, protection, re-election and pacification of parliamentarians?⁵⁹² She concluded that 'Reciprocity was really a one-way path to re-election, not to complaint resolution. Complaint resolution, where it existed, was a means to that end.'⁵⁹³ This is a damning indictment of political motivations from the ombudsman herself and supports that the ombudsman was only established in 1994 as a political performative stunt. A comparable attitude was implied by a British government briefing commenting on two 'disappointing' years of Lester's premiership which said Lester 'tends to say all the right things but fails to deliver.'⁵⁹⁴ The ombudsman can be seen as indicative of this kind of behaviour by the then-new Prime Minister: promises are made and laws passed that appear good on paper but in practice do little to combat corruption.

Lester Bird thus had much to gain by way of reputation and outward appearance from setting up the ombudsman in 1994. But by then he also had little to fear from the new institution. This was because after 27 years of self-rule, Antiguanians had gotten used to living and working in systems of employment and social interaction in which an ombudsman did not play a role. Instead, most Antiguanians relied on alternate methods of grievance-resolution such as recourse to trade unions, complaints to political parties, or family-based mediation. When Hayden Thomas was sworn in as ombudsman in 1995, he headed an agency about which Antiguanians knew nothing, in which they had no confidence, and for which they saw little purpose. E. Ann Henry emphasised this in her speech at the office's ceremonial opening, saying it was imperative that Thomas and the government embark on a public education campaign to inform citizens on the ombudsman's existence and purpose. Despite good efforts with limited resources on Thomas's part, no significant government-backed publicity campaign happened and ALP-controlled media outlets made next to no mention of the ombudsman. It is perhaps most striking that even *The Workers' Voice*, a newspaper which claimed to speak for Antiguan workers, did not bother to discuss and explain the new institution to its readers.

Therefore, Lester Bird likely saw the introduction of an ombudsman in 1994 as a superficial gesture that would improve his own and his government's reputation, both at home and abroad, whilst in practice not threatening the corruption-conducive status quo he had inherited. This attitude was captured by an Organisation for Security and Co-Operation in Europe report which cautioned that some less-effective anti-corruption institutions are

⁵⁹² Marion Blair, "Ombudsman Annual Report, 2020", 2021, ANA, 24.

⁵⁹³ Blair, "Ombudsman Annual Report, 2020", 24.

⁵⁹⁴ Sam J. Sharp to Edward Oakden, June 7, 1996, "Antigua and Barbuda. UK/Antigua and Barbuda relations: internal situation; part 1", PREM 19/5548, TNA, 2.

'established with perhaps no real expectation of their ever tackling difficult cases at senior levels of government...most have had a negligible impact on tackling grand corruption.'⁵⁹⁵ In the same vein, a 2004 World Bank report recognised that 'Political leaders in developing economies have few incentives to implement effective public sector reform and enforce those reforms through an anti-corruption commission', instead preferring to 'create anti-corruption agencies that are hollow' and distract attention whilst preserving the status quo.⁵⁹⁶ The superficial, performative nature of the ombudsman's introduction may be summarised by the situation in which the government staged a ceremonial opening of the ombudsman's office but then failed to educate the public on how the ombudsman worked.

Partisanship and Independence

A second factor that has undermined anti-corruption institutions is partisanship and the degree of institutional independence from government. Both real and perceived partisanship can be damaging. Real partisanship refers to instances when an officer working in an anti-corruption institution is politically partial and/or loyal/beholden to a politician or political interest like a political party. When this happens, the officer's partisanship may impede their ability to carry out their function in a fair, effective, and satisfactory manner. Perceived partisanship refers to cases when a member of the public thinks or believes an officer is politically partial, though they may in fact not be. When this happens, the member of the public may view the anti-corruption institution with distrust, feeling unable to call on the institution's services. They may think their complaint will not be treated appropriately if they and the officer are of opposing political loyalties, or they may fear recrimination from the officer or from the subject of the complaint if their allegation is leaked. Without uniform public confidence, anti-corruption institutions with a public-facing role cannot function and will not be effective at combating corruption. While data on partisanship and public confidence is limited, all available evidence supports the hypothesis that public engagement with anti-corruption institutions in Antigua is low and that perceived partisanship has played a role in this.

Because regulatory agencies exist to monitor the conduct of government officials and departments, their neutrality and independence from government has naturally drawn

⁵⁹⁵ "Best Practices in Combating Corruption", (Vienna: Organisation for Security and Co-Operation in Europe, 2005), 176.

⁵⁹⁶ John R. Heilbrunn, *Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption?*, (Washington D.C.: The World Bank Institute, 2004), 2.

attention. It is taken as a given across the literature that institution independence is a prerequisite of effective regulation. But most of the literature on the independence of anti-corruption institutions has focused on the concept of agency capture. Pioneered in the mid-twentieth-century work of Downs and Olsen, agency capture refers to instances when a regulator becomes influenced by private interests to the extent that it fails to perform its duties.⁵⁹⁷ Most writers approach agency capture in economic terms, seeking to explain why regulators fail to properly enforce financial rules and scrutinise big business. Law professor Michael Sant'Ambrogio, for example, has explored industry regulators and the ways these can be undermined by agency capture.⁵⁹⁸ But the concept can also be used in political terms so that the 'captor' is not private interests or big business but the government itself.

A smaller but still significant body of work has paid more attention specifically to the politicisation of anti-corruption institutions. In their work on audit agencies, Posner and Shaha proposed several necessary types of independence: organisational independence, meaning the institutions are separate from other public/political institutions and bodies; functional independence, meaning they are not directed in their responsibilities by the government; and financial independence, meaning they have the necessary resources to perform their work.⁵⁹⁹ Elsewhere, Christopher Hood et al cite 'organisational separation between the regulating bureaucracy and the 'regulatee' as a defining characteristic of a government regulator.⁶⁰⁰ By this understanding, if a regulator is not organisationally independent and impartial then it simply is not a regulator.

Though Posner and Shaha recognised these as ideal-type criteria, they provide a useful means of measuring the independence of anti-corruption institutions of all kinds. These forms of independence may be assured through a collection of provisions such as: prohibiting political actors being anti-corruption officers; establishing the institution's function and procedures of practice in law rather than leaving them for the government to determine on a case by case basis; devolve appointment to a non-governmental body like the Public Service Commission; set term-lengths as well as a high bar and rigorous procedures for an officer's dismissal; and ensure budget requirements established by the officer are met.

⁵⁹⁷ Michael Levine and Jennifer Forrence, "Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis", *Journal of Law, Economics, and Organization* 6, Special Issue: [Papers from the Organization of Political Institutions Conference, April 1990], (1990): 169.

⁵⁹⁸ Michael D. Sant'Ambrogio, "Agency Delays: How a Principal-Agent Approach Can Inform Judicial and Executive Branch Review of Agency Foot-Dragging", *The George Washington Law Review* 79, no. 5 (2011): 14.

⁵⁹⁹ Posner and Shaha, "Audit Institutions", 496-97.

⁶⁰⁰ Christopher Hood, Oliver James, George Jones, Colin Scott, and Tony Travers, "Regulation Inside Government: Where New Public Management Meets the Audit Explosion", *Public Money and Management* 18, no. 2 (1998): 61.

Genuine impartiality and independence, however, are hard to build into institutional design and even harder to maintain in practice, let alone across an institution's lifetime.⁶⁰¹

As well as affecting the actual partiality of institutions, the safeguards listed above can improve their perceived impartiality. This is most important when an anti-corruption institution has a public-facing role or relies on public engagement. The ombudsman epitomises this because it exists only to receive and then investigate allegations of wrongdoing or mistreatment, including accusations of corruption. If members of the public do not come to the ombudsman with complaints, the ombudsman cannot function. The Integrity Commission is similar in the respect that part of its job involves investigating accusations of corruption. Again, if no allegations are received then the commission has no work to do and will not contribute to anti-corruption efforts. The Director of Audit is less affected by perceived partisanship because theirs is not a public-facing role. However, if the auditor is regarded as partisan, then half the public may be liable to dismiss their reports as biased and ignore potentially important information.

Perceived partiality can affect the public's engagement with anti-corruption institutions in a multitude of ways. If a would-be plaintiff perceives that they and the officer are of opposing partisanship, they may think that the officer will ignore their complaint and no action will be taken. But they may also think that the officer will leak their complaint to the subject of the complaint. This could lead to serious repercussions, particularly because the subject of a complaint to the ombudsman will likely be the plaintiff's employer or a senior colleague. In the case of allegations brought before the integrity commissioner, the subject of a complaint is likely to be a government minister or other senior public officer. In the Antiguan context, repercussions could range from victimisation at work to the loss of a job to physical violence. The plaintiff could also gain a reputation as a 'snitch', barring them from future employment or engagement with political or business allies of the accused officer. They may also be ostracised by their party which would see a complaint against one of its members/leaders as an attack on the party en masse. This latter notion is a reflection of Antigua's perniciously polarised politics and partyism, whereby loyalty to the party is absolute and any action bringing harm to the party or a party leader is regarded as bad-minded and treacherous. All of these considerations factor into a cost-benefit analysis undertaken by would-be plaintiffs; it is a truism that institutions reliant on people making complaints are pointless if people are unwilling to complain.⁶⁰² Where the partisanship and independence of an anti-corruption

⁶⁰¹ De Sousa, "Anti-corruption agencies", 13.

⁶⁰² Rose-Ackerman, *Corruption and Government*, 172.

institution is in doubt, such cost-benefit calculations are likely to yield only one result and deter engagement.

In healthy, well-functioning democratic systems, would-be plaintiffs are insulated from reprisals by legislation guaranteeing anonymity and confidentiality, often called whistleblower protections. However, Antigua lacks such protections. This was flagged by the 2019 OAS review of Antigua's adherence to the OAS Convention Against Corruption.⁶⁰³ Their report criticised Antigua for being what I call a triple-threat environment for whistleblowers: there was and is no mechanism for anonymous reporting to the Integrity Commission; there is no legislation to protect whistleblowers from identification and reprisal; and there is no mechanism for reporting threats or reprisals directed at whistleblowers, other than appeals to the police.⁶⁰⁴ Moreover, not only has Antigua lacked whistleblower protections, but the laws regulating anti-corruption institutions require plaintiffs to be identified in formal allegations in writing. In light of this, it is unsurprising that public engagement with anti-corruption institutions has been markedly low.

In his first annual report as ombudsman, Hayden Thomas said he had received 20 complaints between August 4 and December 31, 1995. Of these, four could not be processed because they were not in writing, as is required by the 1994 Ombudsman Act.⁶⁰⁵ In the report, Thomas expressed hope that as public confidence in the ombudsman grew, the public would 'feel freer to write' their complaints formally.⁶⁰⁶ This has not happened. Every available ombudsman report shows that verbal complaints outnumbered written complaints each year, with the one exception of 1998. This issue was raised 22 years later by ombudsman Marion Blair in her 2017 report. She said that 'a latent fear of victimization and/or discrimination' prompted most plaintiffs to try and make verbal or anonymous complaints, or to do so through an intermediary.⁶⁰⁷ But the Ombudsman Act clearly specifies that 'All complaints to the Ombudsman and requests for investigation by him shall be made in writing.'⁶⁰⁸ The long-running preference for whistleblowers to try and make verbal or anonymous complaints to the ombudsman is evidence that a large proportion of the public do not have confidence in the impartiality and security of this public service. This means the ombudsman, like other public-facing agencies, has not functioned effectively as an

⁶⁰³ "Antigua and Barbuda: Final Report", Mechanism for Follow-up on the Implementation of the Inter-American Convention Against Corruption, Washington D.C., 2019, accessed June 14, 2022, http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic5_atb_finalreport_eng.pdf, 25.

⁶⁰⁴ "Antigua and Barbuda: Final Report", 26.

⁶⁰⁵ Hayden Thomas, "Office of the Ombudsman: First Annual Report", 1996, ANA, 6.

⁶⁰⁶ Thomas, "Office of the Ombudsman: First Annual Report", 6.

⁶⁰⁷ Marion Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2016-2017", 2017, ANA, 14.

⁶⁰⁸ Laws of Antigua and Barbuda, The Ombudsman Act, 1994, 6(1).

anti-corruption strategy. The fact that some people still come forth with verbal complaints, despite being told only written complaints can be actioned, suggests there is a latent appetite and need among some members of the public for effective anti-corruption institutions but fear of partisan reprisals deters even these few from making a formal complaint.

Without adequate whistleblower protection and guarantees for plaintiffs, perceived partisanship among anti-corruption institution staff will deter public engagement. In 2020 Prime Minister Gaston Browne made public statements indicating an intention to introduce a Whistleblower Protection Act, but as of 2023 nothing has been done about it.⁶⁰⁹ In the *Antigua News Room* article covering the same story, the first public post in the comment section states: 'So basically we are protecting snitches? Snitches get stitches'.⁶¹⁰ This comment conveys the culture of recrimination that discourages public use of anti-corruption institutions. Some years earlier, Imani Duncan Price, former Jamaican senator and co-director of the Caribbean Policy Research Institute, said that beyond legislation the Caribbean needs a cultural attitudinal shift to protect whistleblowers: 'In Jamaica', she said, 'we say, 'Informer fuh dead'', so the 'snitches get stitches' attitude is a problem across the anglophone Caribbean.⁶¹¹ Beyond a dramatic cultural shift, coupled with extensive and detailed legislation, these attitudes will severely deter people from making formal complaints and using the anti-corruption institutions available. Partisanship, both actual and perceived, has critically undermined people's confidence in these institutions and has rendered them under-used and ineffective.

Underfunding

Anti-corruption institutions do not have their own financial resources and their remuneration is not set by the constitution or establishing legislation. This is conventional and appropriate because government income, expenditure, inflationary pressure, and institutional costs all

⁶⁰⁹ Carl Joseph, "PM hints at new laws to protect those who raise alarm against corruption", *Antigua Observer*, January 28, 2020, accessed August 26, 2023, <https://antiguaobserver.com/pm-hints-at-new-laws-to-protect-those-who-raise-alarm-against-corruption/>.

⁶¹⁰ Comment section, comment by "Jed", January 28, 2020, at 8:24 am, "PM Suggests New Laws To Protect Government Workers Who Report Any Signs Of Corruption", *Antigua News Room*, January 28, 2020, accessed August 26, 2023, <https://antiguanewsroom.com/pm-suggests-new-laws-to-protect-government-workers-who-report-any-signs-of-corruption/>.

⁶¹¹ Antigua Observer Editorial, "Blow that whistle!", *Antigua Observer*, January 18, 2017, accessed August 26, 2023, <https://antiguaobserver.com/blow-that-whistle/>.

change from year to year. Fiscal flexibility is therefore desirable. Laws establishing and regulating anti-corruption institutions delegate budgetary matters to Parliament. But because Parliament is dominated by the cabinet, the government has had ultimate control over the finances of anti-corruption institutions. This creates an institutional conflict of interests whereby the government has financial control over its own regulators. This means Posner and Shah's 'financial independence' has been absent from Antiguan anti-corruption institutions throughout their entire existence.⁶¹²

When analysing financial dependency and underfunding, it is important to appreciate the economic context in which governments have had to make spending decisions. As for many SIDS, the economic context of post-colonial Antigua has always been challenging, often with revenue insufficient to meet the demands of the state, a high debt burden (often around 100 percent of GDP throughout the period under review), and limited spending options.⁶¹³ This poor economic picture has been worsened in Antigua, as in much of the anglophone Caribbean, by: exposure, inherent in all small peripheral states, to regional or global economic shocks such as the 1970s oil crisis or the 2008 financial crash; a long-term over-reliance on tourism as the mainstay of the economy; and the unpredictable but devastating costs of natural disasters, like the 1983–1985 drought or Hurricane Irma in 2017.

But even within this restricted fiscal context, spending on anti-corruption institutions has been so low (0.06 percent of government expenditure in 2020) that they have struggled to function.⁶¹⁴ Despite consistent and clearly-argued calls for greater spending by generations of anti-corruption agents, budgetary allocations for the ombudsman and Integrity Commissioner have not increased sufficiently. Moreover, when annual budget increases have been made they have lagged behind other agencies and departments whose economic and political contribution to Antigua is arguably far less significant. For example, in 2020, the budget for the ombudsman was almost half that of the 'Cotton Division' in the Ministry of Agriculture. This is a small cotton seed breeding and harvesting enterprise allocated EC\$1,158,117 in 2020 but budgeted to raise just EC\$11,200 of revenue in 2020.⁶¹⁵ In the 4 years to 2020, the Cotton Division's budget saw an increase of 58 percent while the ombudsman's lagged behind at a 37 percent increase. This means that despite generations of anti-corruption agents and NGO representatives calling for urgent and sustained greater

⁶¹² Posner and Shaha, "Audit Institutions", 496-97.

⁶¹³ "General government gross debt", International Monetary Fund, 2023, accessed March 17, 2024, https://www.imf.org/external/datamapper/GGXWDG_NGDP@WEO/ATG?zoom=ATG&highlight=ATG.

⁶¹⁴ Government of Antigua and Barbuda, "2020 Budget Estimates", 2020, accessed November 23, 2023, https://ab.gov.ag/pdf/budget/2020_Antigua_Estimates.pdf, iv.

⁶¹⁵ Government of Antigua and Barbuda, "2020 Budget Estimates", 2020, accessed November 23, 2023, https://ab.gov.ag/pdf/budget/2020_Antigua_Estimates.pdf, ii and viii.

spending on anti-corruption institutions, the government did not treat this as a priority. Even though the increases needed are marginal in the wider context of Antigua's overall government spending, they have still been refused.

At the same time, Antiguan governments have frequently prioritised political appeal over economic prudence. Examples include the abolition of income tax, refusals to tax wealth, inheritance, or capital gains, and granting tax holidays and other concessions to international businesses. Consequently, spending on anti-corruption institutions has been a very low priority for Antiguan governments over an extended period. These institutions have been kept at subsistence levels whereby they exist largely in name only, seldom able to fulfil their functions. This is another example of Antiguan governments setting up and maintaining anti-corruption efforts that look good on paper and to outside observers but have minimal actual impact. In the post-colonial period, underfunding has been chronic, whereby institutions have consistently been denied the resources needed to fulfil their obligations for an extended period. And underfunding has been ad hoc, whereby institutions were refused one-off injections of resources required to complete a specific task, such as a one-time investigation.

Underfunding has been a particular problem faced by Antigua's Integrity Commission. At its most extreme, underfunding has meant the commission is completely inactive while at other times it struggles to fulfil its functions effectively. Often these problems arise because of a lack of staff, concomitant to a lack of funding. Integrity commissioners themselves have reported on this. At a 2019 conference of regional integrity commissioners, Antigua's commissioner Neil Coates said that between early 2016 and February 2018 the commission was 'non-functional' because of staffing issues.⁶¹⁶ This means that if funds are restricted enough, the anti-corruption institution in question ceases to operate at all. At other times, resources can be limited to the extent that the institution still functions but does so to a poor standard. In a presentation to an on-site visit by the OAS in 2018, commissioner Coates said that key issues facing the commission included 'lack of funding' and 'inadequate staffing' which undermined the commission's 'overall ability to discharge its functions as provided by the Act'.⁶¹⁷ A year later, he told the same regional conference that even after an 'aggressive

⁶¹⁶ Neil Coates, "Country Presentation – Antigua and Barbuda", presentation delivered at Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB), Grand Cayman, Cayman Islands, June 3-7, 2019, accessed June 12, 2022, available to download at <https://www.standardsinpubliclifecommission.ky/ccaicacb>, slide 3.

⁶¹⁷ Neil Coates, "Criminalization of Acts of Corruption", presentation to OAS/MESICIC On-Site Visit to Antigua and Barbuda, Dickenson Bay, Antigua and Barbuda, September 24-27, 2018, accessed August 27, 2023, http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic5_atg_integcomm_annex12.pdf, slide 6.

search' he had been unable to hire a secretary to the commission specifically because 'the salary being offered was totally inadequate'.⁶¹⁸ Largely in response to Coates's complaints, the OAS team reported that the Antiguan government urgently had to introduce measures to ensure the Integrity Commission 'is provided with the necessary human and investigative resources to perform its functions properly'.⁶¹⁹ But the current dilapidated state of the Integrity Commission office in St Johns is indicative of ongoing underfunding and suggests all calls for heightened investment have fallen on deaf ears.

Image Seven: The office of the Integrity Commissioner



Photograph by the author, November 2022.

⁶¹⁸ Coates, "Country Presentation – Antigua and Barbuda", slide 4.

⁶¹⁹ "Antigua and Barbuda: Final Report", iii.

Underfunding Integrity Commissions is not unique to Antigua but may be seen in other Caribbean states. In a 2018 article comparing anti-corruption oversight mechanisms in Trinidad and Grenada, Stapenhurst et al said anti-corruption agencies in both states were severely restricted in their effectiveness because of underfunding and understaffing.⁶²⁰ The reason for this, the authors argued, was that the agencies' budgets and membership were determined by Parliament and were not realistically independent. In their 2021 report, the Jamaican Integrity Commission - an order of magnitude larger than Antigua's - reported on 'limited resources' and 'shortages of staff across all of the Commission's Operating Divisions and Support Units'.⁶²¹ Trinidad's Integrity Commission has seen its budget slashed in recent years, declining from TT\$26,887,100 in 2015 to TT\$8,648,452 in 2021.⁶²² To maintain its core operations Trinidad's Integrity Commission had to make significant organisational readjustments, including relying on experts and investigators provided by government departments and the Trinidad and Tobago Defence Force (TTDF). This was unsustainable and raises doubts about the long-term work of the commission; for example, the Defence Force investigator is on secondment to the Integrity Commission for just one year, with uncertainty about who will replace them. Reliance on government-supplied workers also raises questions of impartiality because officers hired and paid by the government cannot be relied upon to fairly investigate allegations of corruption against that government. This example shows how underfunding can lead to fiscal and human resource dependence on the government which not only undermines the commission's work but introduces problems of impartiality and organisational independence.

In some extreme cases, commissioners themselves have incurred substantial costs to carry out their work. In their review of the year 2010, Dominica's Integrity Commissioner, Julian Johnson, lamented that he was forced to personally finance essential overseas travel as part of this work.⁶²³ When asked for reimbursement from the treasury the government refused, meaning Johnson was financially penalised for carrying out his responsibilities. This is an

⁶²⁰ Frederick Stapenhurst, Anthony Staddon, Rasheed Draman and Louis Imbeau, "Parliamentary oversight and corruption in the Caribbean: comparing Trinidad and Tobago and Grenada", *Commonwealth and Comparative Politics* 56, no. 4 (2018): 506.

⁶²¹ Seymour Panton and others, "Integrity Commission: third annual report, 2020/2021", 2021, accessed June 12, 2022, https://integrity.gov.jm/sites/default/files/annual_report/Integrity%20Commission%20-%20Annual%20Report%20-%202020_2021.pdf, 4.

⁶²² Rajendra Ramlogan, "Thirty-Fourth Annual Report to Parliament for the Year 2021", 2021, accessed June 12, 2022, <https://integritycommission.org.tt/wp-content/uploads/2022/05/2022-05-2021-annualreport-34th.pdf>, 10.

⁶²³ Julian Johnson, "The Integrity Commission of the Commonwealth of Dominica: Second Annual Report, year ending August 31, 2010", 2010, accessed Jun 12, 2022, <https://www.yumpu.com/en/document/read/35432612/the-integrity-commission-second-annual-report-dominica->, 23.

example of absent functional independence which Posner and Shaha define as an agent's ability to determine their own methods of operation. In Julian Johnson's case, he was effectively financially penalised by completing this function to the best of his ability. His experience stood as a marker for himself, his successors, and regional counterparts that any actions not pre-approved by the government could result in financial costs. Moreover, the notion that carrying out one's work may result in private financial costs is likely to further disincentivise public officers who already face low morale and low pay. It could also deter applicants for vacant positions, worsening staffing issues.

