

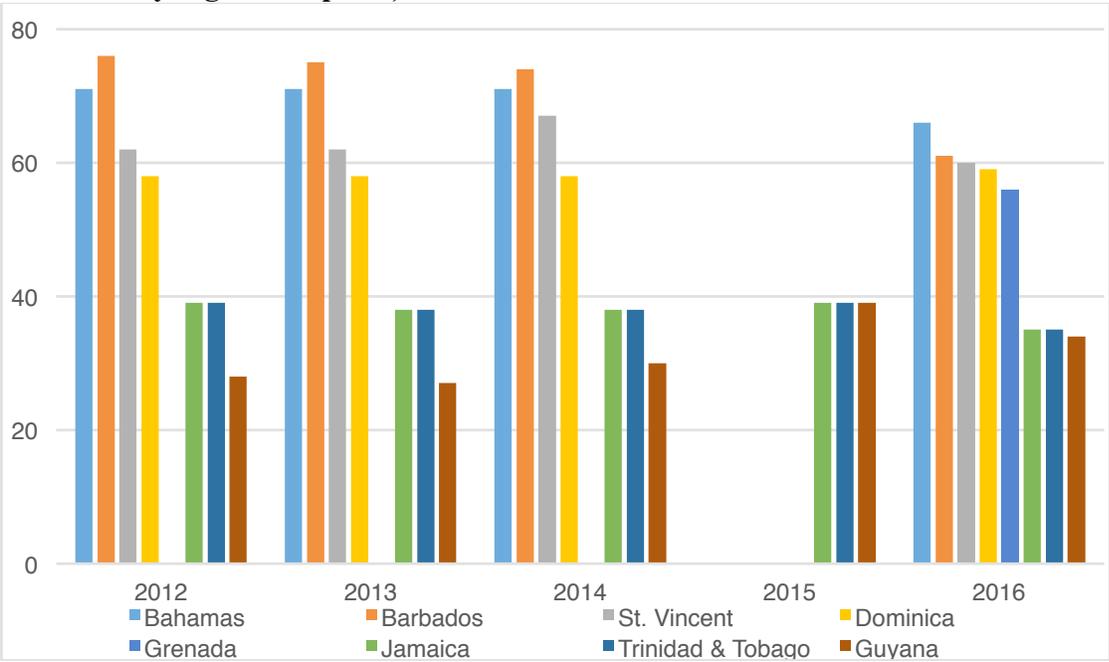
**PARLIAMENTARY OVERSIGHT & CORRUPTION IN THE CARIBBEAN:
TRINIDAD & TOBAGO AND GRENADA COMPARED**

Introduction

There had been little research on parliamentary oversight in the Caribbean. Hamid Ghany (1994, 1999, 2012) has written extensively on parliaments in the region, but his work has examined parliaments from an evolutionary and institutional perspective without much oversight focus. A few other scholars have focused on specific issues: human rights (Helfer, 2002); gender (Vassell, 2004); and the constitution (Barrow-Giles, 2010), but again, not oversight.

Corruption is a problem throughout the region. In 2016, the Bahamas and Barbados were reported as having the lowest levels of perceived corruption (scoring 66 and 61 points, respectively, out of a possible 100) but even so they ranked 24th. and 31st in the Transparency International Corruption Perceptions Index (CPI) (Transparency International, 2017). The highest levels of corruption were in Jamaica (39/100, ranking as the 83rd. most corrupt country), Trinidad and Tobago (35/100, ranking 101st), and Guyana (34/100, ranking 106th). The scores on the CPI index have declined over the past five years for *all* countries in the region (see Chart 1).

Chart 1: Transparency International Corruption Perceptions Index (100=extremely low; 0=extremely high corruption)



Source: Transparency International (2017)

Trinidad & Tobago

According to the US Department of Commerce (2016), bribes are not regularly required to facilitate routine business operations, but reports of corruption are common there. Indeed, Victor Hart, chairman of the Trinidad & Tobago Transparency Initiative, described the country as “a society of corruption” (Bruzual, 2010).

Public perceptions of corruption have increased amidst “...such [scandals] as the Urban Development Corporation of Trinidad & Tobago (UDECOTT) scandal...[where] the Executive Chairman was surrounded with corruption charges stemming from the biased granting of millions of dollars of contracts and from personally benefitting such contracts” (Kirton and Niki, 2010) and reports on breaches on tendering procedures by the Trinidad and Tobago Electricity Commission in relation to jobs under the company’s Street Lighting and Implementation Unit.

Various legislation addresses corruption of public officials, including the Integrity in Public Life Act, the Prevention of Corruption Act, and the Police Complaints Authority Act. But implementation of legislation is a problem: allegations of corruption seldom work through the legal system, resulting “...in a scarcity of cases with legal outcomes”, with “...procurement processes ... not fully transparent...[and with] government ministries ..., on occasion, bypassed or manipulated established procurement procedures to favor specific vendors” (US Department of Commerce, 2016, p.1-2) There has been serious concern over public procurement for many years; it was a factor in the downfall of the 2001 and 2010 governments. A Procurement Bill was passed in 2015 which established the Office of Procurement Regulation to act as the governing body for matters relating to public procurement and the retention and disposal of public property.

Grenada

Despite substantial progress over the past decade - Grenada scored 56/100 and ranked the 46th most corrupt country in the world in 2016¹, compared with 68/100 and 79th in 2007 - corruption remains a prominent issue (Transparency International, 2016).