In 2015, the common challenge of underfunding prompted regional Integrity Commissions to come together and form the Association of Integrity Commissions and Anti-Corruption Bodies in the Commonwealth Caribbean (AICACBCC). The intention was to pool expertise and ideas, develop principles of best practice and efficiency, and ultimately work out how to make best use of limited funds. The association's conferences have been characterised by a focus on underfunding and accusations that this makes their work impossible. In their most recent annual conference report, the association repeated their call for regional governments to 'strengthen and resource ICs and ACBs to make them fit for purpose'.⁶²⁴ They also pointed out that new technology and increasing reliance on the internet made anti-corruption institutions' work harder, not easier, and deepened the need for investment. The association's chairman, Dirk Harrison, called understaffing and under-resourcing 'an ominous trend' in the region.⁶²⁵ The delegate from the Cayman Islands noted that 'many of us [Caribbean islands] have passed and enforced laws but lack the resources to carry out our mandates'.⁶²⁶ Issues of understaffing and underfunding were raised by individual delegates from the Cayman Islands, Turks and Caicos, Trinidad and Tobago, St Lucia, Belize, and Antigua and Barbuda.⁶²⁷ Without the legal means to form a single regional Integrity Commission with jurisprudence in multiple states, and thus effectively pool resources, it is hard to see how this association can address problems of underfunding and dependency. Regional efforts by anti-corruption institutions - even exclusively those from independent states and excluding overseas territories like the Cayman Islands - to pool

⁶²⁴ Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB), Grand Cayman, Cayman Islands, June 3-7, 2019, accessed June 12, 2022, available to download at <https://www.standardsinpubliclifecommission.ky/ccaicacb>, np.

⁶²⁵ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", np.

⁶²⁶ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", np.

⁶²⁷ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", np.

resources have consistently been blocked by 'government leaders who refused to relinquish political power.'⁶²⁸

The ombudsman has also been a consistent victim of underfunding, with successive ombudsmen making similar calls for increased spending. After his first full year as ombudsman, Hayden Thomas began to show frustration with underfunding in his second annual report in 1996. His budget for 1996 had been EC\$226,167 and Thomas requested an increase for 1997. As it stood, the budget was unable to meet all the needs of the ombudsman, let alone additional work and investment in training and equipment. Instead, Thomas notes, the British High Commission in Antigua filled a significant funding gap left by the government. For example, in 1996 the High Commission gave 'a gift' of EC\$3,200 for the purchase of a projector and screen to aid the ombudsman's public education campaign. It also provided funds for resources including 'textbooks on Ombudsmanship'.⁶²⁹ Thomas also expressed an anticipation that the British High Commission would fund training programmes for him in 1997, beginning with a 'short Study Programme in London' organised by Public Administration International.⁶³⁰ Then in 1998 the British High Commission provided the ombudsman with a computer.⁶³¹ In 2004, Hayden Thomas attended a study programme in London on 'Trust in Government', but this was funded entirely by the Commonwealth Secretariat.⁶³² This reliance on external funding and support indicates the precarious position into which anti-corruption institutions have been put by successive governments.

Inadequate budgets have fed directly into staffing issues which have curtailed the ombudsman's performance. In 1996, ombudsman Hayden Thomas complained that he was yet to be provided with necessary staff, including a Legal Officer and an Investigations Officer for which he had 'dire need'.⁶³³ In 2001, the ombudsman underwent a period of four months without an Administrative Assistant because of budget cuts mandated by the Ministry of Finance. The ombudsman said this had 'an adverse effect on our work output'.⁶³⁴ Then in June 2003, the ombudsman's Investigation's Officer was seconded to the Passport

⁶²⁸ Jennifer Dickie, "Favoured servant or fall guy? Public sector reform in Antigua and Barbuda", The Australia and New Zealand School of Government, Case Paper, 2004, 4.

⁶²⁹ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 14.

⁶³⁰ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 12.

⁶³¹ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1998", 1998 ANA, 29.

⁶³² Hayden Thomas, "Office of the Ombudsman: 2004 Annual Report", 2004, ANA, Appendix I.

⁶³³ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 1996, ANA, 12.

⁶³⁴ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 2001", ANA, 4.

Office and no replacement was provided.⁶³⁵ The ombudsman only got a new Investigations Officer in April 2005, meaning that for almost two years the ombudsman was forced to function without a key member of staff.⁶³⁶ More recently, in 2018, ombudsman Marion Blair listed the material problems facing her, including: the office 'leaked profusely every time it rained'; the building has wide cracks in the walls; the website was inactive; the rewiring for internet and computers was never completed; and the building's air-conditioning did not work.⁶³⁷ In her 2020 report Blair explicitly wrote about 'ways of undermining the Office of Ombudsman' and included first and foremost: 'budget cuts' and 'no increase in the salary of the Ombudsman for almost thirty years'.⁶³⁸ The problems Blair listed all arise from inadequate funding and a long term lack of investment in the ombudsman. Over time, this chronic underfunding has undermined the foundations of the ombudsman's office and made it exceptionally difficult for it to function effectively. It is also clear that Blair sees this underfunding as a deliberate strategy by the government to undermine her work. This supports the assertion that, even though SIDS must operate within difficult economic contexts, failing to give anti-corruption institutions the resources they need and demand has been a deliberate political choice, motivated at least in part by a desire to minimise oversight.

In some cases, anti-corruption institutions may require a one-off injection of cash or the provision of extra personnel to complete a specific task. For example, in particularly complex cases the Integrity Commission may need to hire a dedicated investigator or recruit an assistant investigation officer from the police force. The commission does not have the legal authority to requisition financial or human resources so must make a request for such to the government. Ad hoc or supplementary spending like this has been common in Antigua throughout the post-colonial period: examples have already been given of the government allocating itself additional funds for diverse reasons such as buying ministerial vehicles or reimbursing ministers' expenses. Because this has been common practice and because the ad hoc needs of anti-corruption institutions are likely to be modest, it would be reasonable to expect the government to quickly grant additional funds, especially when they made the difference between an institution being able and unable to complete a specific task. However, this has not been the case and in scenarios where it was politically prudent the government has been able to deny one-off funding requests.

⁶³⁵ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 2002", 2003, ANA, 1.

⁶³⁶ Hayden Thomas, "Office of the Ombudsman: 2005 Annual Report", 2006, ANA, 21.

⁶³⁷ Marion Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2017-2018", 2017, ANA, 25.

⁶³⁸ Marion Blair, "Ombudsman Annual Report, 2020", 2021, ANA, 24.

The issue of ad hoc underfunding gained public attention in May 2018 when then-ALP minister Asot Michael was accused of corruption by UK businessman Peter Virdee in a scandal that gained international press attention.⁶³⁹ In response to calls for an investigation by members of the opposition, Integrity Commissioner Radford Hill claimed that he did not have the resources necessary to initiate an investigation into Michael and that he would request additional support from the government.⁶⁴⁰ According to Hill, the government pledged to support his request but as soon as extra funding became available, Hill suddenly announced he would not investigate Michael because he was yet to receive a formal complaint.⁶⁴¹ According to Justin Simon, who was UPP Attorney General when the Integrity in Public Life Act was drafted and passed, this is a misinterpretation of the law and he urged the commission to begin an investigation without a formal complaint.⁶⁴² But Hill maintained his stance. It is possible the government only signalled their intention to provide the commission with additional funding once they were confident no investigation would actually take place, but this cannot be confirmed. Given his long-term high-profile standing in successive ALP governments, any investigation into Asot Michael was likely to raise problems for the government itself, disincentivising their support for an inquiry. No matter what the true motivations of the key players were, this episode serves to show three things. First, the Integrity Commission lacked the resources to respond to a serious allegation of corruption about a major political figure. Second, the ability of the commission to access the resources it needed was wholly dependent on the will of the government. And thirdly, the government can approve, reject, or prevaricate over commission requests in whatever way it likes, with no obligation to provide an explanation or timely response.

Underfunding has therefore undermined the work of anti-corruption initiatives throughout their entire existence. In the case of the ombudsman, this was apparent from Thomas's earliest reports in the late 1990s. It then had a similarly debilitating effect on the Integrity Commission. The constitution and/or establishing laws gives Parliament control over the budget and spending powers of anti-corruption initiatives. This is a common principle of most democracies, but in very small states like Antigua, where the legislature is dominated by the

⁶³⁹ K. Derrick, "Concrete evidence needed to investigate Asot – Wickham", *Antigua Observer*, June 22, 2018, accessed June 12, 2020, <https://antiguaobserver.com/concrete-evidence-needed-to-investigate-asot-wickham/>.

⁶⁴⁰ Jarrod Derrick, "Integrity commission to investigate Asot", *Antigua Observer*, June 16, 2018, accessed June 12, 2020, <https://antiguaobserver.com/integrity-commission-to-investigate-asot/>.

⁶⁴¹ Jarrod Derrick, "Commission says no to probe", *Antigua Observer*, June 25, 2018, accessed June 12, 2022, <https://antiguaobserver.com/commission-says-no-probe-into-asot/>.

⁶⁴² Maverick Derrick, "Integrity Commission urged to act on Asot's arrest", *Antigua Observer*, October 30, 2018, accessed June 12, 2022, <https://antiguaobserver.com/integrity-commission-urged-to-act-on-asots-arrest/>.

cabinet, this principle back-fires in practice and gives financial control of anti-corruption institutions to the government. While SIDS governments have to operate in challenging economic contexts, giving the government financial control over anti-corruption institutions provides them the opportunity to deliberately deny them necessary resources. By making anti-corruption a low spending priority, successive governments have kept institutions like the ombudsman and Integrity Commission at subsistence level; these institutions exist but do not have the resources to carry out their functions properly. They thus become safeguards that appear effective on paper and might work well in larger states like the UK but do not function effectively in small states like Antigua.

Lack of Cooperation

Politicians have also undermined the work of anti-corruption institutions through purposeful lack of cooperation. Speed and efficiency are essential if anti-corruption institutions are to be attractive avenues of redress for members of the public.⁶⁴³ But this can be severely curtailed if the government does not cooperate as anti-corruption officers rely on the government for money and resources (as demonstrated previously) but also for information, data, and permission. In some cases, the work of anti-corruption officers ends when they submit a report to the government or government officer; a successful outcome only happens if that officer then actions the report or follows the anti-corruption officer's advice/instruction. If the government is reluctant to provide these things, or does so in an inaccurate or incomplete way, the work of the anti-corruption officer will be significantly hindered. Often this makes the anti-corruption institution's work incomplete, slow, and costly, all of which accentuates problems already faced by these institutions. In cases when the officer is entirely reliant on information given by the government, their work cannot happen at all without government cooperation. Any system that relies on political good will and voluntary participation is liable to fail when would-be participants have an interest in not engaging. In the case of corrupt politicians, they have a clear interest in disengaging from anti-corruption institutions and hindering their work through lack of cooperation. Without mechanisms to coerce engagement, anti-corruption institutions have easily been ignored or frustrated by uncooperative governments.

⁶⁴³ Rose-Ackerman, *Corruption and Government*, 172.

The 2004 Integrity in Public Life Act requires public officials to declare their income, assets, jobs, and other interests in writing annually to the Integrity Commission.⁶⁴⁴ If a public officer fails to make these declarations, the commission should inform the relevant authority, usually the Public Service Commission or the relevant Minister. An officer failing to make a declaration must vacate the public office they hold and the commission may recommend they be forbidden from holding public office again. They will also be liable to a fine of up to EC\$5,000 and/or a prison sentence of up to six months, if pursued by the Director of Public Prosecutions.⁶⁴⁵ This stiff penalty should in theory lead to a high rate of compliance but in practice it is not enforced. Consequently, compliance rates have always been markedly low in Antigua. According to data provided by Neil Coates to the fifth regional conference of Integrity Commissioners, the average compliance rate for the years 2014 to 2017 was 30.5 percent.⁶⁴⁶ In 2017 the commission listed 573 known declarants, of whom 184 filed a declaration and 389 did not.

Antigua's compliance rate is among the worst in the Caribbean. Only St Lucia comes close, with a majority of public officers consistently failing to make their submissions and the integrity officer chastising 'the lackadaisical manner in which persons in public life take their statutory obligation'.⁶⁴⁷ Elsewhere compliance is high. In 2017 Dominica reported 85 percent compliance, in contrast to Antigua's 32 percent.⁶⁴⁸ Turks and Caicos reported a 95 percent compliance rate in 2019.⁶⁴⁹ For the period May 2018 to May 2019, Grenada reported that 207 declarants had made their submission while only 17 had been notified they had yet to do so.⁶⁵⁰ The delegate from Belize reported that public officers 'have been compliant for the most part'.⁶⁵¹ This comparison suggests Antigua has a particular problem with compliance that is not consistent across the region, even in other very small states. This anomaly may reflect the great extent to which the Antiguan Act is not enforced.

In accordance with the 2004 Act, the Integrity Commission must publish names of non-compliant employees in the government gazette. This was intended to have a deterrent

⁶⁴⁴ The Integrity in Public Life Act, Antigua and Barbuda.

⁶⁴⁵ The Integrity in Public Life Act, Antigua and Barbuda, 18(10).

⁶⁴⁶ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 142.

⁶⁴⁷ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 224.

⁶⁴⁸ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 182.

⁶⁴⁹ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 235.

⁶⁵⁰ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 195.

⁶⁵¹ "Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference (CCAICACB)", 163.

effect predicted on the concept of public shaming. In 2020, Antiguan integrity commission chairman Radford Hill published a complete list for the years 2014 to 2017, with the names and positions of non-compliant employees. What is striking about these lists is the senior positions held by repeat offenders. Most significant is that in 2017, four senior officers in the Director of Public Prosecutions' office, including the DPP himself, failed to file declarations. The DPP is the person responsible for enforcing the Integrity in Public Life Act and prosecuting non-compliant officers. That he was presiding over an office and a culture in which the Act could be ignored with impunity helps to explain Antigua's low compliance rate. If corrupt actors know they will get away with misconduct they are more likely to do it.

This low compliance culture was mirrored by senior parliamentarians including Prime Minister Gaston Browne, Leader of the Opposition Baldwin Spencer, and Speaker of the House Gerald Watt. That these most senior figures failed to make declarations fed into a political culture where regulations and laws could be flouted without fear of sanction. In a study of public ethics, Tom Sherman emphasised that leaders' examples are key in maintaining ethics and regulator obedience in positions of public service; if leaders and managers disregard guidelines, 'their staff will quickly see ethical codes and guidelines as an essentially hypocritical exercise.'⁶⁵² Or, to paraphrase Andvig and Moene's more general assertion, corruption corrupts.⁶⁵³ This exemplifies the situation in Antigua where institutionalised non-compliance at the very top of politics trickled down over generations to create a culture of complete disregard for anti-corruption regulations. Where compliance among political elites is so low, actual compliance may perversely result in harassment or victimisation by those going against the grain of standard practice demonstrated by party leaders. This was highlighted by Ajit Mishra who has discussed both the costs and benefits of compliance with corruption laws and practices, as well as the more well-studied costs and benefits of non-compliance.⁶⁵⁴ Ultimately, in 2017, only nine out of 34 parliamentarians, from the House and Senate, bothered to comply with the Integrity In Public Life Act.⁶⁵⁵ This means Parliament had a compliance rate in 2017 of just over 26%, even less than the national average. That law-makers had such disdain for the laws they created encapsulates the attitude toward anti-corruption in Antigua throughout its modern history. Other departments

⁶⁵² Tom Sherman, "Public Sector Ethics: Prospects and Challenges", in *Public Sector Ethics: Finding and Implementing Values*, ed. Noel Preston and Charles Stampford, with Carol-Ann Bois, (London: Routledge, 2002), 17.

⁶⁵³ Jens Andvig and Karl Moene, "How corruption may corrupt," *Journal of Economic Behavior and Organization* 13, no. 1 (1990): 63–76.

⁶⁵⁴ Ajit Mishra, "Persistence of Corruption: Some Theoretical Perspectives", *World Development* 34, no. 2 (2006): 349–358.

⁶⁵⁵ The Antigua and Barbuda Official Gazette, November 12, 2020, no.81, accessed June 12, 2022, <http://gazette.laws.gov.ag/wp-content/uploads/2020/11/No.-81-Official-Gazette-12th-November-2020.pdf>.

that stand out for conspicuous and consistent non-compliance include: the Antigua and Barbuda Defence Force; the Antigua Development Bank; the Antigua Public Utilities Authority; the Inland Revenue Department; and the Department for Legal Affairs.⁶⁵⁶

Noncompliance should have led to serious penalties but this has never happened because the DPP has never initiated legal action. Again, this is found in other eastern Caribbean states, notably St Lucia where the negligence by the DPP allowed non-compliance to go unpunished. Giving the DPP responsibility to pursue legal action against non-compliant officers has been a major weakness of anti-corruption legislation. The DPP is appointed by the Judicial and Legal Services Commission which, as explored previously, operates under some political influence. The DPP is also directed in many matters by the Attorney General, a member of cabinet appointed by the Prime Minister. Recent controversies have challenged the notion that Antigua's DPP is independent.⁶⁵⁷ It is then unsurprising that the DPP has routinely failed to prosecute non-compliant officers and thus enforce the Integrity in Public Life Act. This is another example of Antiguan governments creating anti-corruption legislation and institutions which appear effective on paper but do not work in practice.

A lack of cooperation by governments with anti-corruption agencies applies to the Director of Audit as well as to the Integrity Commission. Audit reports are consistently characterised by a lack of cooperation, frustration with incomplete submissions, and annoyance at poorly maintained account records. Cooperation with the Director of Audit appears to have been particularly dire prior to the 2014 Director of Audit Act. Under ALP governments, auditors that did try to carry out their duties, such as Stachel Edwards (1988-1996), seem to have been met with stonewalling from several key ministries. For example, accounts from the Ministry of Information (which then fell under the brief of Prime Minister V.C. Bird) for the years 1985 and 1986 were simply not produced. Edwards was told the records had to be destroyed because they had been stored alongside chemicals that damaged them beyond use.⁶⁵⁸ Even faced with uncooperative ministers, Edwards was able to raise concerns about misuse of public funds. For example, in his 1992 report he said that health insurance premiums in the US for Prime Minister Lester Bird and former Prime Minister V. C. Bird were

⁶⁵⁶ The Antigua and Barbuda Official Gazette, November 12, 2020.

⁶⁵⁷ See for instance: "Attorneys say PM Browne has strayed out of his lane with his attempts to instruct the DPP on prosecution of Asot Michael", *Antigua Real News*, January 13, 2023, accessed October 6, 2023, <https://realnewsantigua.com/2023/01/13/attorneys-say-pm-browne-has-strayed-out-of-his-lane-with-his-attempts-to-instruct-the-dpp-on-prosecution-of-asot-michael/>; "BREAKING: DPP to go on administrative leave, PM Browne announces", *Antigua News Room*, February 5, 2022, accessed October 6, 2023, <https://antiguaneewsroom.com/breaking-dpp-to-go-on-administrative-leave-pm-browne-announces/>.

⁶⁵⁸ "Higher and Higher Taxation due to Higher and Higher Taxation", *Outlet*, January 6, 1995, ANA, 3.

being paid for from the funds of the Antiguan mission to the UN in New York. At the time this mission was led by Lionel Hurst, now Cabinet Secretary in Browne's ALP government. Writing in highly cautious terms, Edwards said 'expenditure incurred on behalf of the Ministers may not be considered as legitimate against the funds of the U.N. Mission'.⁶⁵⁹ But in 2011, Director of Audit Dean Evanson (appointed in 2009) was still obliged to say that 'there were many grey areas where policies and regulations were not fully adhered to'.⁶⁶⁰ Among the serious issues he raised were: failures to get departmental supplementary spending approved by the House; unauthorised bank overdrafts controlled and used by departments and ministers; and a lack of cooperation from state-owned enterprises.⁶⁶¹ In 2014, the government controlled 30 state-owned enterprises, 28 were asked to provide a full record of their audited accounts for 2013 and 2014, but only 11 provided the auditor with the requested statements.⁶⁶²

Despite reform under the 2014 Director of Audit Act, audits have still been marked by a lack of government cooperation. This has made audit reports both cautious and vague - arguably the opposite of what an effective audit of government finances needs to be. Evanson has been obliged to use defensive phrases such as 'I am unable to give an opinion' and 'we were unable to put any reliance on the information presented'.⁶⁶³ In one opening opinion statement, Evanson said 'We did not find that the audit evidence presents fairly the financial position of the Government of Antigua and Barbuda for the financial year ending 31st December, 2018'.⁶⁶⁴ This latter is a strikingly revealing statement from an experienced auditor. It means Evanson thinks his own report is inaccurate because of a lack of government cooperation and transparency. It reveals the lack of trust between the office of Director of Audit and the government, with the former unable to rely on data provided by the latter. Without this trust, and an assumption that the government is providing accurate data,

⁶⁵⁹ Quoted in "Higher and Higher Taxation due to Higher and Higher Taxation", *Outlet*, January 6, 1995, ANA, 1.

⁶⁶⁰ Dean Evanson, "Report of the Director of Audit on the Public Accounts of Antigua and Barbuda for the Financial Year ended 31st December, 2011", 2014, accessed June 14, 2022, https://audit.gov.ag/assets/uploads/docs/reports_publications/8684f-public-accounts-of-antigua-and-barbuda-2011.pdf, 5.

⁶⁶¹ Evanson, "Report of the Director of Audit on the Public Accounts of Antigua and Barbuda for the Financial Year ended 31st December, 2011", 50.

⁶⁶² Evanson, "Report of the Director of Audit on the Public Accounts of Antigua and Barbuda for the Financial Year ended 31st December, 2011", 65.

⁶⁶³ Dean Evanson, "2018 Financial Audit Report Government of Antigua and Barbuda", 2022, accessed June 13, 2022, https://audit.gov.ag/assets/uploads/docs/reports_publications/728d9-public-accounts-of-antigua-and-barbuda-2018-.pdf, 76; Dean Evanson, "2019 Financial Audit Report Government of Antigua and Barbuda", 2022, accessed June 13, 2022, https://audit.gov.ag/assets/uploads/docs/reports_publications/6be12-public-accounts-of-antigua-and-barbuda-2019.pdf, 88.

⁶⁶⁴ Evanson, "2018 Financial Audit Report Government of Antigua and Barbuda", 5.

audit reports will be far from comprehensive or complete. A culture of uncooperativeness and noncompliance was also still exhibited by state-owned enterprises as well as government departments. This lack of cooperation continued up to the most recently available audit, for the year 2019.⁶⁶⁵

The Antiguan government's refusal to engage openly with the Director of Audit has had significant cascading consequences. Clearly, a lack of cooperation has meant the Director of Audit has been unable to produce accurate and exhaustive reports on the government's finances over extended periods of time. As such, the auditor has been denied the possibility to fulfil the constitutional responsibility to 'satisfy himself that all monies that have been appropriated by Parliament and disbursed have been applied to the purposes to which they were so appropriated'.⁶⁶⁶ The immediate result is that the Public Accounts Committee and, by extension, Parliament is unable to scrutinise the government's finances, removing a theoretical check on government power. As has already been shown, this point is academic because in practice neither the PAC nor Parliament perform their supervisory roles, even if they did have access to financial data. But the lack of accurate audit reports also means that the wider public has been kept in the dark about government finances. This includes journalists like Tim Hector and the Derrick brothers, who did try and scrutinise the government but were undermined in that effort by a lack of data. It also means that historians attempting to trace the history of corruption in Antigua face similar challenges. The public is also kept in the dark about government conduct. Failure to cooperate with the Director of Audit thus fits into a wider pattern of behaviour whereby Antiguan governments have restricted and obscured the public's access to information. It is driven, in part, by the same motivation that has seen governments try to monopolise news media and undermine freedom of speech: the belief that a less informed public will be a more docile electorate, and that government corruption will go unnoticed and unpunished.

In theory, when a mediatory information agency like the Director of Audit is dysfunctional, voters have the ability to access government data themselves through rights codified in Freedom of Information acts.⁶⁶⁷ However, these Acts can be abused by governments because most contain a provision permitting the Minister for Information to deny a FOI request on certain grounds.⁶⁶⁸ The UPP passed the Freedom of Information Act as part of their anti-corruption raft of legislation in 2004. However, recourse to this Act appears to be largely fruitless. Despite the requirements of the Act, there is no mechanism or guidance in

⁶⁶⁵ Evanson, "2019 Financial Audit Report Government of Antigua and Barbuda", 108.

⁶⁶⁶ Constitution of Antigua and Barbuda, 1981, 97(2)a.

⁶⁶⁷ Rose-Ackerman, *Corruption and Government*, 164.

⁶⁶⁸ Laws of Antigua and Barbuda, The Freedom of Information Act, 2004, section 7.(b).

place for the preparation, submission, and assessment of a FOI request. The Commissioner of Information, who is responsible for the implementation of the Act, is appointed by the Prime Minister.⁶⁶⁹ My own appeals to Joan Joseph, Permanent Secretary to the Minister of Information responsible for upholding and implementing the Act, on how to make an FOI request have been ignored. Similarly, requests for information about the Integrity Commission sent to the Ministry of Legal Affairs have had no response. Without effective intermediary agencies like the Director of Audit or recourse to direct access to information, Antiguan voters have been denied the data required to make informed electoral decisions. Undermining anti-corruption agencies thus not only facilitates corruption, but it introduces a democratic deficit in places like Antigua.