The Prevention of Corruption Act and the Integrity in Public Life Act, the legislative core of Grenada’s anticorruption efforts, were both passed in 2007 while a decree passed in 2013 under the Integrity in Public Life Act that mandated all public officials declare their personal assets by April 3, 2014.

¹ after Latvia, but ahead of Cyprus

Transparency International (2016) reported progress *and* high levels of corruption; this finding drew mixed responses. Jude Bernard (2017) stated that "...there is widespread institutionalized corruption in our society. It is at the point where people have gotten so accustomed to it being that way, that they just more or less accept it. Sometimes we simply refer to it as 'just politics'." By contrast, the Integrity Commission and the Finance Intelligence Unit said "For our part, such a listing is surprising, given that Grenada has made significant and consistent strides in strengthening its anti-corruption mechanism over the past five years" (Straker, 2017).

With perceived corruption levels rather high in most Caribbean countries, the lack of any scholarly analysis on parliamentary oversight in countries in the region is surprising, especially as oversight has been found to be a major determinant of corruption. Stapenhurst, Pelizzo and Jacobs (2014), for example, determined that variances in oversight capacity, including the political willingness of Members of Parliament (MPs) to ensure effective oversight, account for nearly half of the variation in perceived corruption across countries globally.

This article seeks to address this gap. It is organized in the following way. In the first section, we briefly present the purpose of the article and our data sources. Then, we examine some of the contextual conditions impacting oversight. Thirdly, we consider the key oversight tools used. We then examine some unique oversight approaches adopted in Trinidad & Tobago and Grenada. In the final section, we draw some conclusions, regarding both the generalization of our results and the implications for other Caribbean countries.

Purpose and Data

This article aims to present our research findings on parliamentary oversight in the Trinidad & Tobago and Grenada, thereby at least partially addressing the gap in knowledge of oversight in the Caribbean.

Data were collected from two sources: First, we collected field data in January 2017. This comprised an in-country document search and 39 key informant interviews (9 MPs/Senators; 8 journalists; 11 parliamentary staff and 8 civil society representatives) using a survey instrument initially developed by Stapenhurst (2011) and revised for the British Academy/United Kingdom's Department for International Development's Anti-Corruption Evidence research program. Second, we utilized data from a survey of more than 100 legislatures globally conducted in 2015-6 by the Inter-Parliamentary Union; this enabled us to triangulate our results and make some global inferences.

Setting the Stage: Trinidad & Tobago and Grenada – Contextual Factors

Stapenhurst (2011) identified 10 contextual factors impacting oversight. These are used as a framework for analysis in this section. See Table 1.

Size, Population and Economy

Trinidad & Tobago is, by Caribbean standards, a fairly large state (1,981 square miles) with a population of 1.3 million and, with a significant oil industry, a relatively large economy and a GDP per capita of around US 32,000. Grenada, by contrast, is geographically much smaller (134 square miles), less populated (110,000) and poorer (GDP per capita of US 13,600). Trinidad & Tobago is ethnically diverse (35% Indian, 34% African), while Grenada is more homogenous (89% African).

There is a strong and positive and significant relationship between economic wealth, which is one of the indicators of development, and corruption. In other words, countries that are richer are less corrupt (Pelizzo and Stapenhurst, 2004). The data presented in Table 1 shows that while both countries are middle-income countries, the GDP per capita is two and a half times higher in Trinidad & Tobago than in Grenada and, therefore, should be associated with, and possibly conducive, to less corruption.

Several studies, including those undertaken by the World Bank (Mody, 2004), indicate that small countries tend to be less corrupt than large countries. Large countries may represent administrative challenges, create conditions for inefficiency, effectiveness and misallocation of resources. Both Trinidad & Tobago and Grenada are small, but it is perhaps reasonable to expect Grenada to be less corrupt because of its very small size².

Colonial Heritage

Both Trinidad & Tobago and Grenada were claimed by Spain, but there is no record of the Spanish landing in Grenada. French colonization of Grenada began in 1650 but in 1763 Grenada was ceded to the British whose rule continued, except for brief French rule (1779-84), until 1974. By contrast, the Spanish settled in Trinidad and Tobago as early as the mid-16th.century and ruled the country through 1797 when it was seized by the British.

² While the eight countries reported by Transparency International to have the lowest levels of corruption globally – namely Denmark, New Zealand, Finland, Sweden, Switzerland, Norway, Singapore and the Netherlands – are all ‘small’, the dispersion of ‘very small’ countries is greater, with Luxembourg ranking 11th., Iceland 14th., Bahamas 24th. and Bhutan 27th.

From 1958 to 1962 both countries were part of the Federation of the West Indies³. Trinidad & Tobago became independent in 1962, while Grenada became independent in 1974. Both countries experienced a political disjuncture: initially both dominions with Queen Elizabeth the Head of State, Trinidad & Tobago became a republic in 1976 while Grenada's Marxist New Jewel Movement launched a coup, suspended the constitution and established the People's Revolutionary Government from 1979 to 1983, when the United States invaded the country. The Constitution was reinstated and elections were held in December 1984.

Elections, Government

Both countries are bicameral, with the lower houses of representatives elected on a first-past-the-post electoral system (FPTP). Senators in both countries are appointed by the head of state. In Trinidad & Tobago (see Table 2) 16 Senators are appointed on the advice of the Prime Minister, six Senators on the advice of the Leader of the Opposition and nine Senators to represent other sectors of civil society (the only function the President of the Republic of Trinidad and Tobago takes without consultation) while in Grenada 7 Senators are appointed on the advice of the Prime Minister, three by the Opposition Leader and three to represent other sectors of society (see Table 3).

Table 1: The Context-Trinidad & Tobago and Grenada in Comparative Perspective

	TRINIDAD & TOBAGO	GRENADA	
Region	Caribbean	Caribbean	No difference
Size of Country	Small	Very Small	Major difference
Population	Ethnically fragmented	Ethnically homogeneous	Major difference
British colonial heritage	Yes	Yes	No difference
Stable Constitutional order after Independence	Yes	No	Major difference
Form of Government	Parliamentary	Parliamentary	No difference
Electoral system	FPTP	FPTP	No difference

³ A short-lived federation comprising Anguilla, Antigua & Barbuda, Barbados, the Cayman Islands, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad & Tobago and the Turks and Caicos Islands

GDP per capita (US \$)	32,000	13,600	Major difference
Political Parties	Two, very strong discipline	Two, moderate discipline	Some difference
Trust in Parliament	Very low	Data not available	

Table 2: Party Composition in the Parliament- Trinidad & Tobago (2015)

	House of Representatives
People's National Movement (PNM)	23
People's Partnership Coalition (PPC)	18
	Senate
Government nominees	16
Opposition nominees	6
Independent	9

Source: https://en.wikipedia.org/wiki/Parliament_of_Trinidad_and_Tobago, accessed March 1, 2017

Table 3: Party Composition in the Parliament (2015) - Grenada

	House of Representatives
New National Party (NNP)	15
National Democratic Congress (NDC)	0
	Senate
Government nominees	7
Opposition nominees	3
Independent	3

Source: https://en.wikipedia.org/wiki/Parliament_of_Grenada, accessed March 31, 2017

Parliamentarians who serve as Ministers are full-time; all other Members are part-time. This results in a significant difference in salaries between Ministers, on the one hand, and back-bench and Opposition MPs, on the other. One implication for oversight may be that MPs (and Senators) may not have sufficient time to undertake their oversight responsibilities (Stapenhurst, 2016).

There is no opposition representation in the House of Representatives of Grenada, since all 15 seats were won by the New National Party. A proposal to amend the Constitution to ensure that there will always be a Leader of the Opposition in the House of Representatives was defeated in a referendum in November 2015.

Political Parties

Both countries have a two-party system, although in Trinidad & Tobago a third emerged recently (but has no seats in parliament).

It is not entirely clear to what extent party strength may affect a parliament's ability to effectively perform its oversight function and the level of corruption (Pelizzo and Stapenhurst, 2014). Party strength may be measured in votes, seats, income, age and party cohesion—characteristics that may or may not go together. Furthermore, there are contradictory claims as to whether party cohesion is beneficial to the effectiveness of oversight activity. For instance, Rockman (1984) and Beetham (2006) suggest that a high level of partisanship is beneficial to oversight because when the opposition parties are mobilized against the ruling party, both they and parliament are more likely to effectively perform their watchdog and oversight functions. This line of thinking holds the view that government members will not take their oversight tasks seriously because their primary interest is to protect their government. But this view neglects the fact that parliamentarians have an institutional, as well as a partisan affiliation; in addition to having loyalty to their party they also have loyalty to the institution of parliament⁴.

It is difficult to say whether – and to what extent - political parties affect the parliaments of Trinidad & Tobago and Grenada in oversight. Our field research shows an interesting phenomenon: while the current governing party in Grenada is stronger than its Trinidadian counterparts (Tables 2 and 3), the responses from our survey respondents revealed that Trinidadian parliamentarians are more partisan in their behavior ('fairly strong' party cohesion) than their Grenadian counterparts ('neither weak nor strong' party cohesion)! As one Parliamentarian explained to us "political parties manifest themselves as strong even if in practice there are problems and tensions internally". While there are clear differences in terms of the political party system in these countries, and in the level of party cohesion and partisanship, our field results do not provide a clear indication of which legislature should be a more effective overseer and thus be better equipped to curb corruption.

⁴ The loyalty that legislators have for the institution is quite clear in the case of PACs, whose success have been credited, above all, to parliamentarians' ability to work in a non-partisan fashion (McGee, 2002; Stapenhurst et al, 2005; Stapenhurst, Pelizzo and Jacobs, 2014).

One explanation for the results from Grenada is the experience of the 2008-13 Government which was not united and had five cabinet resignations. The first resignation was demanded by the Prime Minister and involved the Attorney General who used his office to plead on behalf of a family member facing criminal charges in the United States. On the one hand, the resignation sent a positive anti-corruption signal. However, the episode sparked unrest within the governing party and four subsequent Cabinet Ministers resigned in protest at the Prime Minister's leadership, and the fallout was a factor in the eventual defeat of the government *and* in the loss of all their seats in the House of Representatives. This episode demonstrates how the resignation or sacking of a Cabinet Minister in a very small country can disproportionately impact the government. There may be a natural disincentive for a Prime Minister to be ruthless in taking a stand against corrupt activity in such circumstances.