Regarding the ombudsman, lack of government cooperation has often involved Parliament and government simply ignoring the ombudsman. For example, in his 2003 annual report, ombudsman Hayden Thomas expressed frustration that although he had taken his 'responsibility seriously' in submitting his report to Parliament, 'the reports have never been debated'.⁶⁷⁰ The actual work of the ombudsman has been frustrated by slow, impartial, or informal responses by government departments and state-owned enterprises. This has been the case since the first annual report in 1995 remarked that 'I have observed, however, some tardiness by some officers to respond in writing to my requests'.⁶⁷¹ Thomas's second report noted no improvement, commenting that the government's cooperation and timely response to inquiries 'leaves much to be desired'.⁶⁷² Thomas's third report highlighted 'the need for more urgency ...in order to increase public confidence that their problems are being seriously addressed'.⁶⁷³ Such tardiness, Thomas said, 'smacks of discourtesy and disrespect and needs to be seriously addressed'.⁶⁷⁴ In 1999, Thomas repeated his frustration that 'Ministries do not make the necessary effort to resolve disputes speedily. This leads to frustration'.⁶⁷⁵ Thomas' obvious increasing annoyance illustrates that poor government engagement was a deliberate policy, not the short-term consequence of politicians having to get used to a new institution and new responsibilities. It suggests that even though the government passed the Ombudsman Act, they had no intention of ensuring its effective application in practice.

⁶⁶⁹ The Freedom of Information Act, 2004, section 35.(1).

⁶⁷⁰ Hayden Thomas, "Office of the Ombudsman 2003 Annual Report", ANA.

⁶⁷¹ Hayden Thomas, "Office of the Ombudsman, First Annual Report, 1995", 1995, ANA, 7.

⁶⁷² Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1996", 33.

⁶⁷³ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1997", ANA, 33.

⁶⁷⁴ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1997", 33.

⁶⁷⁵ Hayden Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1999", ANA, 9.

By 2017, the ombudsman's frustration with uncooperative governments, of both parties, had deteriorated into something bordering on despair. In her report for 2017, ombudsman Marion Blair asked about the office of ombudsman: 'Why did the writers of the constitution opt for its inclusion if only to denigrate, ignore and not support its efforts? Clearly, the Ombudsman was not being treated fairly by the Government.'⁶⁷⁶ This attitude was not felt uniquely by Antigua's ombudsman. A 2017 conference in Bonaire listed among the challenges the region's ombudsmen face: 'hostility and threats to the lives of Ombudsman and staff'; 'Lack of Parliamentary support'; and 'Undermining of the Office by officers of government'.⁶⁷⁷ In her 2018 report, Blair noted that in response to all the issues the ombudsman office faced, her 'pleas for help have gone unanswered.'⁶⁷⁸ The fact that poor cooperation has been a consistent feature throughout the ombudsman's history strengthens the argument that it has served more as a facade with no meaningful anti-corruption function; ignoring it has become an entrenched part of Antiguan political practice.

The anti-corruption institutions investigated here have relied to varying degrees on political cooperation. In some cases, ministries or the government need to provide institutions like the Director of Audit or Integrity Commissioner with information without which they simply cannot function. At one point or another, all anti-corruption officers have paraphrased the Sherlock Holmes aphorism, 'Data! Data! Data!..I cannot make bricks without clay.'⁶⁷⁹ By withholding essential data, governments hinder the work of anti-corruption institutions. In other cases, politicians, Parliament, or the government need to engage with an ongoing process initiated by an anti-corruption institution or action something they have proposed. Necessary examples include: the Public Accounts Committee debating the auditor's reports; the Director of Public Prosecutions penalising officers who do not comply with the Integrity in Public Life Act; or ministers failing to respond to the ombudsman's recommendations for the redress of grievances. Where this form of engagement has not been forthcoming, the work of anti-corruption institutions has hit dead ends and has not been finished. When their functions are not seen through to completion, these institutions existed in name only and have had no genuine role in tackling corruption.

⁶⁷⁶ Marion Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2016-2017", 2017, ANA, 22-23.

⁶⁷⁷ Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2016-2017", 21-22.

⁶⁷⁸ Marion Blair, "Annual Report of the Ombudsman for Antigua and Barbuda, 2017-2018", 2017, ANA, 25.

⁶⁷⁹ Arthur Conan Doyle, *The Penguin Complete Sherlock Holmes*, (London: Viking, 1981), 322.

Conclusion

In theory, anti-corruption institutions have an important function in detecting, exposing, and sanctioning corruption. This is particularly true when the principles of a political system have been bent, broken, or otherwise violated and corruption has taken place. Most importantly, anti-corruption institutions can perform roles of oversight, scrutiny, and challenge that are not carried out by rubber-stamp parliaments in small and polarised states like Antigua.

Institutions that are wholly or partially public-facing (like the ombudsman and the Integrity Commission) also provide members of the public with an avenue of complaint and redress. This is an especially important function in polarised states like Antigua where hostile partisan rivalry can leave some voters feeling unrepresented by Parliament and unable to turn to their MP for support. Institutions like the Director of Audit have a vital role in promoting government transparency and providing accurate and reliable information to the public, ensuring the electorate can make informed choices. Precisely because of these reasons, anti-corruption institutions have often been the target of sabotage and obfuscation throughout Antigua's post-colonial history.

The 1990s was a turning point in Antigua's anti-corruption institutional context. Before this, there were no anti-corruption institutions at all, except an often non-functioning Director of Audit. But reflecting the 1990s international anti-corruption and good governance zeitgeist, Antigua began to set up institutions like the ombudsman and Integrity Commissioner, and eventually reformed the auditor's office too. But the extent to which these institutions ever worked in practice was informed by the performative and superficial motives that drove their creation in the first place. It seems Antiguan politicians in the 1990s and 2000s were less concerned with tackling corruption and increasing transparency and more interested in projecting an international image of Antigua as a bastion of accountability and good governance. Consequently, while these institutions existed on paper, in reality they were always largely ineffective because of the problems outlined here. It is notable that the deliberate strategies included in this chapter's analysis were available to strong governments because of their ability to dominate Parliament and use ministerial executive without oversight. In many ways these institutions thus became victims of the very problems they were supposedly set up to resolve.⁶⁸⁰

⁶⁸⁰ Duane C. Edwards, "Corruption and State Capture under two Regimes in Guyana", Working Paper, April 2017, accessed September 26, 2023, https://www.researchgate.net/publication/316608300_Corruption_and_State_Capture_under_two_Regimes_in_Guyana, 18.

It should also be pointed out that strategies of dragging, partisanship, underfunding, and lack of cooperation had a cumulative impact which proved fatal. Other than dragging (by which the relevant institution simply did not exist/function at all), it was not inevitable that one or more of the other strategies examined here would have completely incapacitated the institutions in question. But when combined over an extended period, the cumulative result was a death of a thousand cuts. It is difficult to state which strategy has been more damaging. Initially dragging was the most important, as without the establishing legislation or appointment of an officer, these institutions did not exist or could not function. But once they were set up, partisanship, underfunding, and lack of cooperation all played a part in undermining their work. In many cases, it was lack of government cooperation that was most fatal. This has been most notable in the Director of Public Prosecutions' failure to challenge or prosecute public officers who did not comply with the Integrity in Public Life Act, even when they had been given all the necessary information by the Integrity Commission. The breakdown in the system between the Integrity Commission and the Director of Public Prosecutions shows that even when an institution can and does do its job properly, an uncooperative government can frustrate their work at the last hurdle.

At the same time, it is also important to note that government cooperation with anti-corruption institutions does not necessitate significant spending. Lack of government funds could have been used to explain the government's reluctance to set up anti-corruption institutions in the first place or allocate them increased funding. But the same cannot be said in relation to the systemic lack of government cooperation. Making declarations to the Integrity Commissioner, supplying the Director of Audit with accurate information, and responding to the ombudsman in a timely and thorough manner should not cost the government financially. Repeated failure to do these things cannot therefore be explained away as a consequence of Antigua's chronically tight and restricted government spending options and priorities. Lack of government cooperation can only be seen as a deliberate and long-standing effort to frustrate the work of anti-corruption agents. This culture of obfuscation and frustration has been demonstrated by politicians and officials from both main parties and at all levels of public office, from the Prime Minister down. As such, the most damaging long-term strategy of undermining anti-corruption institutions is also the one for which there has been least excuse.

A final lesson learned from the history of Antiguan anti-corruption institutions is the failure to develop a social or workplace culture in which these institutions had any apparent value or relevance to working people. This is most notable in relation to the ombudsman: by the time it was set up, Antiguan workers had gotten used to working and living in a society without an

ombudsman. Even today, many Antiguan do not know what an ombudsman is, let alone how to use it or where to find it. The same can be said of the Integrity Commission and the Director of Audit, both of which are perceived with the same combination of irreverence and irrelevance. Instead, Antiguan have always been more inclined to rely on other forms of grievance-resolution, such as referring the matter to their political party, raising the issue in the partisan press, or involving their trade union. The first ombudsman, Hayden Thomas, identified and warned about this problem, saying that tardiness in problem resolution 'leads to frustration and the conclusion by some complainants that they should seek other forms of redress'.⁶⁸¹ This recourse places more power in the hands of political elites - particularly those with the most influence over the press and their affiliate union. Though less apparent in the modern period, this additional role as mediator and problem solver was certainly a key part of V. C. Bird's all-powerful charisma and his appeal as 'Papa Bird' in the twentieth century. But even today, many Antiguan will go to their local MP, if they are of the same party, as the most direct way to address a problem. This is made easier by the use of mobile technology, not to mention the smallness of Antiguan constituency populations. So undermining anti-corruption institutions feeds into and accentuates a broader culture of party predominance - wherein political parties and politicians have an all-encompassing role in society and a degree of personalised power not seen elsewhere.

When corruption becomes endemic and there is little chance of misconduct being detected and punished, it is unsurprising that more and more grievous instances of corruption will take place. When these have serious repercussions and are detected - often through the hard work of journalists - they snowball into major corruption scandals. It is here that the last line of defence in Antigua's anti-corruption strategy should come into effect: commissions of inquiry. These are the last bastion of transparency and accountability, to be used as a last resort when all other defences have failed. However, as the next chapter will show, even these have been subject to political manipulation and exploitation in the interest of corrupt politicians.

⁶⁸¹ Thomas, "Annual Report of the Ombudsman for Antigua and Barbuda for the Year 1999", 9.

Chapter Five: Commissions of Inquiry - Fact-finding Mission or Political Weapon?

On August 18, 1989, the leading candidate in Colombia's presidential election and nemesis of the drug cartels, Luis Carlos Galán, was assassinated. A raid at the headquarters of cartel boss Gonzalo Rodríguez Gacha discovered a stash of weapons originally manufactured in Israel. But Israeli authorities could not explain how these machine guns, rifles, and bullets had ended up in the hands of the Medellín drug cartel. As far as they knew, the weapons had been sold to and shipped to the government of Antigua. This revelation sparked international outrage, with the government of Colombia issuing a formal memorandum to the Antiguan government, demanding an explanation. Faced with unprecedented domestic and international pressure, Prime Minister V. C. Bird invoked the ultimate weapon in Antigua's anti-corruption arsenal, a commission of inquiry. By using a combination of Prime Ministerial discretion and influence over the partisan media, V. C. Bird used this Blom-Cooper Inquiry to give the perception of accountability and transparency, whilst in reality preserving the corruption-conducive status quo. Despite the seriousness of the corruption scandal that unfolded in 1989, little changed in Antigua.

Throughout much of the world, commissions of inquiry are often seen as a hallmark of good governance and accountability. When effective, they constitute the gold-standard in objective fact-finding, uniquely equipped with coercive investigative powers and practices that 'bring certainty and closure in situations of doubt and conflict'.⁶⁸² Inquiries are usually established to investigate controversial or sensitive issues like corruption, crime, or disaster, often in the aftermath of policy or political failure.⁶⁸³ Political impartiality is therefore a core principle of authoritative inquiries, and they are conventionally led by trusted and apolitical figures like senior civil servants or judges. Reports arising from such inquiries usually have a retributive and reformative function: they allocate financial, moral, and/or political blame for a political/policy failing and recommend punishment; and they often propose structural or procedural reforms to prevent repetition. But because of their retributive and/or reformative potential, inquiries can play a key role in a state's anti-corruption strategy, invoked when conventional systems like legislative frameworks or regulatory institutions fail to forestall

⁶⁸² Raanan Sulitzeanu-Kenan, "Reflection in the Shadow of Blame: When Do Politicians Appoint Commissions of Inquiry?", *British Journal of Political Science* 40, no. 3 (2010): 613.

⁶⁸³ Alastair Stark, "Policy learning and the public inquiry", *Policy Sciences* 52, no. 3 (2019): 397.

crisis or scandal.⁶⁸⁴ They are, to paraphrase Scott Prasser, institutions of last resort and have only been used seven times in Antigua since 1967.⁶⁸⁵

Commissions of Inquiry in Antigua since 1967			
Inquiry	Year / By	Mandate	Note
Hewlett	1972, PLM	Accusations of illegal activity at the Barbuda Light and Power Company (BLPC)	Seen by some - including McChesney George, former ALP minister and director of the BLPC - as an attack on the ALP by the new PLM government ⁶⁸⁶
Bastide	1976, ALP	Allegations of corruption by the outgoing PLM government	Seen by some as an attack on the outgoing PLM government. Ultimately led to the end of George Walter's political career
Weekes	1979, ALP	Security breaches at HM Prison Antigua	Also known as the 'Black Boy Inquiry'
Blom-Cooper	1990, ALP	Government corruption and involvement in a gun-running conspiracy	Likely intended to alleviate domestic and international pressure on the government, with little practical impact
McIntyre	2002, ALP	Misadministration of the Medical Benefits Scheme	Called a "whitewash" by some; no politicians were charged though some accountants and managers were
Spigelman	2009, UPP	Corrupt activity by the ALP government (ousted in 2004)	Seen as politically-motivated by some. Collapsed after a court found it violated two defendants' right to a fair trial
Moe	2016, ALP	An unlawful Citizenship by Investment Program application by Lihua Tian	Not politically contentious in itself, though the citizenship programme is controversial

However, this chapter shows that in Antigua inquiries have fallen far short of this ideal. In fact, some inquiries have had the reverse effect and rather than revealing corruption and enhancing accountability they have been used as political tools to either attack an opponent or to shield corrupt actors. As with other anti-corruption safeguards, Antigua's constitutional framework and polarisation allowed this to happen. The Westminster system, as used in a

⁶⁸⁴ Jonathan Tjandra, "From Fact Finding to Truth-Telling: An Analysis of the Changing Functions of Commonwealth Royal Commissions", *UNSW Law Journal* 45, no. 1 (2022): 350.

⁶⁸⁵ Scott Prasser, "When should royal commissions be appointed?", *Public Administration Today* 4, (2005): 57-60.

⁶⁸⁶ McChesney George, "My Life And Times With V.C. Bird #73", *Daily Observer* (Antigua), June 9, 1994, private collection, 3.

small state, concentrates too much unchecked power in the office of Prime Minister and has allowed him to use commissions of inquiry for his own political purposes by determining their investigative scope and interfering in their investigative powers. Meanwhile, Antigua's polarised partisanship and its partisan media heavily informed how people responded to inquiries and the reports they produced, significantly influencing their overall impact. Combined, these factors have undermined the independence, efficacy, and consequences of commissions of inquiry in Antigua and prevented them from being useful in combating government corruption.

To explore this topic, this chapter will first provide a summary of the literature on commissions of inquiry, bringing together theoretical scholarship from the political sciences with historical research on the use of inquiries in colonial settings, with a special emphasis on the Caribbean. Next, it examines commissions of inquiry as political weapons, used by the Antiguan government to vilify political opponents by exposing or fabricating misconduct, largely using the case study of the 1976 Bastide Inquiry. And finally, it explores inquiries as a tool of political defence, and shows how they can be tactically deployed as pressure-release mechanisms or distractions at times of political crisis, drawing mostly on the 1990 Blom-Cooper Inquiry. The chapter closes by arguing that inquiries have not been an effective anti-corruption strategy and suggesting reforms by which they can be made more useful.

Commissions of Inquiry in Caribbean History

Commissions of inquiry were introduced in the Caribbean in the 1800s and were part of the so-called civilising mission of empire.⁶⁸⁷ In Britain itself, the commission of inquiry had developed in the wake of huge socio-economic transformations in the first half of the nineteenth century. Industrialisation, urbanisation, and demographic shifts required revolutions in administration and governance. 'Royal Commissions' emerged as a favoured method for investigating these changes and informing responsive policy creation. Adam Ashforth gives the Poor Law Commissions and the work of Edwin Chadwick as prime examples of this 'Royal Commissioning fervour'.⁶⁸⁸ From this high point, inquiries were dispatched throughout the empire as part of a 'relentless production of data', instituted alongside surveys, maps, statistical databases, encyclopaedias, genealogies, and

⁶⁸⁷ Ronen Shamir and Daphna Hacker, "Colonialism's Civilizing Mission: The Case of the Indian Hemp Drug Commission", *Law and Social Inquiry* 26, no. 2 (2001): 435-461.

⁶⁸⁸ Adam Ashforth, "Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms", *Journal of Historical Sociology* 3, no. 1 (2006): 20 and 5.

histories.⁶⁸⁹ This information obsession 'created the framework for asserting an enlightened form of governance', allowing colonists to claim a right to rule predicated on a pseudo-scientific approach to public administration.⁶⁹⁰ The tradition of inquiries was thus disseminated throughout the British Empire as an instrument of empire building, administration, and control. There was therefore an innately pro-government and self-serving quality inborn to inquiries as used by British colonialists that persisted long after colonialism.

Given their foundation in empire building, most scholars that have investigated colonial inquiries have seen them as an instrument of government control, often used in response to a crisis, including the Jamaican academic and public servant Edwin Jones. In 1978, he analysed the 1938-39 Moyne Commission, established by the British government to investigate simultaneous crises of labour unrest across the British Caribbean in the 1930s. Jones cited the Moyne Commission as an example of conservative reform, arguing it was established by the British to determine what level of economic and social change was necessary to placate unrest in the British Caribbean whilst at the same time preserving the social, political, and economic status quo as much as possible.⁶⁹¹ This conservative and reactive use of inquiries was not unique to the Caribbean but may be said of the more than thirty Royal Commissions of Inquiry dispatched around the British Empire between 1800 and 1950.⁶⁹² Moreover, inquiries can similarly be used by more modern governments to manage and mitigate legacies of colonialism and control narratives around restorative or reparative justice. Balint, Evans, and McMillan have demonstrated this with particular reference to Belgium's 1997 inquiry into its role in the 1994 genocide in Rwanda, a former Belgian colony.⁶⁹³

However, inquiries have not always been reactive. Sometimes colonial authorities called inquiries to legitimise proactive expansions of colonial authority. Such increases were often piece-meal and highly specific but served a macro-strategy of power accumulation and colonial entrenchment. For example, Dickson Mungazi has explored how inquiries undertaken between 1908 and 1962 in what is now Zimbabwe served to strengthen British

⁶⁸⁹ Leslie James and Daniel Whittall, "Ambiguity and Imprint", *Callaloo* 39, no. 1 (2016): 171.

⁶⁹⁰ Daphna Hacker and Ronen Shamir, "Colonialism's Civilizing Mission: The Case of the Indian Hemp Drug Commission", *Law and Social Inquiry* 26, no. 2 (2001): 436.

⁶⁹¹ Edwin Jones, "The political uses of commissions of enquiry (2): The post-colonial Jamaican context", *Social and Economic Studies* 27, no. 3 (1978): 292.

⁶⁹² Leslie James and Daniel Whittall, "Ambiguity and Imprint: British Racial Logics, Colonial Commissions of Enquiry, and the Creolization of Britain in the 1930s and 1940s", *Callaloo* 39, no. 1 (2016): 171.

⁶⁹³ Jennifer Balint, Julie Evans, and Nesam McMillan, "Justice Claims in Colonial Contexts: Commissions of Inquiry in Historical Perspective", *Australian Feminist Law Journal* 42, no. 1 (2016): 75-96.

colonial control over children's education. This fed into a wider strategy of maximising colonial direction of Zimbabwean society, reducing the influence of the Church in relation to the state (the Church was previously a major education provider in Zimbabwe), affirming racial segregation, and minimising the economic and political potential of Black Zimbabweans.⁶⁹⁴ The use of inquiries in this way is an example of what John Comaroff has called 'lawfare' - the control of indigenous people through coercive legal means.⁶⁹⁵

Recent work by Mungazi, Balint, and others is particularly valuable in helping break the long-term focus on what Edwin Jones called 'popular' inquiries in colonial history.⁶⁹⁶ In 1982, Jones bemoaned an over-focus on high-level and wide-ranging inquiries organised by the Colonial Office, at the expense of more specialised and regional inquiries even though he himself analysed the 1939 Moyne Commission. But such a focus among historians and political scientists is understandable: Colonial Office inquiries were often called in response to attention-grabbing and historically important instances of unrest or crisis (such as the unrest in the Caribbean in the 1930s); these inquiries were often wide-ranging in geographic and investigative scope; they were led by leading contemporary political and theoretical thinkers and activists; and they often had significant outcomes (many credit the Moyne Commission (and Walter Citrine's participation in it) with introducing trade unionism to many Caribbean labour leaders).⁶⁹⁷ Historians have also been drawn to Royal Commissions for reasons of research practicality: the range of information they contain, their high-quality preservation, and their reproduction, digitisation, and storage in central archives makes them highly accessible as well as valuable sources for historians.⁶⁹⁸ It is therefore unsurprising that the 'popular' inquiries have received such extensive academic attention.

But an over-focus on famous inquiries overlooks the multitude of lesser-known ones that proliferated throughout the Empire during British rule. During much of this period it was not just the British government that could convene inquiries - although only these warranted the attention-grabbing title of 'Royal Commission'; colonial governments also had authority to establish inquiries. Examples from the Caribbean include Barbados' 1960 McKenzie Inquiry

⁶⁹⁴ Dickson A. Mungazi, "A Strategy for Power: Commissions of Inquiry into Education and Government Control in Colonial Zimbabwe", *The International Journal of African Historical Studies* 22, no. 2 (1989): 285.

⁶⁹⁵ John Comaroff, "Colonialism, Culture, and the Law: A Foreword", *Law and Social Inquiry* 26, no. 2 (2001): 306.

⁶⁹⁶ Audrey Roberts, "Bibliography of Commissions of Enquiry and Other Government-Sponsored Reports on the Commonwealth Caribbean, 1900-1975", (Madison, WI: Seminar on the Acquisition of Latin American Materials, 1985), p.viii.

⁶⁹⁷ Alexander, *A History of Organised Labour*, 183; Henry, *Shouldering Antigua and Barbuda*, 83.

⁶⁹⁸ Bonham Richardson, "The Importance of the 1897 British Royal Commission", in *Caribbean Land and Development Revisited*, ed. Jean Besson and Janet Momsen, (New York: Palgrave Macmillan, 2007), 18.

or Antigua's 1966 Evans Inquiry, both surveying their respective sugar industries.⁶⁹⁹ These locally-established inquiries usually had a much smaller mandate, such as McKenzie's and Evans's focus on one sector of one island's economy. But this specificity meant they produced extremely rich data about key issues, sectors, and groups which could not have received the same detailed attention by a broader Royal Commission operating across multiple sectors and territories. Focused inquiries thus have as much to tell us about Caribbean history as Royal Commissions and should not be overlooked on account of their brevity and focus.

In much of the anglophone Caribbean, the legal basis for inquiries was formalised through the 1880 Commissions of Inquiry Act.⁷⁰⁰ This law applied to the colony of the Leeward Islands, of which Antigua was a constituent part. When that colony was dissolved, the bulk of its legislation, including the Commissions of Inquiry Act, was transferred onto the statute books of the newly formed successor 'unit colonies' by Enactment Acts, passed by local assemblies in 1956.⁷⁰¹ In Antigua, the Commissions of Inquiry Act has remained largely unchanged since 1880, continuing into the post-colonial era. Neither the 1967 Associated Statehood constitution nor the independence constitution of 1981 made substantive changes to the legal basis for establishing and conducting an inquiry.

Some eastern Caribbean governments have amended their Commissions of Inquiries Acts in politically motivated ways. Two such amendments arising from St Vincent demonstrate how Caribbean governments can use their control of the legislature to force through legal changes to alter the work of commissions of inquiry. In 2002, the scope and powers conferred by the Commission of Inquiry Act was significantly increased.⁷⁰² In particular, the definition of what could be subject to inquiry was expanded from relating to public officers or offices to anything 'within the jurisdiction of Saint Vincent'.⁷⁰³ The investigative powers of commissioners were also expanded. And in April 2003, the government used the amended Act to launch the Georges Inquiry into the Ottley Hall Project which took place under the recently-ousted Mitchell government. Whilst the inquiry was taking place, the Act was

⁶⁹⁹ George Abbott, "The West Indian Sugar Industry, With Some Long Term Projections Of Supply To 1975", *Social and Economic Studies* 13, no. 1 (1964): 14; "Commission of Inquiry in Antigua: "The Evans Report"", 1966, private collection.