Table 4: Political Party Dynamics

(Scale of 1-5, where for Q 9, 1 = very weak, and 5 = very strong; and for Q11, Yes=0 and No=1)

Survey Question Number	Survey Question	Trinidad & Tobago		Grenada	
		Mean Score	Std. Dev.	Mean Score	Std. Dev.
9	How Strong is Political Party Cohesion	4.4	0.6	3.4	1.2
	<i>How Strong is Political Party Cohesion – MPs & Senators</i>	4.3	0.5		
	<i>How Strong is Political Party Cohesion – Parliamentary Staff</i>	4.4	0.5		
	<i>How Strong is Political Party Cohesion – Civil Society</i>	4.0	0.6		
	<i>How Strong is Political Party Cohesion – Journalists</i>	4.5	0.0		
11	Is Floor Crossing Permitted	1.3	0.5	1.0	0.0

A further factor linked to corrupt activity in both jurisdictions is the absence of any regulations or restrictions on the amount parties can raise or spend for elections. In Trinidad and Tobago, political parties are not formally recognized by statute and they are not legally required to adhere to any regulations regarding campaign finance. A similar situation exists in Grenada where

spending limits for individual candidates are based on the number of registered voters in a constituency. A proposed bill to establish an independent Elections and Boundaries Commission was rejected in a referendum in Grenada in November 2015 (Parliament of Trinidad and Tobago, 2015).

Trust in Parliament

Finally, we examine social trust in parliament, using data from the World Value Survey. Unfortunately, data is not available for Grenada. As Table 5 indicates, public trust in the Parliament of Trinidad & Tobago is low – in 2010-14, only 25.9 percent of respondents reported having ‘a lot’ or ‘some’ trust in parliament, lower than the trust reported in the armed forces, the government, the civil service, the courts, the press or the police; but this trust (in parliament) is significantly higher than in 2001-06, when only 15.7% of respondents reported having ‘a lot’ or ‘some’ trust in parliament.

Table 5: Social Legitimacy of Public Institutions (Trinidad & Tobago):

	Percentage of respondents reporting that they have some/a lot of trust in selected institutions:	
	2010-14	2001-2006
Armed Forces	40.0	39.0
The Courts	31.2	31.9
The Government	34.9	26.3
Political Parties	21.8	9.6
Parliament	25.9	15.7
The Press	29.4	20.3
The Police	28.0	27.9
Civil Service	31.9	32.9

Source: World Value Survey, Waves 5 and 6. <http://www.worldvaluessurvey.org/WVSONline.jsp>, accessed March 4, 2017.

Conclusion

Clearly, contextual factors cannot, as previously argued (Wang, 2005, Stapenhurst, 2011), explain differences in oversight (and hence corruption) – at least in Trinidad & Tobago and Grenada. As a result, we turn to oversight tools and supporting factors.

Oversight Tools

A decade ago, Pelizzo and Stapenhurst (2006) argued that in order to understand why democracy works better in some countries than others, a focus shift from general, macro-level characteristics to meso-level characteristics was needed. In other words, in order to understand the functioning of a political system or institution, one needed to examine the institution's powers and not just its general characteristics. In the case of parliaments and parliamentary oversight, they suggested that our understanding of whether and to what extent parliaments can effectively perform their oversight tasks would increase if more attention is paid to the number and the type of oversight tools available to parliaments.

There is considerable similarity between the legislature in Trinidad & Tobago and Grenada: both have Public Accounts Committees (PAC), question periods, motions of censure, and established procedures for votes of no confidence. They also both have a Supreme Audit Institution and anti-corruption agencies, but only Trinidad & Tobago has an Ombudsman, a significant library, 'good' research facilities and strong staff support. The committee system is also more developed in Trinidad and Tobago. The evidence (Table 6), therefore, supports the claim that Trinidad & Tobago has greater oversight capacity than Grenada.

It is not just the existence of oversight tools that is important but also their effectiveness (Pelizzo and Stapenhurst, 2014). We consider the perceived effectiveness of the oversight tools in the following sections, but we conflate internal and external tools, since the operations of PACs (an internal tool) and Auditors General (an external tool) are symbiotic: the work (and effectiveness) of the PAC depends on the work and effectiveness of the Auditor General, and vice versa.

Oversight is best examined in the budget process. How effective is parliament in overseeing public spending?

Parliamentary 'Power of the Purse'

Parliamentary oversight is commonly divided into ex-ante (legislative involvement in budget formulation) oversight and ex-post oversight (legislative audit of government spending). Wehner

(2010) notes that parliaments in the Westminster tradition⁵ tend to have weak ex-ante oversight powers, while Stapenhurst, Eboutou and Jacobs (unpublished) argue that such parliaments have strong ex-post oversight. While the Parliament of Trinidad and Tobago has taken recent steps to strengthen its ex-ante oversight powers —principally through changes to the operation of the Standing Finance Committee, the creation of a new Committee on Public Administration and Appropriations— the lack of an Opposition in Grenada has impacted the already weak position of the House of Representatives in terms of its ex-ante oversight role.

Table 6: Oversight Capacity – Oversight Tools and Facilitating Conditions

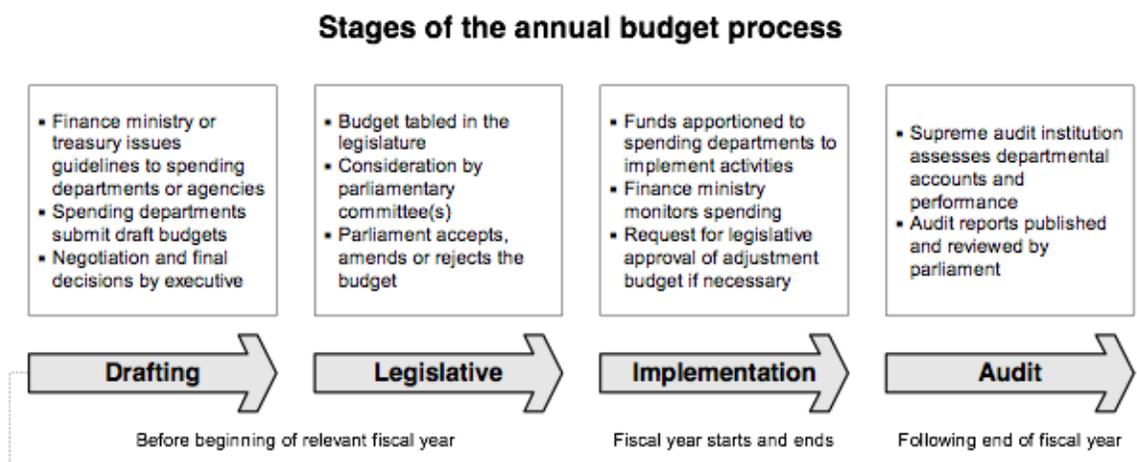
	Trinidad & Tobago	Grenada
Oversight Tools – Internal		
Audit Committees	Public Accounts Committee	Public Accounts Committee
Other Committees	Relatively strong; well resourced	Tend to be weak; poorly resourced
Question Period	Yes	Yes
Cabinet Formation/Dismissal	No	No
Censure/Impeach		
Vote of No Confidence	Yes	Yes
Oversight Tools – External		
Supreme Audit Institution	Auditor General	Audit Department
Ombuds Office	YES	NO
Anti-Corruption Agencies	Integrity Commission Anti-Corruption Investigation Bureau	Integrity Commission Financial Intelligence Unit
Facilitating Conditions		

⁵ Most Commonwealth countries, with the notable exceptions of Nigeria and Guyana

Staff + Research Facilities	Good	Poor
Access To Information Law	Yes	Pending

As Diagram 2 shows, parliaments play important roles in the legislative and audit stages of the budget process. The concern is on the efficiency, effectiveness and economy of government spending approved by parliament in achieving its stated policy goals?

Diagram 2



Source: Wehner (2004)

Following implementation of a government's budget, the auditor general audits government accounts, financial statements, and operations. In most countries, this audit is followed by the consideration of the audit findings by parliament, which usually establishes a PAC or similar committee to work and report to plenary. If parliaments' budgetary role is effective, recommendations to the executive, are reflected in future budgets, thus allowing for continuous improvements in public financial accountability.

In Westminster parliamentary systems —the most common in the Caribbean— the legislative auditor is the Auditor General and a core element of parliamentary oversight. He/she reports

directly to parliament and the PAC and is sometimes even an officer of parliament, guaranteeing independence from the executive (Stapenhurst, Pelizzo and Jacobs, 2014). The relationship between the Auditor General and the PAC in this model is crucial: the effectiveness of the PAC depends on timely audit reports while an effective PAC ensures impact of legislative audit.

In short, parliament confers responsibilities to the executive arm of government, which is accountable to parliament. The auditor's mandate, to examine the accounts and, increasingly, performance of government, is determined by parliament; the Auditor reports his/her findings to parliament, in order to take action

Public Accounts Committees

Both Trinidad & Tobago and Grenada have PACs, but with significant differences in operations and effectiveness. As Table 7 indicates, the PAC in Trinidad & Tobago meets more frequently (7 or 8 times a year) than the PAC in Grenada (3 times a year). The Trinidadian PAC was judged to be 'neither effective nor ineffective' in uncovering fraud and corruption (with MPs, Senators and civil society representatives rating the committee as somewhat more effective and journalists rating it somewhat less effective). By contrast, the Grenadian PAC was judged to be 'ineffective' (with parliamentary staff rating it as 'neither effective nor ineffective' and civil society as 'not at all effective'). What causes these differences? In both countries, the PAC is chaired by a member of the Opposition, but the degree of partisanship in the committee is considered to be higher in Grenada ('somewhat strong') compared with Trinidad & Tobago (half-way between 'neither weak nor strong' and 'somewhat strong'); see Table 7. This is consistent with McGee (2002), who pointed out that effective PACs were those that acted in a non-partisan manner.

The Public Expenditure and Financial Accountability Assessment (PEFA) written by Wiggins and Shepherd (2010) gave Grenada the lowest possible score ('D') for the legislative scrutiny of audit reports, noting that only one PAC report had been presented to the House during the 2006-08 period, and no public hearings or recommendations issued by the House in response to reports by the Auditors. Little has changed over the past decade. Indeed things are less transparent as the PAC has met *in camera* since 2003.

While Trinidad & Tobago only scored a little better ('D+') in overall legislative scrutiny of audit reports, it scored better ('C') regarding public hearings and recommendations made by the House to the government as a result of the audit report (Quist, 2008). Moreover, the recent strengthening of the parliamentary committee system in Trinidad & Tobago, and the establishment of a PAC-like Committee on Public Enterprises, suggests the *potential* for improvement in oversight of public finance (Stapenhurst, 2016).