⁷⁰⁰ Laws of Antigua and Barbuda, The Commissions of Inquiry Act, 1880, <http://laws.gov.ag/wp-content/uploads/2018/08/cap-91.pdf>

⁷⁰¹ Laws of Antigua and Barbuda, The Enactment (Leeward Islands Acts) Act, 1956, <http://laws.gov.ag/wp-content/uploads/2018/08/cap-152.pdf>.

⁷⁰² "Richard Joachim et al v Attorney General of St Vincent and the Grenadines et al", Eastern Caribbean Court of Appeal, appeal 19 of 2004, paragraph 14.

⁷⁰³ Laws of Saint Vincent and the Grenadines, Commission of Inquiry (Amendment) Act, 2002, section 2.(1).

amended again (at section 18(1)(b)) to repeal the right of investigated persons to claim expenses for costs incurred as part of the inquiry, such as legal counsel. The bill authorising this amendment was passed by the St Vincentian Parliament in a single sitting and with only governing-party MPs present. When delivering a judgement on a separate legal issue in relation to the Georges Inquiry, the Judicial Committee of the Privy Council (JCPC) referred to this amendment as 'a somewhat remarkable turn of events', though they stopped short of implying political impropriety in changing the legislative terms of an inquiry mid-investigation.⁷⁰⁴ This amendment could be seen as an attempt to weaken the defence of members of the Mitchell government and secure a politically expedient outcome for the government.

No Antiguan government has amended the Commissions of Inquiry Act in such a way as St Vincent, possibly because it has never been deemed necessary as the government has used other methods to secure politically expedient outcomes. The only amendment to Antigua's Act passed in the post-colonial period was a 1991 amendment enabling commissioners to take evidence outside the jurisdiction of Antigua, of which more later. The Commissions of Inquiry Act sets out the methods for appointing commissioners, their powers, and the rights and responsibilities of witnesses. Most initial aspects of inquiry activity are left to the discretion of the Governor/Governor-General.⁷⁰⁵ Beyond taking an oath, the only legal requirement for commissioners is that they report on their inquiry and explain their conclusions, in writing, to the Governor-General.⁷⁰⁶ The Act gives commissioners 'the powers of a Judge of the High Court' and includes the authority to summon witnesses, to receive witness testimony under oath, and request and examine material evidence; false testimony or fraudulent evidence renders witnesses guilty of perjury.⁷⁰⁷ The scope of an inquiry is up to the Governor-General, so long as it relates to what they deem to be in the interest of 'public welfare.' Such a broad scope is not unique to Antigua. Former Judge and inquiry commissioner Justice John H. Gomery remarked of Canada's equivalent legislation, passed in 1985, that: 'These words are so vague and all inclusive that it is fair to conclude that there is really no matter that cannot be the subject of an inquiry, if the government decides to create a commission.'⁷⁰⁸ This hints at the political motives that underpin a government's decision to call an inquiry, as will be explored in detail in the analysis of the Bastide Inquiry.

⁷⁰⁴ Mitchell v Georges, Judicial Committee of the Privy Council, December 18, 2014, paragraph 20.

⁷⁰⁵ The Commissions of Inquiry Act.

⁷⁰⁶ The Commissions of Inquiry Act, Section 7.

⁷⁰⁷ The Commissions of Inquiry Act, Section 10 and 12.

⁷⁰⁸ Justice John H. Gomery, "The Pros and Cons of Commissions of Inquiry", *McGill Law Journal* 51, (2005-2006): 786.

While the Commissions of Inquiry Act formally gives the Governor General the authority to call an inquiry, in practice this power rests with the Prime Minister. As happened in most British Caribbean colonies, Antigua underwent incremental constitutional democratisation in the mid-twentieth century. For Antigua, this happened primarily between the introduction of universal suffrage in 1951 and internal self-governance in 1967. Part of this involved the transfer of prerogative powers from the Governor General to the Prime Minister. This happened as convention before being codified in both the 1967 Associated Statehood and the 1981 Independence constitutions. As such, in the period under investigation all inquiries were established by the Prime Minister. This is seen, for example, in the formal instructions given to Blom-Cooper by Governor-General Wilfred Jacobs in 1990 which stated: 'the Governor-General *acting with the advice of the Cabinet* deems it advisable for the public welfare that a Commission should be issued'.⁷⁰⁹ As will be shown, this concentration of prerogative power in the Prime Minister, a feature of the Westminster system, is problematic because it means inquiries in Antigua have usually been called only when it is politically expedient for the Prime Minister to do so, either as a political weapon to attack an opponent, or as a pressure-release mechanism to alleviate domestic and international scrutiny in a controlled way. They have not been called as a matter of course in response to a corruption scandal.

Concentrating establishing discretion in the government and/or Prime Minister is common (and controversial) throughout countries using the Westminster system. In the UK, the Inquiries Act vests the authority to establish an inquiry in government ministers (as well as ministers from the devolved assemblies).⁷¹⁰ To no avail, the UK Parliament has repeatedly called for the authority to set up its own inquiries independent of the government but with the same coercive investigative powers.⁷¹¹ Comparable issues arising from similar legislation have been seen in many former British colonies, including Canada, Australia, and Ireland.⁷¹² No states using the Westminster system demonstrate a clear, direct, and practicable

⁷⁰⁹ Letter from Governor-General Wilfred Jacobs to Louis Blom-Cooper, reprinted in *The Workers' Voice*, May 25, 1990, 1. My emphasis.

⁷¹⁰ Inquiries Act, UK, (2005), section 1.2.

⁷¹¹ See for example: "Parliamentary Commissions of Inquiry: Ninth Report of Session 2007-08", House of Commons Public Administration Select Committee, May 15, 2008, 10; "Lessons still to be learned from the Chilcot Inquiry: Tenth Report of Session 2016–17", House of Commons Public Administration and Constitutional Affairs Committee, February 27, 2017, 14.

⁷¹² On Australian efforts by the legislature to force an inquiry, see: Gabrielle Chan, "Parliament could force banking inquiry despite hostile Coalition, says Senate clerk", *The Guardian* (UK), 24 August, 2016, accessed July 25, 2023, <https://www.theguardian.com/australia-news/2016/aug/25/parliament-could-force-banking-inquiry-despite-hostile-coalition-says-senate-clerk>; ABC News, "Here's what we know about the banking royal commission", ABC News Australia, December 3, 2017, accessed July 25, 2023, <https://www.abc.net.au/news/2017-12-04/banking-royal-commission-heres-what-we-know/9210214>.

mechanism by which Parliament, let alone the opposition, can force an inquiry to be set up; that remains the exclusive gift of the executive.

In Antigua, the statutory right to establish an inquiry became a major political debate in 2022-23. In late 2022, a short-lived Nigeria-based airline, Antigua Airways, transported hundreds of West Africans to Antigua where they became stranded, some then pursuing illegal - and in a few cases fatal - overseas passage to the US. When the government refused opposition calls to establish an inquiry into this event, the UPP lobbied the Governor-General directly, claiming the Commissions of Inquiry Act gave him the prerogative right to set up an inquiry. This issue escalated into a constitutional crisis. The Governor-General refused the UPP's request, claiming that he can only act on the advice of the cabinet. This repeated similar assertions he had made in response to earlier calls for inquiries from the opposition and civil society.⁷¹³ The UPP rejected this interpretation of the Act and responded with a picket of Government House and a petition to the Governor-General, supported by representatives of civil society and religious organisations.⁷¹⁴ On May 18, 2023, the Prime Minister's Chief of Staff Lionel 'Max' Hurst stated in one of his regular post-cabinet press briefings that only the cabinet has the legal right to establish inquiries. Meanwhile, Justin Simon KC, former UPP Attorney General and prominent Antiguan lawyer, spoke on *Observer Radio* to argue that the Governor-General has the constitutional and legal authority to act in his own discretion in some situations, such as the one at hand. This was echoed in an open letter to the *Antigua Observer* by Harld Lovell, former leader of the UPP and a practising lawyer. On June 7, 2023, the Speaker of the House of Representatives waded into the debate with a public letter stating that it was the shared opinion of his legal firm Watt, Dorsett, and Hewlett, that when read 'in a constitutional environment' the Commissions of Inquiry Act does not give the Governor-General the right to act without cabinet's instruction.⁷¹⁵ Some on the pro-inquiry side of the debate have even suggested/threatened recourse to the courts to seek

⁷¹³ "UPP awaits GG's decision on commission of inquiry into bribery scandal", *Antigua Observer*, April 8, 2017, accessed July 27, 2023, <https://antiguaobserver.com/upp-awaits-ggs-decision-on-commission-of-inquiry-into-bribery-scandal/>; "Opposition awaits word on Commission of Inquiry into Customs fraud", *Antigua Observer*, November 26, 2019, accessed July 27, 2023, <https://antiguaobserver.com/opposition-awaits-word-on-commission-of-inquiry-into-customs-fraud/>.

⁷¹⁴ "UPP delivers petition to Governor General calling for an inquiry into Antigua Airways", *Antigua Observer*, May 18, 2023, accessed July 26, 2023, <https://antiguaobserver.com/upp-delivers-petition-to-governor-general-calling-for-an-inquiry-into-antigua-airways/>.

⁷¹⁵ Gerald Watt, "Kings Counsel Simon and Henry Must Admit they are Wrong", *Antigua News Room*, June 7, 2023, accessed July 26, 2023, <https://antiguanewsroom.com/kings-counsel-simon-and-henry-must-admit-they-are-wrong/>.

clarification on the terms of the Commissions of Inquiry Act and the constitution⁷¹⁶ Unless judicial review leads to a new and authoritative reinterpretation of the Act, the perspective of the Governor-General is clear and formally stated: he cannot and will not establish a commission of inquiry except on the advice of cabinet.⁷¹⁷ By extension, this means Parliament, the official opposition, opposition parties, civil society organisations, and the wider public have no way of establishing an inquiry beyond pressuring the government. This ongoing tussle has shone a spotlight on previously unrecognised problems arising from the excessive concentration of unchecked power in the executive.

Prime Ministers not only choose when to establish inquiries, they also determine the commission's membership. The Commissions of Inquiry Act makes no provision for who may or may not be a commissioner. While officially appointed by the Governor-General, commissioners are selected by the Prime Minister. It is convention, not just in states using the Westminster system but also further afield, that commissioners will be politically independent professional persons with some experience in law or public service. This is because, as Adam Ashforth astutely asserts, 'Independence is the first requirement of Truth' and 'Without such distance from the ruling authorities, the authority of the inquiry is undermined.'⁷¹⁸ Judges, both retired and active, are commonly seen to suit this brief perfectly. They also have the added advantage of knowing 'how to preside over hearings, and are familiar with rules of evidence and procedure', making them particularly well suited to lead commissions of inquiry.⁷¹⁹ Where there is more than one commissioner, it is common for a retired judge to be the chairperson while other professionals assist. These latter commissioners may be from outside the law profession, with expertise in a field relevant to the investigation's subject. For example, the commission for Antigua's Bastide inquiry into government financial corruption, analysed below, was chaired by a retired judge but also featured a Trinidadian commissioner of income tax and a former warden of Anguilla. Further afield, New Zealand's 2000 Royal Commission on Genetic Modification had prominent biologist and environmentalist Jean Fleming on the panel while Australia's 2020 Royal Commission into National Natural Disaster Arrangements featured Professor Andrew

⁷¹⁶ "Justin Simon, KC, responds to Sir Gerald Watt", *Antigua News Room*, June 8, 2023, accessed July 26, 2023, <https://antiguanewsroom.com/justin-simon-kc-responds-to-sir-gerald-watt/>.

⁷¹⁷ "Governor General's Office releases statement on powers to set up a Commission of Inquiry", *Antigua Observer*, May 31, 2023, accessed July 27, 2023, <https://antiguaobserver.com/governor-generals-office-releases-statement-on-powers-to-set-up-a-commission-of-inquiry/>.

⁷¹⁸ Adam Ashforth, "Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms", *Journal of Historical Sociology* 3, no.1 (2006): 9.

⁷¹⁹ Justice John H. Gomery, "The Pros and Cons of Commissions of Inquiry", *McGill Law Journal* 51, (2005-2006): 786.

Macintosh, a member of the Australian National University's Climate Change Institute.⁷²⁰ In some states the process of appointing the commission has been taken away from politicians entirely and entrusted to a theoretically impartial body, like the judiciary. This happens for example in Israel where the highest form of inquiry - the State Commission of Inquiry - can be formed by the government but its membership is chosen by the President of the Supreme Court.⁷²¹ There, commissioners on two recent inquiries have included senior judges (both active and retired), professors of law and economics, and military personnel.⁷²²

And the Prime Minister also has discretion over how an inquiry's findings will be responded to. The Act does not give commissioners the power to make policy or take punitive action; they may only make recommendations for reform or punishment, leaving implementation to the government. For nearly a century, the academic study of 'implementation' has focused on the use of inquiries as a pressure-release or 'cooling off' mechanism used by governments at moments of high tension, with their recommendations subsequently 'shelved' once public attention has moved on.⁷²³ But shelving - whether through delay, distraction, or obfuscation - is of less relevance to Antigua where inquiry findings have not been subtly shelved so much as boldly binned by Prime Ministers.⁷²⁴ Where inquiries are effective, their reports are seen not as the end of a process but as the jumping-off point for programmes of reform, discipline, and reconciliation. An overview of inquiries in the UK by the Institute for Government rightly observed that 'much of the most important work of inquiries is only just beginning when an inquiry report is published.'⁷²⁵ Or, in the succinct words of Sir Robert Francis, chair of the Mid-Staffordshire NHS Inquiry, 'Implementation is, of course, everything.'⁷²⁶ But in Antigua, governments have treated unfavourable inquiry

⁷²⁰ "Report of the Royal Commission on Genetic Modification", Ministry for the Environment, 30 March, 2021, accessed August 9, 2023, <https://environment.govt.nz/publications/report-of-the-royal-commission-on-genetic-modification/>; Letters Patent: Royal Commission into National Natural Disaster Arrangements, *RoyalCommissions.gov.au*, 20 February, 2020, <https://www.royalcommission.gov.au/natural-disasters/letters-patent>.

⁷²¹ Dana Blander, "What's A Commission of Inquiry? Explainer", *The Israel Democracy Institute*, February 7, 2022, accessed August 9, 2023, <https://en.idi.org.il/articles/32929>.

⁷²² Yehouda Shenhav and Nadav Gabay, "Managing Political Conflicts: The Sociology of State Commissions of Inquiry in Israel", *Israel Studies* 6, no. 1 (2001): 127.

⁷²³ H.F. Gosnell, "British Royal Commissions of Inquiry", *Political Science Quarterly* 49, (1934): 110.; Hugh Clokier and Josephine Robinson, *Royal Commissions of inquiry*, (Stanford, CA: Stanford University Press, 1937), 135.

⁷²⁴ Alistair Stark, "Left on the shelf: Explaining the failure of public inquiry recommendations", *Public Administration* 98, (2020): 611.

⁷²⁵ Emma Norris and Marcus Shephard, "How public inquiries can lead to change", *Institute for Government*, (2017), accessed February 16, 2022, available at <https://begavalleyshireratepayers.asn.au/files/Institute-For-Government---12.2017.pdf>. 27.

⁷²⁶ "Select Committee On The Inquiries Act 2005: Written and corrected oral evidence", House of Lords, Accessed Feb 21, 2022, available at: https://www.parliament.uk/globalassets/documents/lords-committees/Inquiries-Act-2005/IA_Written_Oral_evidencevol.pdf. 89.

reports (such as the Blom-Cooper Inquiry examined below) as the end rather than the means of reform and, once the report has been received, no action is taken, the recommendations are ignored, and the matter is declared closed. In this way, inquiries into corruption have been used as an emergency release of political pressure at prudent moments but have been useless in terms of leading to significant change. This constitutes an effective continuation of the colonial-era practice of using inquiries as tools of conservative reform, giving the impression of political proactivity while in reality nothing changes.

The case studies below show how Antigua's Prime Minister has used his authority to call for an inquiry when it was politically convenient for him to do so and to put off or refuse to call one when the outcome could be politically damaging. In many countries, such as the UK, the political executive is held to account by its own backbenchers, Parliament, and media scrutiny so much so that it can often feel compelled to establish an inquiry. The 2022 Sue Gray 'Partygate' investigation can be seen as an example of public and parliamentary pressure forcing the government to launch an investigation into its own conduct. However, Antiguan governments have avoided this compulsive pressure. As chapter one showed, Antigua's constitutional framework - as implemented in a small state - is devoid of backbench accountability and cabinet has always been firmly dominant over Parliament which means backbenchers have never pressured a government into calling an inquiry or publishing an inquiry's findings. At the same time, Antigua's polarised political culture has meant that the public at large has been more tolerant of corruption by party members or have had their access to information manipulated by the partisan press. The case studies analysed in this chapter show that inquiries, while good on paper, are not an effective anti-corruption strategy because of Antigua's constitutional framework and its political culture.

There have also been instances where a Prime Minister has threatened to establish an inquiry, particularly into past behaviour by members of the opposition when in government. Often these are empty threats seemingly made to intimidate or slander members of the opposition for political point-scoring. Prime Minister Gaston Browne has recently exemplified this practice. In May 2021, he said cabinet had authorised a forensic audit of a \$94 million loan secured by the UPP government for an extension to the airport runway, which Browne alleges may have been improperly spent.⁷²⁷ Harold Lovell, former leader of the UPP, called

⁷²⁷ "PM announces inquiry into US\$94 million spent on Airport Runway extension", *Antigua Breaking News*, May 16, 2021, accessed July 27, 2023, <https://antiguabreakingnews.com/pm-announces-inquiry-into-us94m-spent-on-airport-runway-extension/>.

this announcement 'a politically motivated pappyshow'.⁷²⁸ This threat by Browne was made in a context of high anticipation - egged on by both Lovell and Browne - of a snap-election, so may be seen as part of an effort by Bird and the Antigua Labour Party (ALP) to discredit, distract, and intimidate the United Progressive Party (UPP).⁷²⁹ In the event, it seems this threatened inquiry was forgotten perhaps because a snap-election was not called and the election did not happen until January 2023. Browne's rhetoric and frequent threats of calling an inquiry demonstrate how this instance of Prime Ministerial discretion can be used as a political weapon to intimidate, discredit, or simply frustrate political opponents.

The Bastide Inquiry: An inquiry as a weapon of attack

The Bastide Inquiry was established in 1976. It is the most egregious example of an inquiry successfully used as a political weapon, not just in Antigua but in the anglophone Caribbean. In 1976, Antigua's first-past-the-post electoral system handed the ALP - which lost the popular vote - a huge majority of seats in the House of Representatives.⁷³⁰ This returned V.C. Bird to the premiership after five years in opposition - his only spell out of office in his 48-year political career. On resuming the premiership, Bird seemed bent on destroying his great rival, George Walter, and undermining the political stability of the Progressive Labour Movement (PLM), thus ushering in a new era of ALP hegemony. An inquiry, wrapped in the trappings of impartiality and independence, that found Walter guilty of a crime would suit this ambition perfectly. Moreover, the ALP's 1976 election campaign was dominated by accusations of 'corruption, wanton misuse of funds, handouts, nepotism, and kick-backs', so there was also some pressure to substantiate these claims once the ALP were elected to power.⁷³¹

There does not appear to have been a genuine evidence-based 'smoking gun' that indicated misconduct or corruption had taken place under the PLM. If there had been, one would expect it to have been plastered across the ALP-supporting media. In an updated edition of his *The Struggle and the Conquest*, long-time ALP supporter, campaigner, and writer Novelle Richards claims that a government-appointed Canadian firm of accountants found 'a number

⁷²⁸ "Lovell welcomes commission of inquiry into airport runway loan", *Antigua News Room*, May 18, 2021, accessed July 27, 2023,

<https://antiguanewsroom.com/lovell-welcomes-commission-of-inquiry-into-airport-runway-loan/>.

⁷²⁹ "PM says he will call election at "first opportunity"", *Antigua News Room*, May 23, 2021, accessed July 27, 2023, <https://antiguanewsroom.com/antigua-and-barbuda-election/>.

⁷³⁰ "Antigua and Barbuda General Election Results - 18 February 1976", *KnowledgeWalkInstitute*, 2022, accessed Jan 5, 2022, http://www.caribbeanelections.com/ag/elections/ag_results_1976.asp

⁷³¹ ALP Manifesto, 1976, (St Johns, Antigua Printing and Publishing, 1976), private collection, 3 and 4.

of irregularities' in the PLM government's accounts and that was the reason the inquiry was set up.⁷³² Richards did not name the Canadian firm or explain what these 'irregularities' were and I have found no record of this audit or an audit report in 1976. Moreover, the commission issued by the Governor establishing the 1976 inquiry did not mention an audit as the basis of the investigation. It is possible this audit was a later invention by ALP spokespeople used to legitimise the Bastide Inquiry and counter plausible claims of a witch-hunt. That said, court records do make reference to 'Messrs. Merchant, Guishard, and Henry' as witnesses in the inquiry, who may have been the accountants Richards referenced.⁷³³ But the actual basis of the inquiry, as cited in the Governor-General's commission, were claims made on the radio on March 3, 1976 by the new Minister of Finance, Reuben Harris, 'suggesting misconduct amounting to possible dishonesty and malpractices in the conduct and administration' of public finances.⁷³⁴ Allegations made on the radio by a governing-party politician appear to be a flimsy justification for a commission of inquiry and this demonstrates the ease with which a Prime Minister can call an inquiry if and when he wishes, a serious flaw in Antigua's anti-corruption system.

Rather than responding to a clear and demonstrable issue, the new government effectively went looking for a problem, hoping to find something with which to attack the PLM's record. This is a not uncommon political strategy in the Caribbean. When they came to government in 2004, the UPP commissioned Canadian forensic accountant Robert Lindquist to investigate 'questionable financial transactions' by Lester Bird's ALP government.⁷³⁵ This is an inversion of the prelude to the Bastide Inquiry and led to the 2009 Spigelman Inquiry commissioned by Baldwin Spencer. Elsewhere in the Caribbean, on returning to power after nine years in opposition St Lucia's United Workers Party established the 2009 Ramsahoye Inquiry into corruption by the outgoing Anthony Labour government.⁷³⁶ Similarly, Guyana's recently-elected People's Progressive Party has announced a review of spending undertaken by the Granger government.⁷³⁷ The Bastide Inquiry thus reflects a political strategy fairly common across the region, though the serious and long-term consequences of Bastide's fallout make it particularly significant for academic study. The Bastide Inquiry

⁷³² Novelle Richards, *The Struggle and the Conquest*, Third edition, ed. Ivor Ford, Tyra Mason, and Shawn Nichols, (Long Island City: Seaburn, Publishers, 2003), 276.

⁷³³ Prince v De La Bastide et al, Court of Appeal, Eastern Caribbean Supreme Court, June 30, 1978, paragraph 8.

⁷³⁴ Halstead v De La Bastide et al, High Court, Antigua and Barbuda, 159 of 1976, paragraph 3, quoting from: Antigua Official Gazette (extraordinary), September 2, 1976.

⁷³⁵ Bird v Spencer and Crusader Publications and Broadcasting Ltd, High Court of Antigua and Barbuda, 185 of 2009, paragraph 14.

⁷³⁶ Barrow-Giles, "Democracy at Work", 298.

⁷³⁷ "All contracts signed by caretaker APNU/AFC Govt under review", *Guyana Times*, August 13, 2020, np.

was also the first time this strategy was used in Antigua, setting a precedent which continues to have ramifications in the present.

The tactic of setting up inquiries into outgoing regimes is a win-win strategy for the incoming government: if the inquiry finds misconduct, the government can use this to attack and sanction their opponents, but even if no wrongdoing is discovered the government can still use their calling of an inquiry to project an image of transparency and accountability at home and abroad. Former Prime Minister Lester Bird himself demonstrated this in comments made to the Caribbean Studies Association conference in 1998. He chastised the Association, and academics generally, for an Association newsletter that said successive inquiries and reports had all pointed to 'the centrality of political corruption.'⁷³⁸ But Lester contended that 'all the Commissions and reports referred to were initiated by this Government. That should be a clear indication that the Government has been concerned about allegations of corruption and has been determined to get to the truth.'⁷³⁹ The history of inquiries and government-convened reports in Antigua refutes this claim. The Bastide Inquiry was far more concerned with political upmanship than fact-finding, and the Blom-Cooper Inquiry was intended to shield corrupt politicians behind the 'clear indication' of supposed accountability.