The Joint Select Committees (JSCs) in Trinidad and Tobago are empowered to inquire and report to both Houses of Parliament regarding government ministries, Municipal Corporations,

Statutory Authorities, State Enterprises and Service Commissions. The Parliament has taken steps to remove discrepancies between Senate and House Standing Orders and the JSCs. It has also established new JSCs: Government Assurances, Public Appropriation and Administration, National Security, Energy Affairs, Foreign Affairs, and Human Rights, Diversity and Environment and Sustainable Development.

While the JSCs are only able to scrutinise some of the policy and actions of government departments and agencies with limited outputs and outcomes from their work (Staddon 2013), there is some evidence that they are becoming more effective in bringing corruption issues to the agenda. Significantly, the JSCs are chaired by an independent Senators which has undoubtedly helped the committees and reduced partisanship. There has also been an increase in inquiries and

Table 7: Committees and Commissions

(Scale of 1-5, where 1 = very weak and 5 = very effective)

Survey Question Number	Survey Question	Trinidad & Tobago		Grenada	
		Mean Score	Std. Dev.	Mean Score	Std. Dev.
20	Effectiveness of the PAC* in Uncovering Incidents of Fraud and Corruption	3.1	1.1	1.9	1.1
	<i>Effectiveness of the PAC* in Uncovering Incidents of Fraud and Corruption – MPs & Senators</i>	3.3	1.0	2.0	1.2
	<i>Effectiveness of the PAC* in Uncovering Incidents of Fraud and Corruption-Staff</i>	3.0	0.8	2.8	1.3
	<i>Effectiveness of the PAC* in Uncovering Incidents of Fraud and Corruption-Civil Society</i>	3.3	1.4	1.0	
	<i>Effectiveness of the PAC* in Uncovering Incidents of Fraud and Corruption – Journalists</i>	2.8	1.7	1.3	0.5
	Effectiveness of Special Commissions in Uncovering Incidents of Fraud and Corruption	2.9	1.6	2.6	1.0
	<i>Effectiveness of Special Commissions in Uncovering Incidents of Fraud and Corruption- MPs & Senators</i>	3.0	1.4	3.0	1.4
	<i>Effectiveness of Special Commissions in Uncovering Incidents of Fraud and Corruption-Staff</i>	2.4	1.5	4.0	

	<i>Effectiveness of Special Commissions in Uncovering Incidents of Fraud and Corruption-Civil Society</i>	3.0	1.8	2.0	
	<i>Effectiveness of Special Commissions in Uncovering Incidents of Fraud and Corruption – Journalists</i>	3.3	2.1	2.0	0.0
16	Degree of Partisanship Within Legislative Oversight Committees	3.6	1.0	3.8	1.0
	<i>Degree of Partisanship Within Legislative Oversight Committees – MPs & Senators</i>	3.3	1.5	3.8	1.3
	<i>Degree of Partisanship Within Legislative Oversight Committees - Staff</i>	3.3	0.8	3.7	0.6
	<i>Degree of Partisanship Within Legislative Oversight Committees – Civil Society</i>	4.2	1.0	2.0	
	<i>Degree of Partisanship Within Legislative Oversight Committees – Journalists</i>	3.3	0.6	4.3	0.5
	How often do oversight committees meet	6-7	-	3	-

* in Trinidad & Tobago, respondents were asked ‘How effective is the PAC and other oversight committees [such as the Committee on Public Enterprises and the Joint Select Committees] ...

JSC-reports laid by the three established JSCs in the last Parliament (Office of the Parliament, 2015).

Other Committees of Inquiry

Both countries have established special committees or commissions of inquiry. Again, the Trinidadian committees were judged as more effective than the Grenadian ones in uncovering incidents of fraud and corruption (the former ‘neither effective nor ineffective’ and the latter half-way between ‘somewhat ineffective and ‘neither effective nor ineffective’). However, a Commission of Inquiry was only set up in Grenada in 2008 to investigate the Prime Minister who was alleged to have received money in response to an appointment (he was cleared).

Auditor General

A major difference between the two countries is the organization and mandate of the auditor. In Trinidad & Tobago, the Auditor General was created in 1962, and is appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. The AG is independent of government and reports directly to Parliament. In Grenada, by contrast, the Director of Audit, also enshrined in the Constitution, is appointed by the Governor-General on the advice of the Public Service Commission (who is appointed by the Governor-General, on the advice of the Prime Minister).

While the perceived effectiveness of the auditor is essentially the same in both countries (“neither effective nor ineffective”), there is more consensus among Trinidadian participants (with MPs and Senators rating the effectiveness slightly lower, and journalists somewhat higher) than among Grenadians (where MPs and Senators voted the Director’s office as ‘somewhat effective’ and journalists as ‘somewhat ineffective’). In both countries, participants noted that the key constraint to audit effectiveness was the lack of action for Parliament to make or follow up on government recommendations. See Table 8.

These findings are surprising, since the Grenadian Constitution requires that the Director of Audit submit reports to the Minister of Finance, who forwards to the House of Representatives. This contrasts the situation in Trinidad & Tobago, where the Auditor General reports directly to Parliament. Both audit offices lack independence in hiring staff (they rely on the Public Service Commissions in their countries), and as a result are often under-staffed, under-funded and lack qualified auditors. In Trinidad and Tobago AG Reports are criticized for not being adequately probing with more serious recommendations rather than highlighting minor items or small transgressions.

In Grenada, audit reports are often not addressed by Parliament in a timely manner. In both countries, Audit Office access is problematic, especially when government departments fail to respond to requests for documentation. In Trinidad & Tobago, this is the case for statutory bodies. The requirement for civil servants to explain themselves is especially ineffective in Grenada, where the PAC does not meet frequently.

Table 8: Auditor General
(Scale of 1-5, where 1 = very weak and 5 = very effective)

		Trinidad & Tobago		Grenada	
Survey Question Number	Survey Question	Mean Score	Std. Dev.	Mean Score	Std. Dev.

12	Effectiveness of the Auditor General in Uncovering Incidents of Fraud and Corruption	3.2	1.1	3.1	1.4
	<i>Effectiveness of the Auditor General in Uncovering Incidents of Fraud and Corruption – MPs & Senators</i>	3.0	0.8	4.4	0.5
	<i>Effectiveness of the Auditor General in Uncovering Incidents of Fraud and Corruption – Staff</i>	3.1	0.9	2.8	2.1
	<i>Effectiveness of the Auditor General in Uncovering Incidents of Fraud and Corruption – Civil Society</i>	3.2	1.3	2.5	1.4
	<i>Effectiveness of the Auditor General in Uncovering Incidents of Fraud and Corruption - Journalists</i>	3.5	1.1	2.0	1.1

In Trinidad & Tobago financial regulations stipulate that financial reports be submitted to the AG. A person who contravenes is fined. However, the sum is so small it fails to act as a deterrent. It is also unclear whether procedures are in place to enforce this.

These findings run counter to PEFA assessments. In Grenada, the overall score regarding scope, nature and follow-up of external audits was B+, with a score of A given for the submission of reports to the National Assembly in a timely manner and B for most audit recommendations, especially value-for-money, being accepted by the auditees (Wiggins and Shepherd, 2010). Trinidad & Tobago scored slightly worse —B for the scope and nature of the audit reports, timely submission of reports to Parliament and response by auditees. The principal problem was that there was no evidence of follow-up on corrective measures by the Executive in response to the Auditor General’s recommendations (Quist, 2008).

The Parliament of Trinidad and Tobago has begun to improve follow-up measures by revising its Standing Orders in June 2015. Previously, there was no requirement for a 60-day response from the executive for PAC reports if the report were debated/adopted. A Government Assurances committee has also been established to scrutinize Ministerial commitments on the floor of the House.

Question Period

So both countries have Question Periods. In Trinidad & Tobago, it was judged to be somewhat more effective (‘neither effective nor ineffective’) than in Grenada, where it was considered ‘somewhat ineffective’. Respondents believed that the opposition had equal time as the government backbenchers to ask questions in both parliaments (Table 9), similar to findings of other Commonwealth countries. Unanswered questions and delays in answering questions was raised as a concern in Grenada. The improved rating in Trinidad and Tobago may be caused by the introduction of the Prime Minister’s Question Time in the 10th Parliament. Over the entire

10th Parliament, more than 600 questions were filed in the HoR, and 84% were answered. In the Senate more than 400 questions were filed, and 80% were answered. (Office of the Parliament, 2015).

Table 9: Question Period

(Scale of 1-5, where 1 = very weak and 5 = very effective)

Survey Question Number	Survey Question	Trinidad & Tobago		Grenada	
		Mean Score	Std. Dev.	Mean Score	Std. Dev.
	How Effective is Question Period in Uncovering Incidents of Fraud and Corruption	2.9	1.1	2.3	1.3
	Does the Opposition Have Equal Time to Ask Questions	1.1	0.2	1.0	0.0

Censure and No Confidence

The Trinidad & Tobago interviewees reported that while the legislature has the power to censure Ministers or the Prime Minister, it rarely does. Westminster convention holds that government requires the confidence of the lower house, which is the practice in both countries. This no-confidence motion is symbolic because the government's majority means that it is unlikely to be removed, but it does raise crucial issues regarding governance. There are, however, examples of success. In 2010, the threat of a motion of no-confidence against then Trinidad and Tobago Prime Minister Manning, led to him calling a general election with the ruling People's National Movement (PNM) being defeated.

One controversial innovation in Trinidad & Tobago in the last Parliament was a government motion of no confidence in the then Leader of the Opposition, Dr. Rowley. Using a motion of no confidence against the Leader of the Opposition is a dubious use of parliamentary procedure –

such a motion is always likely to be approved because of the government's majority, leading to a suspension from Parliament – the highest level of sanction imposable by the House. Ultimately it was a victory for the government, which was defeated in the subsequent election and Dr Rowley became Prime Minister.

In Grenada, the government can use the Constitution to avoid a vote of no-confidence. It states that Parliament must sit at least once per year with no more than 6 months passing between sittings. This allows any government to sideline Parliament and delay parliamentary business, including votes of confidence. This was the course of action taken by the previous Prime Minister in 2012 to help him escape a no-confidence vote against his leadership style.

Ombudsman, Integrity Commissions, & Anti-Corruption Agencies

At least in part to due encouragement from external organizations such as the Commonwealth Secretariat and the Mechanism for Follow-Up on the Implementation of the Inter-American Convention Against Corruption, Trinidad & Tobago have established Ombudsman offices and other anti-corruption agencies.