The 1976 inquiry was led by retired Trinidadian Court of Appeal judge Karl de la Bastide. His fellow commissioners were retired Trinidadian commissioner of income tax Sockh Mungal Supersad and the former Warden (the St Kitts government representative) of Anguilla, George Thomas.⁷⁴⁰ The inquiry began hearings on September 3, 1976, at the Princess Elizabeth Hall in St John's and concluded on October 8, 1976. The hearings were public though it is unclear if the proceedings were broadcast on radio or television, as they were during the Blom-Cooper Inquiry. During and after the hearings several former PLM ministers petitioned for judicial relief to effectively quash the inquiry. Sydney Prince - former Minister of Finance - sought a series of declarations from the High Court, including determinations that the inquiry violated his constitutional right to a fair trial and the conduct of the commissioners had been unfair.⁷⁴¹ Similarly, Donald Halstead sought a High Court injunction to prevent the commission from publishing its report to the Governor-General, on the grounds he had been treated unfairly and had not been able to mount a robust defence.⁷⁴² Both of these cases

⁷³⁸ Lester Bird, "The Caribbean will resist domination and dictation", remarks made to the 23rd annual conference of the Caribbean Studies Association, 26 May 1998, Perry Bay, Antigua and Barbuda, ANA, 11.

⁷³⁹ Bird, "The Caribbean will resist domination and dictation", 11.

⁷⁴⁰ Richards, *The Struggle and the Conquest*, 276.

⁷⁴¹ Prince v De La Bastide et al, High Court, Antigua and Barbuda, December 22, 1976, paragraph 1.

⁷⁴² Halstead v De La Bastide et al, High Court, Antigua and Barbuda, October 18, 1976, paragraph 1.

were dismissed by Judge Bishop on the grounds that their rights had not been infringed nor had they been treated unfairly.

The Bastide Inquiry yielded two conclusions on which the Bird government seized: first, whilst Premier, George Walter had negotiated in a private capacity the purchase and import of two steel construction frames at the cost of \$76,000; and second, cabinet had agreed to waive import duties on these frames because they were to be used by the government.⁷⁴³ This was the only instance of improper activity from five years' worth of PLM administration and hardly justifies the expense incurred to the tax-payer nor the public tensions stoked by an inquiry. This was particularly the case in 1976 when Antigua, like much of the Caribbean, was struggling with more important socio-economic crises of unemployment and inflation.⁷⁴⁴ Nonetheless, using Bastide's report as his justification, the Attorney General initiated legal proceedings against three former PLM ministers: former Premier George Walter, former Minister of Finance Sidney Prince; and former Minister for Public Utilities Donald Halstead. At trial in 1979, Prince was found not guilty and Halstead avoided court by fleeing to the US. Walter's trial was more complicated which is unsurprising as he, being the cornerstone holding the PLM together, was the main target of Bird's revenge and future-proofing campaign. Walter was convicted on two counts of misbehaviour in a public office and one count of fraud contrary to common law and sentenced to eight years in prison.⁷⁴⁵ However, after only serving a month in prison, Walter successfully appealed against his sentence at the Court of Appeal.

Once the Bastide Inquiry made its report to Bird, it was disbanded and quickly forgotten about in the context of the impending trial of three former PLM ministers, which reveals that the main objective of Bird when establishing the Commission was the trial. This took place in the Antiguan High Court under Judge Bishop and yielded a guilty verdict.⁷⁴⁶ Walter appealed to the Court of Appeal which rendered several reasons for vacating the prior verdict. These hint to the politicisation of the High Court in Antigua. The grounds for overturning the High Court decision may be examined through two main categories: the conduct of Judge Bishop; and pressure on the jury. In terms of Bishop's conduct, the appeal judges identified multiple

⁷⁴³ The Bastide Inquiry report was not published and has not been deposited with the Antigua National Archives and is presumed lost or destroyed. Information about Bastide's findings comes from the court case *Walter v The Queen*, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, among others.

⁷⁴⁴ "Current Economic Position and Prospects of Antigua, 1979", *The World Bank*, report no. 2432-CRB, 1976, accessed 11 January, 2021, <https://documents1.worldbank.org/curated/en/400731468742551891/text/multi0page.txt>, 2-3.

⁷⁴⁵ Henry, *Shouldering Antigua and Barbuda*, 181.

⁷⁴⁶ "Supreme Court Order", Statutory Instrument 223 of 1967 and "The Antigua constitution Order 1967", Statutory Instrument 225 of 1967.

instances of 'misdirection and non-direction' which impeded the ability of the jury to return a fair verdict. The most explicit example of misdirection was the fact that Bishop should have instructed the jury to understand that Walter's behaviour, 'reprehensible though his conduct may have been', was not in fact illegal according either statute or common law.⁷⁴⁷ By failing to provide this direction, Judge Bishop was not acting in accordance with the law or in recognition of 'all the facts and circumstances'.⁷⁴⁸ This is the most blatant of several areas of 'misdirection' by Bishop identified during the appeal. If the jury had been properly directed by the judge, the Court of Appeal found it 'impossible' to think the jury would have returned a guilty verdict.⁷⁴⁹ Another example of Bishop's misconduct was his poorly-explained refusal to allow the admission of evidence from a key defence witness, Irving Samuel, Walter's former Permanent Secretary. In contrast, Bishop did allow the prosecution to make a statement to the effect of there being 'reasons, which he [Crown's Counsel] could not reveal to them [the jury], why he could not accept one word of Irving Samuel'.⁷⁵⁰ Bishop, the Appeal Judges found, should have directed the jury to disregard this statement as it did not present evidence to the court and invited jury speculation. Combined, these and other failings by Judge Bishop contributed to what the Court of Appeal found to be an 'unsafe and unsatisfactory' verdict.⁷⁵¹

There is no evidence to indicate that Bishop was corrupt or an active supporter of the ALP government. Nor is there any historical evidence that suggests Bishop was an incompetent or rash judge who was unaware of the kinds of failings the Court of Appeal pointed out. Instead, one must consider the political influence and partisan pressure that affect judges in small and pernicious polarised states like Antigua in the 1970s. This is particularly important given the high-tension context of the late 1970s. The Walter trial was played out very publicly, with daily reports and discussion in the partisan press and frequent commentary from government officials. This running commentary was condemned by a 1999 review of governance in Antigua by the Centre for Strategic and International Studies - a bipartisan, nonprofit policy research institute operating out of Washington D.C.⁷⁵² The report stated that ministers had 'applied political pressure on the courts' to secure Walter's conviction.⁷⁵³ One

⁷⁴⁷ Walter v The Queen, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, paragraph 65.

⁷⁴⁸ Walter v The Queen, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, paragraph 65.

⁷⁴⁹ Walter v The Queen, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, paragraph 65.

⁷⁵⁰ Walter v The Queen, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, paragraph 46.

⁷⁵¹ Walter v The Queen, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990, paragraph 49.

⁷⁵² "About Us", CSIS, 2022, accessed Feb 13, 2022, <https://www.csis.org/programs/about-us>.

⁷⁵³ Payne, "The Failings of Governance in Antigua and Barbuda", 8.

of the most outspoken was Bird himself whose public pronouncements in 1979 carried extraordinary weight, having rejuvenated his 'new charismatic authority' by making himself synonymous with Antigua's emerging independence movement.⁷⁵⁴ In the eyes of ALP-supporters, the authority of 'Papa Bird' was not to be questioned, even by a High Court judge. In this political culture, to go against the explicit wishes of Bird was to invite condemnation and worse from his supporters.⁷⁵⁵

As well as public commentary by political leaders, Judge Bishop would also have been aware of genuine risks from radical partisan groups active in Antigua at the time. During Walter's trial, the extremist pro-Bird group, the Antigua Freedom Fighters (AFF), circulated pamphlets calling for the immediate imprisonment of Walter or, they said, they would 'deal with them ourselves'.⁷⁵⁶ They also said that if Walter secured bail he would 'be shot the same day'.⁷⁵⁷ Bishop would have been aware that such threats were not empty rhetoric. During the PLM government the AFF had carried out a series of bomb plots on public buildings, so their intimidating language regarding the Walter trial would have been taken seriously as a direct threat to the safety of those involved in the trial, potentially including the judge himself. These tandem pressures of political influence and intimidation help explain Bishop's inability to manage a fair trial in 1976. They also help explain why Bishop happened to give Walter the exact prison term Bird had publicly called for - eight years.⁷⁵⁸

Understanding the Walter trial also requires consideration of the possible pressures felt by the jurors. The fear that rendering the wrong verdict would have economic consequences for jurors would have been particularly apparent in 1979 in the context of the 1970s economic downturn and oil crisis. Similarly, the jury, like the judge, would have been aware of potential threats to personal safety pursuant to their being involved in the trial. In most justice systems - especially those based on English legal traditions - juries are instructed to avoid news and public discussion of an ongoing trial but this did not happen in Antigua in 1979. Instead, jurors were allowed to freely read and listen to partisan media outlets that consistently broadcast Bird's and the ALP's fervent wish to see Walter prosecuted. The latent danger of

⁷⁵⁴ In the 1976 General Election, V. C. Bird and the Labour Party had opposed full independence, feeling Antigua was not yet ready, but by the end of the decade V. C. Bird's stance had shifted and he began to posit himself as the Father of the Nation that would lead the country into independence. For more on new charismatic authority, see: George Danns, "Politics, Corruption and the Police", in *Caribbean Political Thought: Theories of the Post-Colonial State*, ed. Aaron Kamugisha, (Kingston: Ian Randle, 2013), 122.

⁷⁵⁵ Discussion with former ALP minister, February 2022, Antigua.

⁷⁵⁶ "The PLM must be destroy", Antigua Freedom Fighters pamphlet, June 22, 1979, private collection, 1.

⁷⁵⁷ "The PLM must be destroy", 1.

⁷⁵⁸ Payne, "The Failings of Governance in Antigua and Barbuda", 8.

what might happen if the result was different was made apparent to the jury in the AFF's threatening pamphlets, to which they also had access. The Court of Appeal found this yet another reason to criticise Bishop's handling of the trial. The superior judges asserted that the jury's exposure to Antigua's partisan press and ministerial pronouncements 'pulled the rug from under the feet of the defence and prejudiced the entire trial'.⁷⁵⁹ The combination of pressures on the judge and jury explains why Antigua's High Court produced a result so inexplicable and disagreeable to the Court of Appeal.

The Bishop trial, following on from the Bastide Inquiry, was a show-trial in the sense that it was used to achieve a politically-motivated and government-desired objective: to discredit and remove a political opponent. In this sense, the Bastide Inquiry was a huge success for the ALP government. During the inquiry and subsequent trial, the PLM became divided over its support of Walter; loyalists defended his innocence whilst others wanted to cut ties with him and insulate the party from contamination by association with a scandal. Ultimately, while the party maintained Walter's innocence, it replaced him as leader with Robert Hall. This compromise made the party look weak and disloyal - a perception exploited and exaggerated by the ALP and its partisan media outlets which contrasted the PLM with an ALP united and resolute under Bird's leadership. Moreover, the Court of Appeal's decision vindicating Walter was not delivered until four days after the 1980 General Election. This meant that Walter was legally barred from candidacy and his wife, Hyacinth Walter, campaigned for his All Saints constituency instead, losing a safe-PLM seat to the ALP's Hilroy Humphreys by just nine votes.⁷⁶⁰ The PLM also fared poorly in the election generally, seeing their votes fall from 12,268 in 1976 to 8,654 in 1980.⁷⁶¹ The ALP vote remained consistent, suggesting that while the experience of the last four years had not won the party many voters, it had done enough to lose the PLM critical support. Walter never won election again and the PLM slowly collapsed, ushering a second period of ALP hegemony.

The Bastide Inquiry, then, is a good example of an inquiry used for explicitly partisan purposes and with significant consequences in both the immediate and long term. The importation of two duty-free steel frames by the PLM government was not a matter of significant public interest but it was used as an excuse to attack opposition figures following the ALP's return to power. Bird's ambition to discredit Walter in 1976 was motivated by Antigua's perniciously polarised political culture of 'victory at any cost'. He and his associates used the partisan press and exploited a social environment of mistrust, tension, and fear to

⁷⁵⁹ *Walter v The Queen*, Court of Appeal, Eastern Caribbean Supreme Court, April 28, 1990.

⁷⁶⁰ "Antigua and Barbuda General Election Results - 24 April 1980", *KnowledgeWalkInstitute*, 2022, accessed Jan 5, 2022, http://www.caribbeanelections.com/ag/elections/ag_results_1980.asp

⁷⁶¹ "Antigua and Barbuda General Election Results - 24 April 1980"

pressure the public, jury, and judge into supporting an improper guilty verdict. At the same time, it was Antigua's constitutional framework that helped facilitate this revenge campaign. The concentration of power in the Prime Minister allowed Bird to establish a needless inquiry demonstrably not in the public interest. Bird was then able to rely on Bishop to do what he could to secure a guilty verdict, with recourse to the lack of separation between judiciary and executive as both a carrot and a stick if necessary. As with most issues addressed in this study, the cultural and political mechanisms by which Bird achieved this result were not unique to Antigua. However, it was the implementation of these mechanisms within Antigua's perniciously polarised political context that pushed these vulnerabilities to breaking point. The immediate outcomes of the Bastide Inquiry and its long-term repercussions make it one of the most egregious examples of how inquiries, though a theoretically sound anti-corruption strategy, have been manipulated into becoming an effective and dangerous political weapon.

The Blom-Cooper Inquiry: An inquiry as a tool of defence

The Blom-Cooper inquiry was set up in 1990 to investigate the 'Guns for Antigua' scandal. In the 1980s, the Bird family - in government since 1976 - developed close friendships and business relations with two Israeli-born businessmen, Maurice Sarfati and Bruce Rappaport. In September 1988, Sarfati and Rappaport presented cabinet minister Vere Bird Jr with a proposal to establish a mercenary training camp in Antigua run by Spearhead Limited, a security company owned by retired Israeli Defence Force (IDF) colonial Yair Klein. Also privy to the proposal was Pinchas Shachar, the Miami representative of Israel Military Industries, the commercial arm of the IDF, and Colonel Clyde Walker, head of the Antigua and Barbuda Defence Force (ABDF). The camp would instruct Spearhead mercenaries whilst providing training and equipment to the ABDF. Spearhead would also use Antigua as a depot for the sale of military equipment to regional private buyers, one of whom was Rodriguez Gacha, a lead figure of the Medellin Drug Cartel in Colombia.⁷⁶²

The conspiracy was gradually revealed in 1989-90. In August 1989, Colombian presidential candidate Luis Carlos Galan was assassinated by the Medellin cartel. Four months later, Colombian security forces raided Gacha's ranch where they found a cache of weapons

⁷⁶² This arrangement was revealed gradually and pieced together by numerous reporters and investigators, but the authoritative text on the matter is Louis Blom-Cooper's report. The report itself can be found in the Antigua National Archives. Blom-Cooper subsequently developed his report into a book and published it as *Guns for Antigua*, (London: Gerald Duckworth and Co., 1990).

identical to that used to kill Galan. By early 1990, the Colombian government had traced the manufacture of the Galil rifles to Israel. There the arms manufacturers produced documents showing the weapons found in Colombia had originally been bought by and shipped to Antigua and that an end-user certificate identified the recipient as Vere Bird Jr. This sequence gained international attention on April 5, 1990, when the Colombian government issued a formal communique to the Antiguan government asking why a shipment of arms delivered to Vere Bird Jr had been involved in the Galan assassination.⁷⁶³ For many Antiguan this felt like *deja vu*; from 1976 to 1979, Antigua had been used by Gerald Bull's Space Research Corporation, a Canadian-American company, as a depot for the shipment of millions of dollars' worth of arms to apartheid South Africa, in violation of an United Nations arms embargo.⁷⁶⁴ Despite outrage among the opposition and in Tim Hector's *Outlet*, the ALP government avoided an inquiry in the 1970s, but it did not in the aftermath of the Guns for Antigua scandal.

Contrary to the Bastide Inquiry, the Blom-Cooper Inquiry was used as a tool of political defence to alleviate pressure on the Antiguan government and satisfy domestic and international outrage. According to Raanan Sulitzeanu-Kenan, an inquiry 'sends an implicit and often explicit message that acknowledges the existence of a problem (though leaving open the question of responsibility).'⁷⁶⁵ Similarly, Scott Prasser has stated, in the Australian context, that timing and perception are essential in politics and that 'Governments, when appointing a royal commission must appear to be not just taking action, but the initiative, of showing first mover advantage, and of being in charge.'⁷⁶⁶ This was certainly true of Bird's motivation in 1990: Bird had to recognise that there was an issue of serious public and international concern and be seen to be taking the initiative to address it. But he did not want to allocate blame personally or get into heated arguments about his son's guilt or innocence, hence leaving open the question of responsibility. Elliott and McGuinness have argued that an inquiry can provide a 'protective screen' behind which potentially culpable actors can shelter, legitimately avoiding questions or challenge from the media, public, and opposition on the grounds that to pass comment may prejudice or distract the inquiry.⁷⁶⁷ They point out that this screen can stand for years in the case of complicated and controversial inquiries.

⁷⁶³ Blom-Cooper, *Guns for Antigua*, 14-15.

⁷⁶⁴ Extensive material on the Space Research Corporation scandal is held at the UK National Archives: "Alleged involvement of Space Research Corporation (SRC) in Antigua in illegal arms shipments to Southern Africa", FCO 44/2041, TNA; "Alleged involvement of Space Research Corporation (SRC) in Antigua in illegal arms shipments to Southern Africa", FCO 44/2176, TNA.

⁷⁶⁵ Sulitzeanu-Kenan, "Reflection in the Shadow of Blame", 619.

⁷⁶⁶ Scott Prasser, "Royal Commissions in Australia: When Should Governments Appoint Them?", *Australian Journal of Public Administration* 65, no. 3 (2006): 40.

⁷⁶⁷ Dominic Elliott and Martina McGuinness, "Public Inquiry: Panacea or Placebo?", *Journal of Contingency and Crisis Management* 10, no. 1 (2001): 20.

Whilst cowering behind this protective screen, actors will have the opportunity to, in Sulitzeanu-Kenan's words, 'regroup' and 'consider alternative options'.⁷⁶⁸ Put bluntly, inquiries provide governments with the time to come up with excuses, construct and disseminate counter-narratives, and lay the groundwork for undermining the inquiry if it produces a damaging report. These are examples of what Presser has called the "covert goals" of public inquiries.⁷⁶⁹

Like all well-functioning pressure-release mechanisms, the Blom-Cooper Inquiry was designed to be a tightly controlled and managed instrument. Bird did not intend for the inquiry to function as a genuine fact-finding mission with meaningful anti-corruption outcomes. Instead, he exploited his prime ministerial discretion and Antigua's partisan media to undermine the inquiry and limit its political impact. In this way, Bird was able to satiate immediate calls for action whilst in the longer-term forestalling actual change to his regime. This echoes the reactive colonial-era inquiries discussed earlier, such as the Moyne Commission, which were used to sooth public outrage in crisis moments by giving the impression of change whilst in reality preserving much of the status quo.

The Blom-Cooper Inquiry was established because of two factors that Bird could not overcome by recourse to his Prime Ministerial powers or charismatic personal influence: outrage among Antiguan and pressure from foreign governments. With exception, it was very unusual for Bird to be forced into doing something against his will because of public anger. Usually, he had been able to rely on polarisation and his charismatic authority to get a majority of the Antiguan public to support or at least accept his word as gospel. But in 1990, this system broke down because of the seriousness of the scandal - involving the international shipment of arms and a high-profile assassination; the international embarrassment to Antigua, which damaged national pride and threatened the tourism economy; and because Lester Bird joined calls for an investigation, fracturing the party-based absolutism that usually characterised Antiguan politics.

On April 11, 1990, Lester published an open letter to his father calling for an investigation, saying he had set up a committee that had decided 'a prima facie case' exists that needed answering.⁷⁷⁰ Both he and his political ally, Hugh Marshall, said they would not attend

⁷⁶⁸ Sulitzeanu-Kenan, "Reflection in the Shadow of Blame", 617.

⁷⁶⁹ Prasser, "Royal Commissions in Australia", 34.

⁷⁷⁰ Lester Bird to V. C. Bird (cc. Governor-General Wilfred Jacobs), April 11, 1990, reprinted in "Lester calls for commission of inquiry into gun-running to drug lords", *Outlet*, April 20, 1990, ANA, 17.

cabinet until the Prime Minister instituted an inquiry.⁷⁷¹ This was in contrast to the late 1970s when the almost-identical Space Research Corporation gun-running conspiracy had been revealed. In that instance, Lester stood fully behind his father's regime, defended the government in Parliament, and even represented Space Research Corporation through the law firm Bird and Bird.⁷⁷² But in 1990, Lester's motivation was political. From the mid-1980s onwards he and his older brother Vere Jr had been involved in a struggle over who was to succeed their father as leader of the ALP. As the Guns for Antigua Scandal directly implicated Vere Jr, Lester saw an inquiry as an opportunity to discredit his brother and secure succession. No doubt the devastation of George Walter's political career after the Bastide Inquiry featured prominently in Lester's thinking. That Lester risked publicly going against his father's wishes by supporting calls for an inquiry implies he: was willing to do almost anything to become ALP leader; knew his popularity among the public and ALP supporters was far greater than that of Vere Jr; and believed inquiries could be used as a political tool and that they could be manipulated in a way that achieved a specific result. Lester's hope was for what is sometimes known as a 'rotten apple' or 'lightning rod' solution, that is, an inquiry that pins blame on a single actor who can be easily excised leaving the wider regime intact and, if anything, stronger for the purge.⁷⁷³

The other important driver for the Blom-Cooper Inquiry was pressure from foreign governments. The seriousness and the international dimension of the Guns for Antigua scandal made it appealing content for newspapers throughout the world. But many outlets turned their attention to Antiguan corruption more generally and the attention-grabbing notion of a corrupt Bird dynasty. The *Los Angeles Times* said the controversy had delivered 'a political bombshell' to Antigua, before giving readers a detailed overview of previous corruption scandals involving the Birds.⁷⁷⁴ Similarly, *The New York Times* reported on the gun-running scandal as 'merely the gravest abuse in a long string of controversies' resulting from 'concentrating near-total power in the hands of one family'.⁷⁷⁵ This attention was a national embarrassment for Antigua and undermined Bird's reputation as a leading statesman of the Caribbean. But this burgeoning reputation also threatened Antigua's

⁷⁷¹ Statement by Lester Bird, April 18, 1990, reprinted in "Lester takes firm stand", *Outlet*, April 20, 1990, ANA, 19.

⁷⁷² Payne, "The Failings of Governance in Antigua and Barbuda", 12.

⁷⁷³ Annika Brandstrom and Sanneke Kuipers, "From 'Normal Incidents' to Political Crises: Understanding the Selective Politicization of Policy Failures", *Government and Opposition* 38, no. 3 (2003): 298-99.

⁷⁷⁴ Robert Glass, "Arms Diversion to Colombia Clouds Antigua Ruling Family", *Los Angeles Times*, May 20, 1990, accessed February 13, 2022, available at <https://www.latimes.com/archives/la-xpm-1990-05-20-mn-298-story.html>.

⁷⁷⁵ Howard French, *New York Times*, June 16, 1990, accessed February 13, 2022, available at: <https://www.nytimes.com/1990/06/16/world/island-s-hushed-scandals-unhushed.html>.

economy which was reliant on foreign investment and tourism - both of which came from countries acutely interested in the arms scandal. *The Washington Post* said that the scandal not only threatened the stability of the Bird dynasty but that it raised serious questions for 'the tourist trade that accounts for three-quarters of the island's economy.'⁷⁷⁶ The perennial question became: would tourists and investors feel safe and comfortable visiting and spending money in an island where gun-running for drug cartels is tolerated, let alone practised by the government?

The potential economic damage sustained because of a reputation for corruption was not limited to worries about tourism and private investors. Bird also had to consider how Antigua's creditors and allies would feel about lending or granting money to a country where corrupt actors operated with impunity. The British attitude at the time may be inferred from a letter written shortly after the arms scandal by the British High Commissioner to the eastern Caribbean, Emrys Davies, to the British Foreign Secretary, Douglas Hurd. This was the missive in which Hurd called Antigua 'a blot on the landscape' because 'corruption is so blatant, all pervasive, and of such long standing'.⁷⁷⁷ He went on to advise that the British Government cut off aid to Antigua and suspend ongoing funding projects should corruption continue.⁷⁷⁸ Withholding financial assistance in this way was part of what another British government official called the UK's 'sticks and carrots' approach to bolstering 'good government' in the Commonwealth Caribbean.⁷⁷⁹ The potential impact of this line of thinking would have been particularly salient for Bird because at the time of the scandal Antigua and the UK were in the midst of negotiating a £5 million interest-free loan (equal to approximately 1.85 percent of Antigua's 1990 GDP) for development projects in Antigua.⁷⁸⁰

An inquiry could be used to give foreign governments and investors the perception that Antigua was serious about rooting out and eradicating corruption. During a Senate subcommittee hearing in the US, Lawrence Barcella, counsel to the Antiguan government during the inquiry, stressed that the Antiguan 'government enabled the inquiry...to exist in the first place'.⁷⁸¹ Later, in reference to a series of reforms introduced after the arms scandal,

⁷⁷⁶ Lee Hockstader, "Arms Scandal Hits Antigua's Ruling Clan", *Washington Post*, June 12, 1990, accessed February 13, 2022, available at <https://www.washingtonpost.com/archive/politics/1990/06/12/arms-scandal-hits-antiguas-ruling-klan/3f82663-4a8f-4cb3-85b7-40f8cb0b8a79/>.

⁷⁷⁷ Emrys Davies to Douglas Hurd, Jan 14, 1994, FCO 160/327, TNA.

⁷⁷⁸ Emrys Davies to Douglas Hurd.

⁷⁷⁹ Gordon Baker to Emrys Davies, 10 December, 1991, OD 138/30, TNA.

⁷⁸⁰ For the telegrams discussing this loan as well as 'good government' see OD 138/30, TNA.

⁷⁸¹ "Arms Trafficking, Mercenaries and Drug Cartels", Hearing before the permanent subcommittee on investigations of the committee on governmental affairs, United States Senate, One Hundred Second Congress, First Session, February 27 and 28, 1991, U.S., Washington D.C., Government Printing Office, 1991. A download of the report can be accessed here:

Attorney General Keith Forde explicitly said that such reforms were done 'to satisfy the world that something is being done'.⁷⁸² These statements indicate that Antigua's global reputation featured prominently in that government's thinking and the impression of an open and accountable regime was paramount in their calculations.

It is interesting to contrast the UK's stance in the early 1990s after the Guns for Antigua scandal with their posture in 1980 when the Space Research Corporation (SRC) scandal was uncovered. Confidential communications within the British Foreign and Commonwealth Office indicate that in the SRC case, their goal was to minimise the scandal and even cover-up Antigua's involvement. When asked if the UK government wished to 'investigate the allegations of Antiguan involvement', one official wrote 'this is the last thing we should want to do. If the Bird(s) can get away with it, let's leave it at that'.⁷⁸³ The UK's stance in 1980 was likely politically motivated. Further confidential communications clearly show that the UK did not want the SRC scandal to escalate into a political crisis in Antigua that could make 'the Antigua government fall' and cause 'serious civil disturbance'.⁷⁸⁴ If it did, the UK - which retained responsibility for Antigua's defence under Associated Statehood - feared being roped into costly and controversial political and potentially military intervention. Moreover, it was internationally 'embarrassing' for the UK that one of its Associated States - for which the UK retained responsibility for foreign affairs - was embroiled in an embargo-flouting conspiracy, particularly when the UK was working towards Antiguan independence.⁷⁸⁵ The UK thus had an interest in minimising the SRC scandal in 1980; in 1990 this interest had dissipated after nine years of independence and the UK took a firmer stance against Antiguan corruption in the Guns for Antigua scandal. This shifting historical context helps explain the different pressures that compelled Bird to call for an inquiry in 1990.

An inquiry, if tightly controlled, could thus serve a multitude of purposes at once: it would give foreign governments and investors the illusion that the Antiguan government took corruption and accountability seriously; it would placate Lester by giving him the chance to further his own career at the expense of Vere Jr's; it would satiate domestic outrage by

https://google.cat/books?id=amQRAAAAIAAJ&pg=PA58&vq=%22any+person+or+persons+exercising+or+assuming+to+exercise+the+powers+of+government+in+or+over+any+foreign%22&dq=editions:OXFORD600005035&lr=&output=html_text#PA58, 88.

⁷⁸² "A veil of corruption?", *Outlet*, July 12, 1991, ANA, 2.

⁷⁸³ M. C. S. Dickson to A. E. Montgomery, August 22, 1980, "Space Research Corporation (SRC)", "Alleged involvement of Space Research Corporation (SRC) in Antigua in illegal arms shipments to Southern Africa", FCO 44/2176, TNA.

⁷⁸⁴ Peter Carington to John Ford, July 24, 1979, "Space Research Corporation (SRC)", "Alleged involvement of Space Research Corporation (SRC) in Antigua in illegal arms shipments to Southern Africa", FCO 44/2041.

⁷⁸⁵ Peter Carington to John Ford, July 24, 1979.

giving the impression of a proactive and accountable government; and it would buy time for the government to concoct its own counter-narrative and come up with a defence strategy. Genuine concerns about eradicating corruption or holding ministers and businessmen in Antigua accountable seem to have been far from V. C. Bird's mind in 1990.

Bird called for an inquiry in May 1990, headed by British QC Louis Blom-Cooper.⁷⁸⁶ It was customary for eastern Caribbean governments to appoint regional jurists or former lawyers to head inquiries, as was the case in the Bastide Inquiry and the 1986 Nedd investigation into Antigua's runway resurfacing scandal, which I have explored elsewhere. But the appointment of an English lawyer was somewhat unusual. According to a minister who served at the time, it was Lester who insisted an English jurist be hired, as he thought 'a white man' would render a more accurate and 'full' verdict. Regardless of the reasons he was hired, Blom-Cooper accepted the Governor-General's invitation and travelled to Antigua with renowned Australian-British lawyer Geoffrey Robertson as counsel to the commission. The inquiry began sitting in St John's on July 16, 1990, and heard testimony in two separate fortnight-long sessions. The hearings were open to the public and shown on live television, with repeats broadcast in the evening. Hearings ended on September 7, and a report was completed by November 1, 1990.

Blom-Cooper's report was given to Bird on November 2, 1990. The 1880 Commissions of Inquiry Act does not require an inquiry report to be presented to Parliament or made public, so despite promises to the contrary, Bird kept Blom-Cooper's report behind 'a Berlin Wall' of secrecy.⁷⁸⁷ But nor does the 1880 Act impose obligations of secrecy on commissioners as far as their reports are concerned. Perceiving his function as one of public service, Blom-Cooper himself published and printed his report for the Antiguan public after a week of silence from Bird.⁷⁸⁸ Tim Hector promptly reprinted it in *Outlet*.⁷⁸⁹ The report identified a pervasive culture of corruption in Antigua and condemned the conduct of Vere Jr, whom Blom-Cooper called a 'definite conspirator' and 'a thoroughly unprincipled man'.⁷⁹⁰ Blom-Cooper made numerous recommendations to the government including: a prohibition on Vere Jr holding public office; the dismissal of Colonel Walker from the ADF; updating the 1880 Commissions of Inquiry Act to permit investigations outside Antigua's jurisdiction; reform of customs and import procedures and regulations; and modernisation of cabinet and

⁷⁸⁶ Blom-Cooper, *Guns for Antigua*, 15.

⁷⁸⁷ "Blom-Cooper's recommendations", *Outlet*, November 9, 1990, ANA, 1.

⁷⁸⁸ "Four Presidents call on bird to do the right thing", *Outlet*, March 1, 1991, ANA, 1.

⁷⁸⁹ "Blom-Cooper's recommendations", 1 and 3.

⁷⁹⁰ "Vere Bird sent to the cleaners", *Outlet*, November 9, 1990, ANA, 1, 3.

ministerial minutes to aid in record keeping, transparency, and accountability.⁷⁹¹ Moreover, while Blom-Cooper said no criminal proceedings could be brought against the four Antiguan implicated in the conspiracy, he said a full judicial inquiry should be established into Sarfati's businesses in Antigua and his relationships with cabinet ministers, which may themselves lead to criminal and civil trials.⁷⁹²

The Blom-Cooper Inquiry was therefore potentially very politically damaging to the Antiguan government. Bird was able to minimise this damage by using strategies of manipulation that undermined the public's perception of and reaction to the inquiry. Some of these strategies were grounded in Antigua's partisan political culture, while others relied on Bird exploiting the powers given to him by Antigua's constitutional framework. Overall, Bird was able to use these strategies in a way that nullified the real-world negative consequences of the Blom-Cooper Inquiry while maximising the pressure-release function he had intended it to perform.

Once an inquiry is established under the Commissions of Inquiry Act it is largely free to conduct its own business independently of the government and commissioners may 'make such rules for their own guidance' and regulate their own conduct as they see fit.⁷⁹³ This leaves few opportunities for the government to interfere once an inquiry begins. This is, at least in theory, one of the things that makes a statutory inquiry such a formidable anti-corruption safeguard. In contrast, public investigations not established under the Commissions of Inquiry Act may be subject to interference, hindrance, and obfuscation as I have demonstrated elsewhere in my discussion of the 1987 Nedd investigation into the runway scandal, which also implicated Vere Jr in a different corruption scandal.⁷⁹⁴

But there were still some ways the government could make Blom-Cooper's job difficult. One was to set a fairly restrictive budget of around \$400,000, which counsel to the commission called 'very limited'.⁷⁹⁵ They were also given 'no effective secretariat' to help manage the workload.⁷⁹⁶ And the inquiry was prevented from conducting investigations outside Antigua. As this scandal was international and involved foreign actors, it was 'dearly wished' and some might say obvious that the inquiry should take evidence from, at least, Israel, the US, and the UK.⁷⁹⁷ This was prevented by an interpretation of the Commissions of Inquiry Act by

⁷⁹¹ Blom-Cooper, *Guns for Antigua*, 132-133.

⁷⁹² Blom-Cooper, *Guns for Antigua*, 132

⁷⁹³ Commissions of Inquiry Act, section 9.

⁷⁹⁴ Gascoigne, "Allowing Corruption and Dodging Accountability".

⁷⁹⁵ "Arms Trafficking, Mercenaries and Drug Cartels", 75.

⁷⁹⁶ "Arms Trafficking, Mercenaries and Drug Cartels", 75.

⁷⁹⁷ "Arms Trafficking, Mercenaries and Drug Cartels", 75.

Judge Hoarce Mitchell of the Antiguan High Court.⁷⁹⁸ The injunction was sought and won by Vere Jr and then appealed by the Attorney General at the request of Blom-Cooper. But at the Court of Appeal it was thrown out on a technical matter, largely because no one from the Attorney General's office was present.⁷⁹⁹ At best this is an example of negligence whereby the Attorney General's office failed to fulfil an important legal function. At worst this is evidence of a conspiracy between the Attorney General, the government, and their supposed courtroom opponent, Vere Jr. Either way, the result was frustration for Blom-Cooper who was forced to conduct his inquiry exclusively in Antigua, potentially cutting him off from crucial testimony and evidence. Had the inquiry been able to take evidence from overseas, it is likely it would have found more evidence to substantiate its claims still further. This was the gist of damning testimony given to a US Senate subcommittee in 1991, under oath, by counsel to the inquiry, Geoffrey Robertson.⁸⁰⁰

After the inquiry was concluded, Bird's next strategy was to sit on the report. This was possible because the 1880 Act leaves publication of inquiry reports to the discretion of the Prime Minister, by proxy of the Governor-General.⁸⁰¹ 'Shelving' has been a popular tactic for politicians whose only interest is a superficial outward appearance of proactivity, with the actual content of the report of little interest or worth.⁸⁰² But shelving did not work for Bird because Lester publicly maintained pressure on the government, motivated by his career ambitions, and because Blom-Cooper published the report himself. Once it was made public, Bird had to rely on other strategies to mitigate the report's political consequences.

Bird then drew on Antigua's polarised political culture to nullify the report's political consequences. The foremost issue that needed to be resolved was the schism within the ALP triggered by Lester's leadership ambitions. It was abundantly clear that Antigua could not move on from the scandal in the way Bird wanted while Lester remained outside government, poking the bear from the sidelines. During and after the Blom-Cooper Inquiry Lester supported the process and insisted its recommendations be implemented. On March 20, 1991, Lester resigned from Bird's cabinet, taking fellow ministers Hugh Marshall and Henderson Simon with him. Their open resignation letter called for the implementation of Blom-Cooper's recommendations and new leadership within the party.⁸⁰³ Lester then joined the opposition's Freedom From Corruption Day march, on March 24th, organised to pressure

⁷⁹⁸ "High Court says No to hearings outside Antigua", *The Nation*, August 17, 1990, ANA, 1.

⁷⁹⁹ "Court of Appeal throws out application", *The Workers' Voice*, December 1, 1990, ANA, 1.

⁸⁰⁰ "Arms Trafficking, Mercenaries and Drug Cartels", 75.

⁸⁰¹ Commissions of Inquiry Act, section 7.

⁸⁰² Gosnell, "British Royal Commissions of Inquiry", 110.

⁸⁰³ "Lester, Marshall, and Simon resign", *Outlet* March 22, 1991, ANA, 19.

the government to implement Blom-Cooper's recommendations.⁸⁰⁴ Groups and individuals opposed to the Bird regime, including ACLM's Tim Hector, began to hope that Lester would use this episode to launch a new political party and forge a 'new way' in Antiguan politics predicated on transparency and anti-corruption.⁸⁰⁵ This march was a major potential turning point in Antiguan history, and will be discussed in more detail below.

However, Lester's intention was to cause enough discomfort for the government that his father would feel obliged to ask him back to cabinet and appoint him as his successor. This happened in September 1991, after a summer of grid-lock, factionalism, and intrigue.⁸⁰⁶ With his elevation to heir-apparent, Lester rapidly mended the schism he had caused in the ALP, stating, 'I have returned to the government with a view to implementing the principles and policies on which and for which I left'.⁸⁰⁷ The principles for which Lester supposedly left cabinet were never implemented. Instead, Lester succeeded his father as leader of the ALP in September 1993 and became Prime Minister in March 1994. By the end of 1991, then, Antigua's politics was restored to its neatly polarised ALP versus opposition state. In demonstration of their renewed unity, the ALP comfortably won a by-election in St Phillip's South and hopes that the Bird dynasty could be toppled or that 'a new way' was forthcoming in Antiguan politics were crushed.⁸⁰⁸ This manipulation of the Antiguan political scene demonstrates the overwhelming influence of personality and key persons in Antiguan politics. The Blom-Cooper Inquiry may have been the vehicle for political posturing, but it was the actions and rhetoric of Lester Bird, articulated against those of Vere Jr, that led to both schism and unity in the wake of the arms scandal.

While also working to resolve Lester's schismatic machinations, Bird and his government used Antigua's partisan media to influence the impact of the Blom-Cooper Inquiry. As mentioned, people will only respond meaningfully to allegations of corruption that they believe to be credible.⁸⁰⁹ Information from opposing parties or sources outside the in-group (including Blom-Cooper himself) may be discounted or considered less persuasive than information from the in-group.⁸¹⁰ In relation to inquiries, Brandstron and Kuipers have

⁸⁰⁴ "Is official violence inevitable in Antigua?", *Outlet*, April 12, 1991, ANA, 10; in his memoir, Lester denies he purposefully took part in a march in 1991 and says he was pulled into the crowd by George Sheppard, giving the erroneous impression he was demonstrating against the government, but he also says this protest was against the Space Research Corporation controversy, but this scandal was exposed in 1978, not 1991. See: Lester Bird, *The Comeback Kid*, (St Johns, Antigua: self-published, 2019), 250.

⁸⁰⁵ "The commission, Lester, and the future", *Outlet* September 7, 1990, ANA, 14.

⁸⁰⁶ "Beg-back or called back?", *Outlet*, September 6, 1991, ANA, 1-4.

⁸⁰⁷ Lester Bird, "I left on principle; I return on principle", *Outlet*, September 6, 1991, ANA, 6.

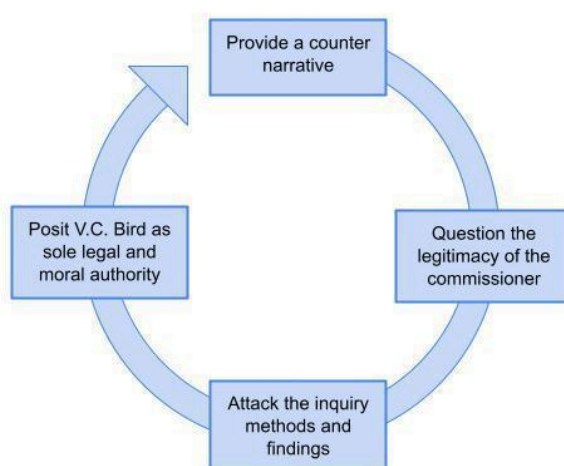
⁸⁰⁸ "Beg-back or called back?", 1.

⁸⁰⁹ Taber and Lodge, "Motivated Skepticism in the Evaluation of Political Beliefs", 755.

⁸¹⁰ Taber, Cann and Kucsova, "The Motivated Processing of Political Arguments", 137-55.

highlighted the central role of the media in the immediate wake of a crisis (including a corruption scandal) and the two ways the media may go. Either the media can be 'the primary stage where incidents are publicised and where the boundaries of the issues that these incidents appear to raise can be expanded', for instance by linking a corruption scandal to systemic failings in a state's anti-corruption apparatus.⁸¹¹ Alternatively, the media can treat the event 'as a freak occurrence or as a tragic outcome of inherently defensible actions by public authorities.'⁸¹² As examined immediately below, *Outlet* was the lone publication doing the former while all other media platforms in Antigua fell into the latter category.

Image Eight: Undermining confidence in the inquiry through the partisan media



One way the ALP-controlled media undermined the inquiry was to peddle its own version of events, spouting what are now commonly called 'alternative facts'. The ALP's counter-narrative proposed that Vere Jr and the government were not at fault, but that they and all Antiguan were victims of an international conspiracy. As early as the inquiry's fifth day, *The Workers' Voice* stated as fact that 'Galan was murdered because of the combined efforts of Israelis, Americans, the British and the Colombian druglords'.⁸¹³ Supposedly, these 'Internationals' then conspired to shift the blame for the arms shipment and the assassination onto Antigua, using 'clever people in Miami' to forge the extensive material evidence on which Blom-Cooper's misguided conclusions were based.⁸¹⁴ To support this latter claim, *The*

⁸¹¹ Brandstrom and Kuipers, "From 'Normal Incidents' to Political Crises", 282.

⁸¹² Brandstrom and Kuipers, "From 'Normal Incidents' to Political Crises", 282.

⁸¹³ "The judicial inquiry into the transshipment of arms through Antigua continued for the 5th day today, before Mr Louis Blom-Cooper QC, the chairman." *The Workers' Voice*, July 28, 1990, ANA, 2.

⁸¹⁴ "The judicial inquiry into the transshipment of arms through Antigua continued for the 5th day", 2.

Workers' Voice confidently argued that 'We see these things on television everyday.'⁸¹⁵ This alternative explanation meant any findings critical of the government could be shrugged off as part of this global conspiracy. Meanwhile Bird and his government were positioned as the honest champions of Antigua, standing up to an international criminal cabal. This first attempt to avoid culpability is an example of the 'blame games' that usually follow a crisis or scandal. Blame games involve the 'politicized allocation of blame after perceived policy failures' in ways that allow actors to 'protect their interests rather than support a post-crisis learning process.'⁸¹⁶ In this instance, rather than support the post-crisis learning process he had instituted (the inquiry), Bird sought to shift blame away from his son and his government's practices and onto an invented international conspiracy.

Having provided an alternative story, the ALP then spent weeks undermining the public's confidence in Louis Blom-Cooper personally, questioning his legitimacy and ability. Much of this focused on his identity as a white Englishman, implying that his race prejudiced his objectivity. *The Workers' Voice* consistently referred to Blom-Cooper and his counsel Geoffrey Robertson as 'the English lawyers' and spoke of the inquiry as an 'Anglo-Saxon court'.⁸¹⁷ More explicitly, *The Workers' Voice* questioned the legitimacy of an inquiry chaired by 'a foreign jurist' who was going to 'fight and disrespect' local jurisprudence.⁸¹⁸ Such speculation fed into the idea of an international conspiracy, with the implication being that Blom-Cooper himself could be an agent of this conspiracy. ALP-supporting outlets chose to ignore the fact that Blom-Cooper was appointed by Antigua's Governor-General, with Bird's approval. Perhaps most insidiously of all, the ALP-supporting press argued that 'as a Jew' Blom-Cooper could not be trusted to investigate 'a matter which involve his fatherland', as the weapons and several co-conspirators came from Israel.⁸¹⁹ Blom-Cooper was personally attacked by the ALP as a means of priming the public to disregard any of his conclusions that were critical of the government, significantly undermining the inquiry in the eyes of the public.

A third way the ALP used the partisan press to undermine the Blom-Cooper Inquiry was by criticising the conduct of the investigation itself. The state-owned *The Nation* routinely

⁸¹⁵ "The judicial inquiry into the transshipment of arms through Antigua continued for the 5th day", 2.

⁸¹⁶ Victor Galaz, Fredrik Moberg, Eva-Karin Olsson, Eric Pagliaand, and Charles Parker, "Institutional and Political Leadership Dimensions of Cascading Ecological Crises", *Public Administration* 89, no. 2 (2011): 374.

⁸¹⁷ "Lester makes deals with Commission for who?", *The Workers' Voice*, October 13, 1990, ANA, 2; J. E. Whyte, "Antiguans and Barbudans have been Blest with Three Inquiries", *The Workers' Voice*, December 1, 1990, ANA, 8.

⁸¹⁸ "Appealing from Caesar to Caesar, Vengeance is mine sayeth the lord", *The Workers' Voice*, November 10, 1990, ANA, 2.

⁸¹⁹ "Appealing from Caesar to Caesar, Vengeance is mine sayeth the lord", 2.

referred to Blom-Cooper as 'Lone Commissioner Blom-Cooper', implying that one man could not be relied upon to carry out a thorough and impartial investigation. The Bastide Inquiry - which had perfectly performed the function Bird wanted of it - had had three commissioners.⁸²⁰ Again, *The Nation* hid the fact that it was well within Bird's gift to appoint more than one commissioner if he so chose. *The Workers' Voice* meanwhile called the inquiry a 'witch-hunt' designed to 'attack, denigrate and criticise' Vere Jr.⁸²¹ Again, this tied in with the narrative that Vere Jr and Antigua at large were being made the scapegoat for an international cabal. Elsewhere, the ALP media called the inquiry's conclusions 'far fetched' and referred in vague terms to 'anomalies and constitutional defects'.⁸²² What exactly was far-fetched or anomalous about the inquiry was never explained. *The Workers' Voice* said Blom-Cooper had 'come up with some many speculations, maybe's and no basis for his conclusions'.⁸²³ Where specific parts of the report were disagreed with by *The Workers' Voice*, the newspaper simply made assertions such as 'This is an open and bareface lie' without explanation or evidence for their counterclaims.⁸²⁴ The intention of these vague statements was to raise scepticism in the minds of readers about the conduct of the commission which in turn would undermine their faith in its findings. Instead, the ALP alternative narrative that Vere Jr was a victim not a criminal was substituted as a much more believable and fact-based explanation.

The relentless torrent of slander against Blom-Cooper and his work was contrasted with a renewed focus on venerating Bird as Antigua's moral and spiritual leader as well as its Prime Minister. This was asserted in boasts such as 'The answer to our country's need is still Papa' and in bold statements like 'His brain power, intellect, and grasp of what is important for this nation of ours is even sharper today than many years ago. In fact, most think that he can out think all the Cabinet put together'.⁸²⁵ *The Nation* was less saccharine in its adoration of Bird but still routinely ran articles in praise of him and his leadership, with large pictures of his face printed alongside positive news stories and repeated use of his full title 'The Right Honourable Dr V.C. Bird'.⁸²⁶ While Blom-Cooper was being torn down Bird was being held up

⁸²⁰ "Signature on end user certificate a forgery", *The Nation*, September 14, 1990, ANA, 1.

⁸²¹ "Lester makes deals with Commission for who?", 2.

⁸²² "Cooping the Bloom" *The Workers' Voice*, September 29, 1990, ANA, 7; No Title, *The Workers' Voice*, December 1, 1990, ANA, 6.

⁸²³ "Justice Mitchell maintains dignity of his profession", *The Workers' Voice*, November 17, 1990, ANA, 5.

⁸²⁴ "McCartism and Blom-Cooperism", *The Workers' Voice*, November 24, 1990, ANA, 4.

⁸²⁵ "Prime Minister re-assessing Ministers to maintain stability", *The Workers' Voice*, September 1, 1990, ANA, 1.

⁸²⁶ "Antigua and Barbuda cleared of involvement in arms deal", *The Nation*, precise date unknown, November 1990, ANA, 1.

as the only legitimate judge of Antiguan legality and morality so that when the inquiry was finished, the public would not look to Blom-Cooper for truth and closure but to Bird.

The radio was a secondary but still important source of news for Antiguan in the 1990s and that too was used for partisan purposes to undermine Blom-Cooper's work. At the time there were two radio stations. ABS (Antigua Broadcasting Service Radio) was the state-owned radio station that was used to parrot the same three-pronged attack on the inquiry demonstrated by the print media.⁸²⁷ The other radio station, ZDK, was owned by the Bird family and heavily censored. On the eve of Blom-Cooper's report publication, staff at ZDK were told that all news content, no matter its subject, must be personally 'vetted' by Vere Jr.⁸²⁸ This meant that the man at the centre of the arms scandal had direct control over how the Blom-Cooper Inquiry and report was presented, discussed, and interpreted by one of two radio stations. The ALP was thus able to use both print and broadcast media to control what information their supporters could access and how they understood that information through commentary and analysis - both of which were focused through a rigid partisan lens. The control of public information and perception was clearly a key priority for the Bird regime. By doing so they could exploit the information biases inherent in polarised partisanship and steer majority reaction to the Blom-Cooper Inquiry.

The ALP's objective in using the media in this way was to undermine confidence in the Blom-Cooper Inquiry among a majority of the public. If most of the population could be convinced to ignore Blom-Cooper and place their trust squarely in Bird, then the government could shelve Blom-Cooper's report. An essential part of this was restoring the polarised political culture that Lester had disrupted by attacking the government. Once Lester rejoined the government and restored Antigua's political culture to its pre-scandal polarised state, Bird used Antigua's partisan press to ensure that Blom-Cooper's findings were not believed or supported by a majority of the public. Restoring this loyal majority meant the public pressure that had forced him to call an inquiry in the first place was successfully dissipated. In the event, by the winter of 1991 Bird had regained the loyalty of the Antiguan majority and felt confident enough to ignore much of Blom-Cooper's report.

Though Vere Jr had had his ministerial appointment revoked when the inquiry was called on May 16, 1990, no government statement or action concerning his future ability to serve in cabinet was made.⁸²⁹ In a public letter to the Governor-General, Bird stated in relation to

⁸²⁷ John A Lent, "Press Freedom in the Commonwealth Caribbean," *Index on Censorship* 2, no. 3 (1973): 69.

⁸²⁸ "After the Blom-Cooper Report, what?", *Outlet*, November 2, 1990, ANA, 1.

⁸²⁹ Blom-Cooper, *Guns for Antigua*, 14.

Blom-Cooper's recommendation that Vere Jr never hold public office that, 'To date this has been complied with'.⁸³⁰ However this did not last long and in 1996 he was reappointed to cabinet by his brother Lester, who was then Prime Minister, and went on to lead three different departments.⁸³¹ All the while, he remained an MP and won re-election at the next two general elections.⁸³² This appears to have surprised the commission which had assumed that 'the public dishonour that the whole proceedings carried with them would be sufficient' to bar Vere Jr from holding public office ever again.⁸³³ But, as Geoffrey Robertson, counsel to the commission, later admitted, this was not so. This misconception on the part of the commission speaks to the failure of Blom-Cooper and Robertson to appreciate the importance of Antigua's partisanship in determining the public's reaction to the arms scandal and the inquiry. What they regarded as dishonour was insufficient in the Antiguan context to counter the overwhelming forces of partisanship and loyalty to the ALP and the Bird family.

Another of Blom-Cooper's recommendations was the immediate dismissal of Clyde Walker, head of the Antigua and Barbuda Defence Force. In the same public letter, Bird said that the steps for his dismissal had been initiated and were under 'active consideration' by the Governor-General.⁸³⁴ But months later Walker was allowed to retire from the ABDF with full pension and was later made Chief of Immigration by Lester Bird.⁸³⁵ Blom-Cooper also advised the establishment of an ombudsman. But this was not done for another three years, despite Bird claiming a shortlist of candidates was already prepared and the legislation was being worked out.⁸³⁶ An anti-corruption bill was passed by the House of Representatives in 1991, allowing a judge to authorise police investigation of an official accused of corruption and required the Director of Public Prosecutions to prove corruption had taken place. But it was attacked as window dressing and called 'a veil for corruption' by opposition voices who called for a legally-enforced code of conduct and automatic removal of corrupt politicians and officials.⁸³⁷ After it passed the House even the government's own lawyers called the bill unworkable and Bird instructed his own senators to vote down the bill, making this the first time the senate had 'defeated' a government bill.⁸³⁸ The government did, however, implement one of Blom-Cooper's recommendations, namely to amend (via a bill passed on

⁸³⁰ Prime Minister Vere Cornwall Bird to Governor-General Sir Wilfred Jacobs, April 4, 1991, reprinted in "P.M. Bird confronts the Nation", *Outlet*, April 12, 1991, ANA, 2.

⁸³¹ "Biography: Vere Cornwall Bird Jr.", *KnowledgeWalkInstitute*, 2022, accessed January 19, 2021, http://www.caribbeanelections.com/knowledge/biography/bios/bird_vere_jr.asp, np.

⁸³² "Biography: Vere Cornwall Bird Jr.", np.

⁸³³ "Arms Trafficking, Mercenaries and Drug Cartels", 95.

⁸³⁴ Prime Minister Vere Cornwall Bird to Governor-General Sir Wilfred Jacobs, April 4, 1991, 2.

⁸³⁵ Payne, "The Failings of Governance in Antigua and Barbuda," 15.

⁸³⁶ Prime Minister Vere Cornwall Bird to Governor-General Sir Wilfred Jacobs, April 4, 1991, 2.

⁸³⁷ "A veil of corruption?", *Outlet*, July 12, 1991, ANA, 2; "Bird Rejects Anti-Corruption Bill", *Outlet*, July 12, 1991, ANA, 2.

⁸³⁸ "Bird Rejects Anti-Corruption Bill", 2.

February 21, 1991) the Commissions of Inquiry Act in such a way that would allow commissioners to conduct proceedings abroad if necessary. This had been a major irritant for Blom-Cooper and Robertson and is arguably the one lasting reform their inquiry achieved. Despite the seriousness of the initial scandal, the Blom-Cooper Inquiry therefore had little long-term impact in terms of legislative or structural reform or punishment of corrupt actors. In this sense, the inquiry failed to perform either the retributive or reformatory function of a public inquiry.

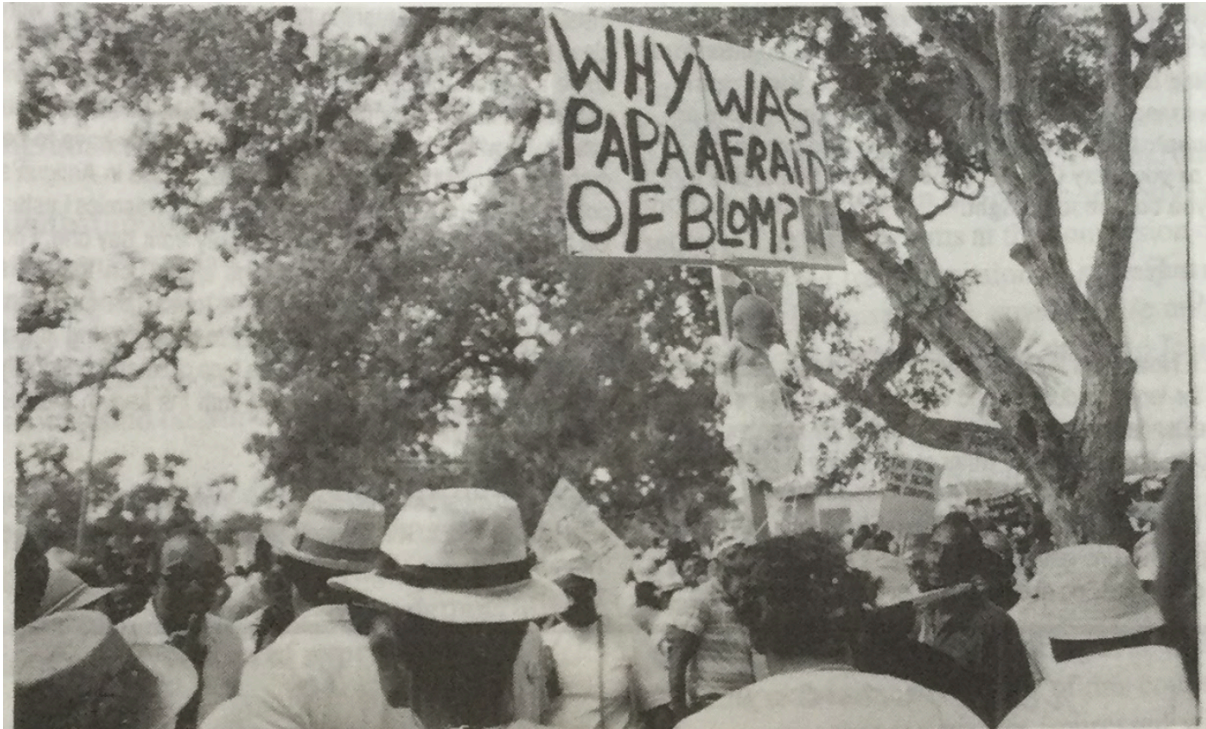
This is not to say that there was no outrage pursuant to Blom-Cooper's findings. As mentioned, the report was immediately politicised and those opposed to the ALP saw it as proof that Bird presided over a culture of bribery, collusion, and fraud that extended beyond cabinet and tainted both public and private sectors. In an initial phase of optimism, Tim Hector called the report a turning point, saying that Blom-Cooper had helped Antigua 'move forward' into a time when corruption by politicians would not be tolerated by the public.⁸³⁹ However, when it became clear that the government had no intention of implementing the report's recommendations, Tim Hector began to lead calls for a public demonstration and a national 'Freedom From Corruption Day'.⁸⁴⁰ That day did not materialise until 23 March 1991 when it was claimed by Hector that 12,000 people marched to oppose government corruption.⁸⁴¹ That figure is likely to have been inflated by Hector, but photographic evidence shows that the march was well-attended and several people openly carried anti-Bird billboards with slogans such as 'All Bird is foul'. There was at least one effigy of Bird as a baby wearing a nappy. As previously stated, Lester himself appears to have been part of that demonstration and while the march was not enough to compel implementation of Blom-Cooper's recommendations it caused a period of political crisis for Bird which Lester was able to exploit for his own ends.

⁸³⁹ Tim Hector, "Editorial: To prosecute or not to prosecute", *Outlet*, November 16, 1990, ANA, 12.

⁸⁴⁰ Tim Hector, "Editorial: We the people will demand respect on Freedom From Corruption Day", *Outlet*, January 11, 1991, ANA, 12.

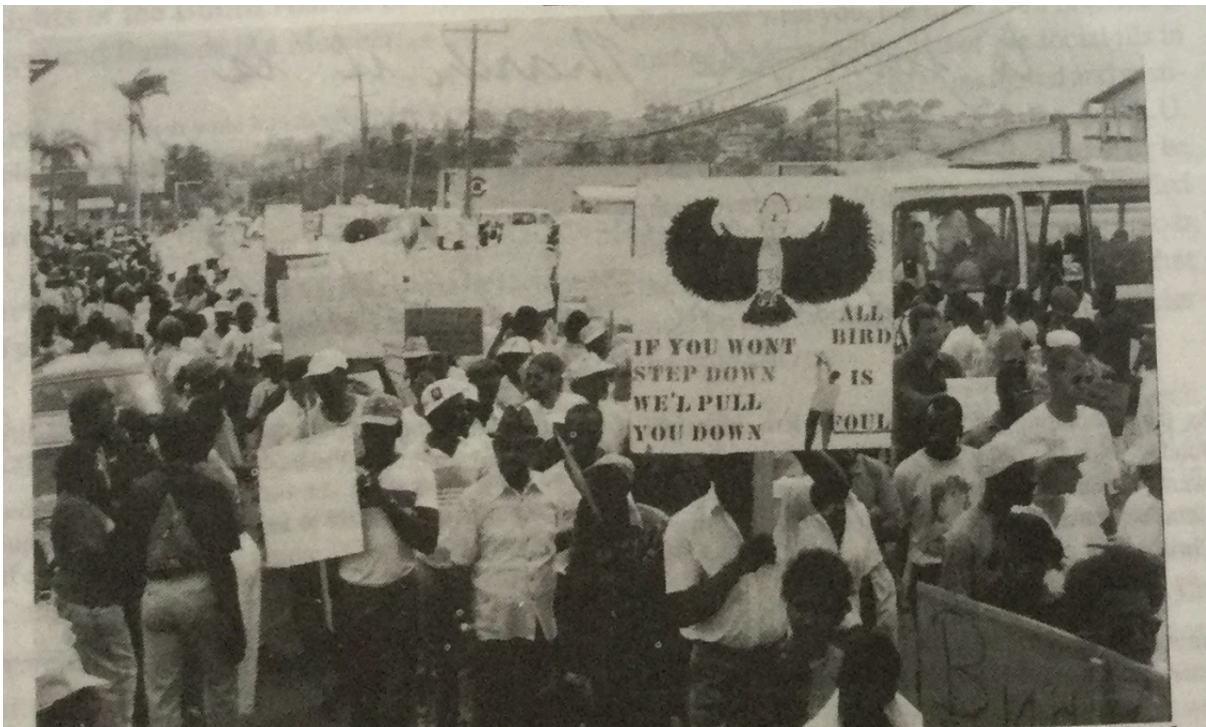
⁸⁴¹ Tim Hector, "Editorial: Don't ease up!", *Outlet*, March 29, 1990, ANA, 12.

Image Nine: Freedom From Corruption Day



Photographer unknown. Printed in: "That speech to the nation", *Outlet*, March 29, 1991, ANA, 1.

Image Ten: Freedom From Corruption Day



Photographer unknown. Printed in: "That speech to the nation", *Outlet*, March 29, 1991, ANA, 1.

Although well-attended, the Freedom From Corruption Day lacked direction and a clear campaign policy other than support for the Blom-Cooper recommendations. This was in part a consequence of the demonstration's drivers which included the Antigua Christian Council, the Small Business Association, the Vendors Association, the Chamber of Commerce, the Bus Service Association, the Contractors Association, the Hotel Association, and the opposition parties PLM, UNDP, and ACLM.⁸⁴² These groups had highly diverse interests and proved unable to agree on much other than advocacy of the Blom-Cooper recommendations and their generalised opposition to the Bird regime. That these groups came together is not surprising because in 1991 they were either aligned with a political party other than the ALP, had spoken out against the Bird regime, or were in explicit opposition to the ALP. Even the Christian Council had earlier been denounced by *The Workers' Voice* as an enemy of V. C. Bird.⁸⁴³ The People's Petition that the demonstration delivered to the Governor-General made no demands other than the implementation of Blom-Cooper's recommendations and was not signed by the demonstrators but on their behalf by a handful of political party and association leaders.⁸⁴⁴ It was this petition to which Bird was responding when he wrote his open and dismissive letter to the Governor-General.⁸⁴⁵ Soon enough Lester was back within the ALP government and the optimistic unity that underpinned the Freedom From Corruption Day collapsed. Shortly afterwards *Outlet* turned its attention to campaigning for electoral reform and broader accusations of corruption, with occasional references to the unactioned Blom-Cooper recommendations.⁸⁴⁶

It could be argued that the Blom-Cooper Inquiry was a turning point in Antigua's corruption history. The experience of 1989-91 taught Antiguan politicians how to use superficial and performative actions to hide corruption from the glare of public and international attention. Calling but controlling the inquiry showed how Antigua could camouflage itself as an accountable and transparent state, able to blend in with and navigate the good-governance zeitgeist of the 1990s, whilst in reality sustaining endemic corruption. This lesson was learned well by politicians of all parties and can be seen to underpin all supposedly anti-corruption reforms introduced subsequently, from the establishment of the ombudsman in 1994 to the Integrity in Public Life Act in 2004. All of these epochal changes seem to have been built on lessons learned from the Blom-Cooper Inquiry: project an image of

⁸⁴² "The People Speak", *Outlet*, March 29, 1990, ANA, 1.

⁸⁴³ "Lester makes deals with Commission for who?", 2.

⁸⁴⁴ "Peoples petition for freedom from corruption", *Outlet*, 29 March, 1990, ANA, 6.

⁸⁴⁵ Prime Minister Vere Cornwall Bird to The Governor General Sir Wilfred Jacobs, April 4, 1991, 2 and 5.

⁸⁴⁶ See for example, Tim Hector, "Looking Back", *Outlet*, October 18, 1991, ANA, 12.

accountability and good governance by establishing recognised systems and institutions to combat corruption and promote transparency; ensure these systems look good on paper but fail in practice; behind the scenes continue to maintain a culture of endemic corruption. As such, the Blom-Cooper Inquiry was an important event in the history of Antigua corruption.

Conclusion

The foregoing has shown that in small and polarised states like Antigua, commissions of inquiry have not functioned as effective anti-corruption safeguards. Instead, they have been turned into political tools used with specific purposes to service the political interests of the governing party. On the one hand, they have been used as political weapons to attack and frustrate the opposition. This was shown most clearly in the Bastide Inquiry by which a seemingly innocuous duty waiver was blown up into a corruption scandal that effectively ended the career of George Walter and wrecked the Progressive Labour Movement. This case showed that in Antigua inquiries are not a reliable safeguard that 'kicks-in' when preceding anti-corruption strategies have failed but are a political instrument firmly in the hands of the Prime Minister, to be used as and when he sees most political advantage. The Bastide Inquiry looms large in Caribbean history because of its serious and long-term ramifications, most notably the end of George Walter's political career and the decline of the PLM. But calling or threatening an inquiry into a former government is a common strategy across the region. Even now the Prime Minister of Antigua routinely implies he could yet call an inquiry into the previous UPP government, even though that party has been out of power for nearly a decade.

Alternatively, inquiries have been used as pressure-release mechanisms. When a corruption scandal provokes a critical degree of domestic and international outrage, the government can call an inquiry which gives the impression of proactivity, transparency, and accountability and thus satiates demands for action. But despite the veneer of independence, governments can use their discretion to steer the inquiry in certain directions, not least by determining its investigative mandate and resources. The inquiry acts as a smoke screen that distracts public attention while the government builds its defence and promulgates an alternative narrative to explain-away allegations of corruption. All the while, the government can use its media influence to influence public opinion regarding both the allegation of corruption and the inquiry. Cumulatively, these strategies have allowed governments to forestall any long-term or systemic change arising as a result of a corruption scandal. While immediate

changes may be necessary to fully placate public ire - such as a temporary personnel change - the overall status quo is preserved and the systems and cultures that facilitated the corruption scandal in the first place are maintained.

The manipulation of Commissions of Inquiry in corruption cases outlined in this chapter has been possible because Antigua's Westminster system, and inherited colonial legislation, concentrate excessive amounts of unchecked discretionary power in the Prime Minister. The Prime Minister may decide when to call an inquiry, the mandate of the commissioners, the resources available to the commission, and how to respond to the inquiry report. In very small states like Antigua, where Parliament has been a rubber-stamp institution, there is no capacity for the legislature to force the Prime Minister to use his discretion in any particular way. Because of this discretion, inquiries are innately political. This is seen most clearly in the routine threats to call inquiries into political opponents, epitomised by the Bastide Inquiry. Inquiries have been called when there is minimal public interest but great potential political wins. In contrast, an inquiry into the alleged Odebrecht bribery scandal today would be in the public interest but has not been established because it could be damaging to the current Browne administration.⁸⁴⁷

But inquiries are also political in the sense that they have been intimately bound with Antigua's partisan politics in several ways. Firstly, Prime Ministers have only been forced to call for an inquiry against their wishes when public outcry has reached a critical mass. This has only happened when Antigua's polarised partisanship has been disrupted and the majority consensus within the governing party breaks down, as was the case when Lester Bird saw an opportunity to strengthen his position within the ALP by capitalising on the Guns for Antigua scandal. Otherwise, the governing party can usually rely upon absolutist, 'my party right or wrong' support among a majority of the public. The second way inquiries are bound up with partisanship concerns the role of the media. For much of the 1970s to 2000s, the ALP and/or Bird family had a near-monopoly on print and broadcast media. The government used this to influence how readers and listeners learned about corruption scandals and subsequent inquiries. They did this most effectively by providing alternative explanations, often building on pre-conceived partisan tropes, and undermining or challenging any inquiry findings that criticised the government. By priming large sections of the public to be sympathetic to the government, this media influence helped minimise negative fallout from an inquiry and restore the majority public support upon which Westminster-style governments depend.

⁸⁴⁷ "UPP awaits GG's decision on commission of inquiry into bribery scandal", np.

As with all anti-corruption strategies examined in this dissertation, inquiries in Antigua have not been undermined by a single flaw but by a combination of factors operating in unison. Some are direct while others are indirect; some are rooted in Antigua's laws and its constitutional framework, while others grow out of the island's political polarisation. When experienced in Antigua's small-state context, these factors prove overwhelming and a mechanism that appears sound on paper is rendered useless in practice. Cumulatively, the problems summarised in this conclusion constitute a death by a thousand cuts - a multiplicity of non-terminal problems which, when brought together, incapacitate the inquiry as an anti-corruption strategy and transform it into a dangerous and effective political weapon.

Conclusion

So I decide to do like I've seen and invoke Papa V.C.
To hear what he have to say to me. He said,
The government run a country and there's no accountability,
That is nasty, nastiness.
Ask the PM for the five million in his wife's charity,
That is nasty, nastiness.
When the PM telling his MP, 'You supposed to get rich quickly'
This is nasty, nastiness.
...
Can't take no more skulduggery with the Labour Party,
Just stinkin' up the country with corruption, scandal, and bribery.
This pollution must end...⁸⁴⁸
Lena "Queen Ivena" Phillip, *Nasty*.

This dissertation opened with the words of Jamaica Kincaid, written in 1988. Here it closes with the lyrics of Lena Philip, first performed in 2017. Both women used their art form to criticise what they saw as an embedded culture of systemic political corruption in Antigua. They described the routine abuse of public resources by government ministers, a poor and polluted country stripped of investment, and a largely passive, tolerant public. The similarities in Kincaid's and Philip's work speaks to the enduring and consistent nature of corruption in Antigua. It has been threaded through every political moment, colouring everything from daily experience to international relations.

But Antigua's post-colonial history has also been marked by ever-strengthening anti-corruption. Since the 1990s, anti-corruption has been placed at the forefront of international good governance discourse. It has become an important aspect of inter-governmental relations, with multinational treaties and international organisations established specifically to measure and combat it. This is particularly apparent in the Global South where anti-corruption reform is often a prerequisite of aid and cooperation agreements. Corruption has also become a significant area of academic research as well as NGO activism. In Antigua, as across much of the anglophone Caribbean, this zeitgeist shift

⁸⁴⁸ "Nasty - Queen Ivena (Antigua and Barbuda Calypso 2017)", Grassroots Antigua, YouTube, July 6, 2017, accessed September 19, 2023, <https://www.youtube.com/watch?v=1li3WdY4tpo>

saw the establishment of anti-corruption institutions and laws designed to promote integrity, transparency, and accountability. More recently still, the internet and digital communications have opened new opportunities for the exposure of corruption, providing unprecedented platforms for the distribution of information and the confident critique of politicians. This came on top of a constitutional system which, on paper, already provided a strong anti-corruption framework. Yet in spite of this arsenal of anti-corruption weapons, corruption has not diminished. This dissertation has sought to shed light on this paradox and explain why corruption has been endemic in Antiguan post-colonial history.

Through its analysis, two main and interconnected findings have emerged: first, the Westminster system, as used in a small state, facilitates corruption; and second, Antigua's culture of pernicious polarisation has been a constant adjunct and motivator of corruption. In the case of the former, this dissertation supports a growing body of research on the demerits of the Westminster system when used in a small state. Matthew Bishop, Wouter Veenendaal, and Jack Corbett have been at the forefront of those arguing that the Westminster system directly contributes to corruption in small states. They identify several aspects of this system that become accentuated in places like the Caribbean or Pacific islands, including its winner-takes-all majoritarianism, excessive Prime Ministerial discretion, and the close link between legislators and their constituents. But the most important feature of this system that is distorted in small states is the principle of parliamentary oversight. One of the few universally recognised characteristics of the Westminster system is that the executive is drawn from and held in check by members of the legislature. But in very small states, where a majority of legislators are also cabinet ministers, backbench and parliamentary oversight is diminished to the point of nonexistence, and an important check on executive power is removed.

The second main finding of this research is the central role of Antigua's polarised political culture in sustaining corruption over such a long period. Political culture has not been ignored by existing scholarship on corruption, but its importance has been underplayed. This dissertation has sought to rectify this deficit and has argued that long-term systemic corruption cannot be understood without an appreciation of political culture. Chapter two surveyed the link between partisanship and corruption in detail, drawing on established theories of in-group identification and information bias, as well as cutting-edge research on polarisation by McCoy et al. That chapter explained the variety of reasons voters have re-elected corrupt politicians, including unconscious factors like information bias, particularly in the context of Antigua's highly partisan media and, more recently, its online echo-chambers. Such biases negate majority public outrage about corruption, leading

supporters of the governing party to reject allegations of government corruption out of hand. Chapter two also explored the proactive willingness of voters to tolerate or even support corruption by members of their party. Much of this is a result of Antigua's perniciously polarised politics, whereby any member of the in-party, no matter how corrupt, is considered far preferable to any member of the out-party, no matter how clean. For other voters, supporting a corrupt politician may provide tangible benefits, either directly through vote-selling or indirectly through trickle-down investment or job creation. Still others may become trapped into clientelist relationships. These considerations are fundamental to explaining the re-election of corrupt politicians and the maintenance of systemic corruption over time. Without recognising the long-term role of partisanship and agency like this, analyses of corruption will be incomplete.

Just as Antigua's political system and its partisanship have facilitated and motivated corruption, so too they have rendered anti-corruption strategies toothless, helping sustain systemic corruption throughout the post-colonial period. Antigua, like all states, has a series of systems that should preclude corruption, or at least make it easy to detect and punish. Some of these were included in the constitution or are conventions of the Westminster system. But these safeguards have usually failed in practice. Unchecked political power has given governments the ability to bend corruption-preventing political rules and abuse conventions for their own benefit. Examples include laws to curtail free speech, interference in elections, or the establishment of politically-motivated commissions of inquiry. The methods used to undermine anti-corruption safeguards changed over time, as politicians adapted to new circumstances and shifting prerogatives. Most notably, judicial intervention increasingly restricted the government's ability to directly infringe citizens' constitutional rights, obliging them to use more subtle and indirect means like dragging and recourse to the partisan press or social media to influence opinion. This showcased the adaptive nature of corruption and helped explain why corruption has endured despite changing historical contexts.

Other anti-corruption safeguards have been extra-constitutional innovations. These are the laws and institutions established since the 1990s, often in response to a changing international zeitgeist around good governance. Theoretically, these reforms made Antigua more hostile to corruption, but in practice they failed and politicians have been able to adapt to these self-imposed restraints in creative and effective ways. Again, both the Westminster system and partisanship played a role in this. Unchecked political power enabled governments to undermine these institutions even as they set them up. Underfunding, a lack of cooperation, and delayed appointments often rendered these innovations purely

superficial. This dissertation has shown the cumulative effect of these strategies and the interlinked nature of Antigua's 'anti-anti-corruption' strategy. For example, while an Integrity Commission exists to receive and investigate financial declarations, the commission has no power to force public officers to comply with the law because that power rests with the Director of Public Prosecutions who, because of politicised appointment processes, has routinely failed to carry out this function.

But partisanship has played an equally important role in undermining the practical effect of Antigua's anti-corruption safeguards. For one thing, entrenched views of 'my party, right or wrong' have made the kind of abuses outlined above acceptable in the eyes of the majority. Public protest against things like laws curtailing free speech or the absence of a functional auditor have been mostly absent in Antiguan history. It was almost always left to individual campaigners and activists to seek redress through the courts, often with success. When public protest was significant, such as in the wake of the Guns for Antigua scandal, substantial change did not materialise. This is because partisanship always trumped anti-corruption outrage at these would-be turning points, particularly when the partisan press was used to full effect, as in the early 1990s.

Moreover, deeply-held beliefs about partisanship undermined public confidence in anti-corruption institutions like the ombudsman and Integrity Commission. These institutions, where they existed, have been noticeably under-used by the public, in part because they are widely perceived to be partial and thus dangerous. In this context, most members of the public placed their faith in traditional vehicles of conflict resolution, particularly their political party and their trades union. These are entrenched issues that reflect a long history of pernicious polarisation in Antigua, which has its roots in the colonial era of charismatic labour leaders and absolutist partisanship. The same issues apply to commissions of inquiry, theoretically the last resort and gold-standard in transparency and accountability. If the public does not have faith in these investigations, they are useless as anti-corruption safeguards, and become purely fact-finding exercises of interest only to lone journalists and historians. If the public does not engage productively with anti-corruption institutions and processes they cannot function. Concurrently, if the public see no value in these safeguards, they will not object when they are undermined or misused by political leaders. Again, it is these interconnected and dynamic relationships that this dissertation has tried to highlight.

By providing a historical analysis that draws on interdisciplinary sources and methods, this dissertation has argued that Antigua's constitutional system and its polarised politics have both been essential in explaining its history of systemic corruption. The complex relationship

between these factors has been a constant accessory to corruption, both facilitating and motivating it. While Antigua's constitutional system has been a constant, partisanship has not, and corruption has most effectively been challenged in the rare cases when Antigua's polarised divide has broken down. The primary case in point here was the temporary collapse in ALP unity following the Guns for Antigua scandal and Lester Bird's politically-motivated support for an inquiry and reform. This point is affirmed by the fact that when Lester rejoined the government, restoring conventional partisan polarisation, the popular anti-corruption campaign collapsed. In showcasing the dynamic between partisanship, Antigua's constitutional system, and corruption, this dissertation has answered several key questions arising from Antigua's post-colonial history: why have voters re-elected corrupt politicians? Why have anti-corruption safeguards that look good on paper failed in practice? And how has corruption endured despite an increasingly hostile political environment?

In answering these questions, this research has shone a light on several major turning points in the history of corruption and anti-corruption in post-colonial Antigua. Several of these arise from court rulings handed down in relation to free speech, particularly those of 1972, 1990, and 2001. These had the cumulative effect of guaranteeing media freedom (in print and on the airwaves) as an inviolable right in Antigua and forced those wishing to curtail free expression to use other tactics like intimidation or the threat of legal action. While the press has not been unencumbered in the years since, it has at least been free from direct government suppression and has been able to scrutinise the government and investigate alleged corruption. Another turning point was the international zeitgeist shift of the late 1990s and 2000s which forefronted good governance and anti-corruption in the attention of foreign governments and non-governmental organisations, some of which were established for the first time, such as Transparency International. Partly because of this shift, states like Antigua could no longer flout good governance principles with impunity or avoid anti-corruption safeguards without question. One of the many outcomes of this shift was the regularisation of election observations which, for all their faults, have drawn attention to perennial and unresolved issues including ballot secrecy and the role of the media in elections.

But there have also been many missed opportunities in Antigua's post-colonial history. The earliest was the Space Research Corporation scandal on the eve of independence. If the UK government had supported an investigation and demanded full transparency, it is possible that evidence of Antiguan government corruption would have been exposed, triggering an unprecedented political challenge which some contemporary British diplomats thought could bring down the Bird regime. The hypothetical effect of such an event on Antiguan history

cannot be overstated. The 1980 Constitutional Conference was also a missed opportunity. After 13 years of self-rule, flaws in the implementation of the Westminster system in a very small state were already becoming apparent (the rapid and unscrutinised passage of the unconstitutional 1972 Newspaper Acts being a case in point). But efforts to create a bespoke constitutional framework that suited Antigua's small population and political culture, thus forestalling many of the issues raised in this dissertation, were never seriously considered. A subsequent missed opportunity was the 1991 Freedom From Corruption Day. While mass demonstrations have not been rare in Antigua, to have so many people representing such diverse interests marching together against government corruption was unique. Lester Bird's apparent support for the march hinted that 1991 could have been a moment of lasting change, with Lester uniquely qualified to lead Antigua in a new political direction of transparency, accountability, and anti-corruption. But this did not happen because Lester prioritised his career opportunities within the established ALP-Opposition polarised divide, rather than as the leader of a new movement. The establishment/reform of Antigua's three main anti-corruption institutions between 1994 and 2014 were also missed opportunities as these bodies were never given the resources and cooperation necessary to make them a success in tackling corruption. The emergence of the internet is also proving to be a missed opportunity. Rather than promote vibrant public debate, encourage anonymous whistleblowing, and provide a platform for sharing information, the internet in Antigua is becoming a series of echo-chambers where long-established partisan groups, hostilities, and narratives are replicated and entrenched within a new generation. At the same time, leading politicians, chief among them Prime Minister Browne, are securing monolithic internet presences, with blanket coverage on Facebook, YouTube, and Pointville.ag.

The findings presented here have contributed to several areas of overlapping scholarship. Most broadly, this dissertation has provided a detailed history of a post-colonial state, helping rectify a deficit whereby the post-colonial Caribbean is under-researched by historians. This has addressed key issues colonial histories cannot resolve, especially regarding the long-term and ongoing consequences of colonial-era cultures, attitudes, and practices. This dissertation shows that issues developed during the colonial era, including charismatic leadership, in-group loyalty, and entrenched patronage networks, have continued to shape Antiguan politics and society ever since. Moreover, it has shown that some dynamics characteristic of colonialism, like the pressure foreign governments exert over Antiguan politics or the overbearing influence of wealthy white businessmen, persisted well into the post-colonial period. This dissertation has also explored the ways practices and cultures of politics, democracy, and constitutionalism have adhered to or diverged from the principles set out in the constitutions of 1967 and 1981. While Antigua has never lapsed into

authoritarianism, several of its leaders have demonstrated quasi-authoritarian tendencies whereby principles of democracy, constitutional rights, and the separation of powers have been infringed. While this has been a fairly consistent trend in the post-colonial period, there have been flash points such as the 1971 Newspaper Acts or efforts to stifle Tim Hector's journalism in the 1980s. Since the 2000s, efforts to circumvent the spirit of good governance have been far more subtle but no less pernicious. Through its contribution to post-colonial Caribbean history, this dissertation has drawn attention to the unique and important lessons to be learned from this period.

A more specific contribution of this dissertation has been to demonstrate the importance of applying historical approaches and methods to the study of corruption. So far, this has been underdeveloped in the scholarship on corruption, which has mostly been written by political scientists. While many contemporary political scientists recognise and to varying extents engage with the history of the societies they are studying, they have not gone as far as this dissertation has in applying history-centred approaches and methods. By studying a snapshot of corruption, political scientists tend to focus on the mechanisms by which corruption is done, often leading to institution-centric conclusions that focus on political systems, the balance of power within those systems, and the matrix of laws and public bodies comprising a polity. While political institutions are undoubtedly essential in explaining corruption, overstating their impact risks underplaying the way popular agency can support and motivate corruption. Using a historical approach to corruption enables the researcher to do several things that political science alone cannot do satisfactorily. Firstly, the historical perspective pays closer attention to change over time, revealing the important turning points and missed opportunities discussed above. These enable and encourage the historian to grapple with the questions of why change occurred in some instances and not in others, prompting appreciation for factors that may not immediately be obvious and may require deeper understanding of a society's past.

The second advantage of the historical approach is that it prioritises understanding the motivations of past actors, restoring agency to voters, politicians, and others. This counterbalances the purely political scientific approach which can risk seeing past actors as passive players idly responding to political institutions and quantifiable structural dynamics. This dissertation has forefronted the partisanship of Antiguan voters and politicians over the last fifty years by engaging with partisan publications, records of voter behaviour, and print and broadcast media. By doing so, this dissertation has explained not just how politicians were able to do corruption (the political levers at their disposal), but has paid even greater attention to the question of how they were able to get away with it by considering public

toleration, partisan support, the influence of a polarised media, and so on. At times addressing popular agency necessitates consideration of uncomfortable questions, not least concerning how far Antiguan voters can be said to be complicit in systemic corruption, either by direct engagement with corruption themselves or through supporting corrupt politicians. But a full understanding of corruption requires researchers to engage with these questions and to see past actors as active players in a political system, with unique motivations, considerations, and beliefs, and the historical approach helps serve this need.

Through its historical approach, this dissertation has highlighted factors with deep roots in Antiguan history that explain historical and contemporary corruption. Chief among these are: a long-standing culture of polarisation, with origins in a Christian dichotomy of good versus evil; a widespread concept of bad-mindedness which encourages absolutist and morally-couched beliefs about social actors; and a quasi-patriarchal culture of extreme personal loyalty to political leaders, imbued with cultures of deference and patronage. This dissertation has shown how these factors, with origins in the pre-independence period, have fed into systemic corruption. Without employing a historical approach, the importance of factors like these risk being undervalued while undue importance is given to institutional explanations alone. Relatedly, this research has also exposed a number of important assumptions on the part of many researchers, not least the presumption that all voters should and do oppose corruption. Recognising embedded assumptions like these is a necessary precursor to effective anti-corruption research and policy development.

The second specific contribution of this research has been to highlight the exceptional case of Antigua and its post-colonial history. Antigua has had particular experiences which distinguish it from its anglophone Caribbean neighbours, including the other SIDS of the eastern Caribbean. Among these are: the hegemony of a single trade union from 1939 to 1967 (due in part to the absence of a banana industry and a sole focus on sugar production); the late emergence of popular two party politics (in 1967); the associated decades-long dominance of the Bird family; and the inflow of huge sums of money, mostly through individuals like Sarfati, Rappaport, and Stanford who cultivated close ties with the ruling party. At the same time, Antigua is distinct from its larger Caribbean neighbours in its lack of gang culture (as seen in Jamaica) or ethnicity-based politics (as seen in Trinidad), engendering a relatively straightforward competition between two ideologically-identical parties for the support of a largely homogeneous electorate. This blend of characteristics, some of which are exclusive to Antigua, contributed to the formation of the unique political culture this dissertation has examined. As this research has shown, this culture was essential in the long-term maintenance of systemic corruption throughout the post-colonial

period. Appreciating this historically-constituted culture also helps explain why Antigua has failed to tackle corruption while other Caribbean SIDS states with near-identical political frameworks have had more success. This may be in general terms, such as the broad perception of Barbados as the least corrupt eastern Caribbean state, or in specific areas of policy, such as the previously-discussed successful reduction of patronage in the Public Services of St Kitts, St Lucia, and St Vincent. Moreover, some of the most egregious examples of corruption in the whole eastern Caribbean, such as complicity in the Space Research Scandal or the Guns for Antigua Scandal, may be directly linked to one or more of these unique features, particularly the long-running dominance of the Bird family. This dissertation has thus shown that Antigua's particular problem with corruption is directly linked to its particular historical development. Consequently, by exploring this unique history, this dissertation has shown that anti-corruption strategies will only be successful in Antigua if they are tailor-made to recognise and tackle that island's unique political culture. This entails a rejection of off-the-shelf anti-corruption policies and generalised theories and calls for greater engagement with history and historians by anti-corruption practitioners.

The findings presented here provide a good foundation for comparative research. Future research should investigate the extent to which alternative historical development has impacted the history of corruption in other Caribbean SIDS. Most states of the eastern Caribbean have the same political system but demonstrate different political cultures, in large part because of their unique histories and past experiences. Recognising this and using it as the basis to formulate new research questions can deepen our understanding of political culture as a key variable in the presence of corruption, both historical and contemporary. It will help us understand why corruption has varied between states that use the same political system and face similar challenges as peripheral and post-colonial economies. For instance: how does ethnopoltics affect corruption in Trinidad? How has the long-term experience of multi-party politics in states other than Antigua impacted their experience of corruption? And how has corruption been entrenched or challenged under other long-reigning popular and charismatic politicians like John Compton, Eugenia Charles, Keith Mitchell, or Mia Motley? Investigating corruption through a historical and comparative analysis of Caribbean SIDS with the same political framework will help researchers understand the key factors motivating and sustaining corruption in these islands. It will reveal consistencies across states whilst also flagging areas where some countries have tackled corruption better or worse than others. Such comparative analysis will likely shine a light on some of the culture-centric concepts raised in this dissertation, such as the significance of partisanship, the influence of a polarised media, and the role of charismatic political leaders. Exposing and analysing these trends will render invaluable insights into what interventions

are needed to most effectively challenge corruption. It should also explain why some standard interventions that work in certain places have not reduced corruption in some Caribbean states. Such understandings will help anti-corruption practitioners generate bespoke strategies that should promote anti-corruption effectively and efficiently in the region.

Comparative history is just one broad area of future research that could arise from this dissertation's findings. Through engaging with, combining, and challenging diverse sets of scholarship, this investigation has posed many other queries for future research. For example, this dissertation has consistently shown that anti-corruption rules and institutions that appear effective on paper have often failed in practice. Future research should consider how far the same may be said of other principles in the post-colonial period, answering questions about the nature of Caribbean democracy and exploring how political institutions established through colonialism functioned in the wake of independence. An integral part of this research must involve tracing how unique cultures forged through colonialism and anti-colonial struggle interacted with a generalised political system designed for use in a different socio-political context. Engaging with local stakeholders and members of the public through interviews, roundtables, and surveys should be a central research method in this inquiry. Indeed, forefronting the perspectives of Antiguan voters through a rigorous ethnographic methodological framework would be a great strength of future interdisciplinary investigation. Historians should also consider a range of comparative approaches to post-colonial development generally, investigating how democracy and political culture matured in different post-colonial Caribbean states with varying colonial experiences, demographics, and stages of development. Further afield, historians should examine how the history of the anglophone Caribbean, characterised as it is by political stability, compares to former British colonies in Africa which often lacked post-colonial stability. Such investigations would enhance our understanding of post-colonial Caribbean history and the ideas raised in this dissertation provide a useful starting point.

As well as motivating further research, the evidence presented here can also inform anti-corruption policy in Antigua and the wider Caribbean. There is already ample research suggesting possible areas of reform that could be relevant to Antigua. Most of this, reflecting the focus of the foundational research, emphasises institutions and legislative reform generally. But by taking a historical approach, this research has helped identify the most important and most consistent causal institutional factors. In line with existing scholarship, this dissertation has shown it is the executive's numerical domination of the legislature that lies at the root of much corruption. Relevant reforms to address this could include:

expanding the size of the House of Representatives; capping the number of ministers; and reforming the senate into a chamber elected by proportional representation. Each of these would serve to enhance the legislature's ability to scrutinise the government and hold the power of the executive in check. But how far such an increase in the number of politicians in a society with fewer than 100,000 citizens is possible or practical is a matter of debate. Moreover, most reforms like this would require two-thirds support in a referendum in Antigua, which has never been achieved, largely because of partisan oppositionalism. St Vincent has come closest to enacting reforms along these lines, proposing a new constitution in 2009 which would have: capped the number of cabinet ministers at 13; provided for the election of senators; and established a mechanism for CSOs to address the legislature.⁸⁴⁹ While modest in contrast with earlier proposals, it was hoped these reforms would dilute Prime Ministerial discretion and patronage, prevent executive dominance of the legislature, encourage bi-partisan cooperation, and increase popular and civil society representation. But the proposals were rejected in a referendum, not least because the opposition withdrew their support, testifying to the exceptional difficulty of changing constitutional systems in the anglophone Caribbean.⁸⁵⁰

More specific institutional reforms could involve things like: earmark budgets for anti-corruption institutions; abolish or significantly reduce non-established positions in the Public Service; or give the opposition, civil society organisations, or members of the public a mechanism by which to establish a commission of inquiry. These reforms could be enacted through simple legislation, but only if there was sufficient political will to see them introduced. This is unlikely to happen because as Michael Collier has argued, 'attacking corruption threatens the very political power structures that keep a ruling elite in office – action ruling elites are bound to resist.'⁸⁵¹ At no point in Antigua's post-colonial history has a government willingly restricted its own power in anything other than a superficial way. But some of these reforms do have precedent in the anglophone Caribbean. In the mid-2000s, Dominica, Grenada, St Kitts, St Lucia, and St Vincent all successfully reformed their Public Services to drastically reduce the proportion of non-established workers, by over half in the case of Dominica.⁸⁵² This shows that some incremental reform is possible, if there is sufficient political will as well as support and guidance from non-governmental organisations.

⁸⁴⁹ The Saint Vincent and the Grenadines constitution Act, 2009, 111.(1); 62.(2).(b); 78.(10).

⁸⁵⁰ Bishop, "Slaying the 'Westmonster' in the Caribbean?", 429-430.

⁸⁵¹ Michael Collier, "Explaining corruption: An institutional choice approach", *Crime, Law and Social Change* 38, (2002): 2.

⁸⁵² Mitchell, James, and Wickham, "Government Wage Bill Management and Civil Service Reform in the Eastern Caribbean Currency Union", 14.

While institutional change is hard, affecting cultural change is far more challenging. This dissertation has shown that Antiguan political polarisation began in 1967 but that its roots go even further back in time and are predicated on fundamental beliefs about morality, trust, and identity. Unpicking such well-established and culturally embedded partisanship is not easy. In the future, CSOs could have an important part to play in helping change cultural attitudes towards corruption. Often, civil society has been quiet, even passive in Antiguan history. This may be because other than churches and trades unions, most Antiguan CSOs represented professional and upper-class interests, seldom engaging publicly in political debate; their turnout at the Freedom From Corruption Day being a noteworthy exception. But there is ample space for CSOs to play a role in public education and organisation, particularly where government-led initiatives have been lacking. Cooperation between CSOs, NGOs, and public institutions would allow these bodies to pool their limited resources whilst capitalising on the unique expertise and experience each could offer. This capacity would be enhanced still further through cross-national, regional cooperation. But the findings presented in this dissertation caution that such efforts must acknowledge and devise ways to overcome the partisan barriers that have long deterred public engagement and cooperation with anti-corruption campaigns, initiatives, and agencies. Antiguan history also advises that effective anti-corruption does not need another UN, OECD, or OAS conference or generalised policy package, but a bespoke initiative tailored to the socio-political contexts and challenges of Antigua and the wider anglophone Caribbean, led and delivered by local stakeholders with public input. The Association of Integrity Commissions and Anti-Corruption Bodies in the Commonwealth Caribbean is an example of a cross-national organisation that could provide the institutional foundations on which to build a regional education drive led by Caribbean practitioners.

The policy implications of this dissertation are applicable not just in Antigua but have much wider relevance. The research presented here can inform anti-corruption reforms in states that face similar challenges of corruption, with comparable political systems and political cultures. This is most true of the anglophone Caribbean where the small state challenge, a shared colonial experience, and comparable political cultures throw up many of the same issues as in Antigua. With that in mind, the timing of this research is auspicious. Many states in the Caribbean, including Antigua, are either contemplating or are already embarked upon periods of constitutional reform. Barbados becoming a republic and St Lucia replacing the Judicial Committee of the Privy Council with the Caribbean Court of Justice are indicative of this new zeitgeist. While much of the energy in these debates is focused on democratisation and legacies of colonialism, corruption should be a main priority in all constitutional reforms in the region. The research presented here can inform these important debates, helping to

answer in the affirmative Lena Phillip's prayer and anthem: 'corruption, scandal, and bribery...This pollution must end.'⁸⁵³

⁸⁵³ "Nasty - Queen Ivena (Antigua and Barbuda Calypso 2017)", Grassroots Antigua, YouTube, July 6, 2017, accessed September 19, 2023, <https://www.youtube.com/watch?v=1li3WdY4tpo>

List of Abbreviations

ABAI - Antigua and Barbuda Airways International Ltd
ABS - Antigua Broadcasting Service
ACLM - Antigua Caribbean Liberation Movement
AICACBCC - Association of Integrity Commissions and Anti-Corruption Bodies in the Commonwealth Caribbean
ALP / ABLP - Antigua Labour Party / Antigua Labour Party
ANA - Antigua National Archives
ATLU - Antigua Trades and Labour Union
AWU - Antigua Workers Union
CARICAD - Caribbean Centre for Development Administration
CARICOM - Caribbean Community
CCJ - Caribbean Court of Justice
DA - Director of Audit
DNA - Democratic National Alliance
ECSC - Eastern Caribbean Supreme Court
FSRC - Financial Services Regulatory Commission
IFSA - International Financial Sector Authority
JCPC - Judicial Committee of the Privy Council
JLSC - Judicial and Legal Services Commission
NGO - Non-Governmental Organisation
OAS - Organisation of American States
OECS - Organisation of Eastern Caribbean States
PAC - Public Accounts Committee
PLM - Progressive Labour Movement
PSC - Public Service Commission
Public Accounts Committee - PAC
SHL - Senate House Library
TNA - The National Archives (UK)
UNDP - United National Democratic Party
UPP - United Progressive Party

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Government of Antigua and Barbuda records

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