Ombudsman

Both Trinidad & Tobago and Grenada have Ombudsman offices designed to assist individuals who believe that they suffered maladministration within the public service.

In Trinidad & Tobago, the Ombudsman office, established in 1976, has extensive investigatory powers. He/she can enter and inspect any jurisdictional premises and can call for, examine and retain any document there and pursue investigations under the Ombudsman's functions. He/she has High Court judicial powers to summon witnesses compelled to give evidence under oath. To help ensure independence, the Ombudsman is an Officer of Parliament, only accountable to Parliament, submitting annual performance and results reports and making special reports to Parliament.

The Ombudsman office in Grenada is much newer, established in 2007. The Ombudsman does *not* report to Parliament, but its investigative reports may be laid in Parliament by the appropriate Minister. In 2017 the mandate of the Office is expanded to include human rights, become the National Human Rights Office (Straker, 2014).

Participants in both countries do not believe the Office of the Ombudsman is especially effective. In Trinidad & Tobago, it was considered just above "somewhat ineffective" and in Grenada,

“neither effective nor ineffective” (Table 10). In Trinidad & Tobago there is a lack of awareness of the roles, function and existence of the Ombudsman. Indeed, respondents were generally unaware of the Ombudsman. However, recently the Standing Orders have changed so that an Ombudsman’s report is presented to the Speaker and shall be considered by the House on motion.

Integrity Commissions

The Integrity Commission in Grenada established in 2007 upholds public officials to high standards of integrity through declarations of assets, liabilities, income and interests and it investigates impropriety, corruption and misconduct by public officials, prosecuting guilty people.

The Integrity Commission in Trinidad & Tobago has a broader mandate. Its roles include prevention and investigation of corruption, enforcement and public education. It also receives declarations of income, assets and liabilities, and is responsible for examining the practices and procedures of public bodies to facilitate discovery of corrupt practices.

Respondents often confused Integrity Commissions with other anti-corruption agencies, considered below. Regardless respondents did not judge the effectiveness of the Integrity Commissions or anti-corruption agencies very highly (Table 10): in both, they ranked at the lower end of ‘between somewhat ineffective’ and ‘neither effective nor ineffective’.

In Grenada, there is an overlapping mandate between the Integrity Commission, the Public Service Commission and the Police. The Commission needs to adopt an ambitious work-plan, to demonstrate that it is serious with an effective work plan. The Commission has, however, demonstrated good practice in terms of intergroup information sharing between high-level government authorities and the public.

Table 10: External Oversight Institutions

(Scale of 1-5, where 1 = very weak and 5 = very effective)

Survey Question Number	Survey Question	Trinidad & Tobago		Grenada	
		Mean Score	Std. Dev.	Mean Score	Std. Dev.
16d	Effectiveness of the Ombudsman in Uncovering Incidents of Fraud and Corruption	2.2	1.6	2.3	1.1
17d	Effectiveness of the anti-corruption agency in Uncovering Incidents of Fraud and Corruption	2.6	1.6	3.2	1.6

Trinidad & Tobago’s Commission has adopted measures to strengthen its work. Nonetheless, a large backlog of work remains, which respondents suggested was due to a lack of human and financial resources.

Anti-corruption agencies

The other anti-corruption agencies, the Anti- Corruption Investigation Bureau (AICB) in Trinidad & Tobago and the Financial Intelligence Unit in Grenada, were not ranked better: midway between ‘somewhat ineffective’ in Trinidad & Tobago and slightly above ‘neither effective nor ineffective’ in Grenada (Table 10), with some respondents unaware of the AICB’s work. In Grenada the FIU is concerned with money laundering and counter terrorist financing, not anti-corruption *per se*. The work of anti-corruption agencies is undermined by the time it takes to investigate and enforce sanctions through the courts.

Facilitating Factors

Stapenhurst (2011) and Pelizzo and Stapenhurst (2014) noted the importance of facilitating factors, notably information and research capacity, distinguishing between within-parliament library facilities and more general access to information.

Library and Research Facilities

The Parliaments of both Trinidad & Tobago and Grenada have library facilities, but both are limited, especially Grenada (Table 11).

Table 11: Legislative Research Facilities

Survey Question Number	Survey Question	Trinidad & Tobago	Grenada
33	Is There a Legislative Library	YES	YES
	How Many Volumes		
	How Many Periodicals		
	How Many Professional Librarians		

	How Many Professional Researchers		
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Regardless of capacity, respondents were united that the facilities were underused: ‘never’ by MPs and Senators in Trinidad & Tobago and ‘rarely’ in Grenada. However, a Financial Scrutiny Unit has recently been established in Trinidad & Tobago, which is likely to increase the quality and timeliness of budget and fiscal issues to MPs and Senators.

Access to Information

Access to information (ATI) laws provide citizens and interested parties with the right to access government documents without having to show legal interest. Robinson and Milko (1994) noted that the need for information increases as a legislature progresses from rubber-stamping to an informed or transformative institution. Mendel (2005) posits that such laws can make it easier for legislators and researchers to obtain information otherwise hard to find, thereby assisting them in carrying out parliamentary oversight. Islam (2006) shows that countries that have not enacted ATI legislation record higher levels of corruption, although Taveres (2007) qualifies this by finding that it is not the mere enactment of legislation which matters, but rather its implementation.

Table 12: Use of Legislative Research Facilities

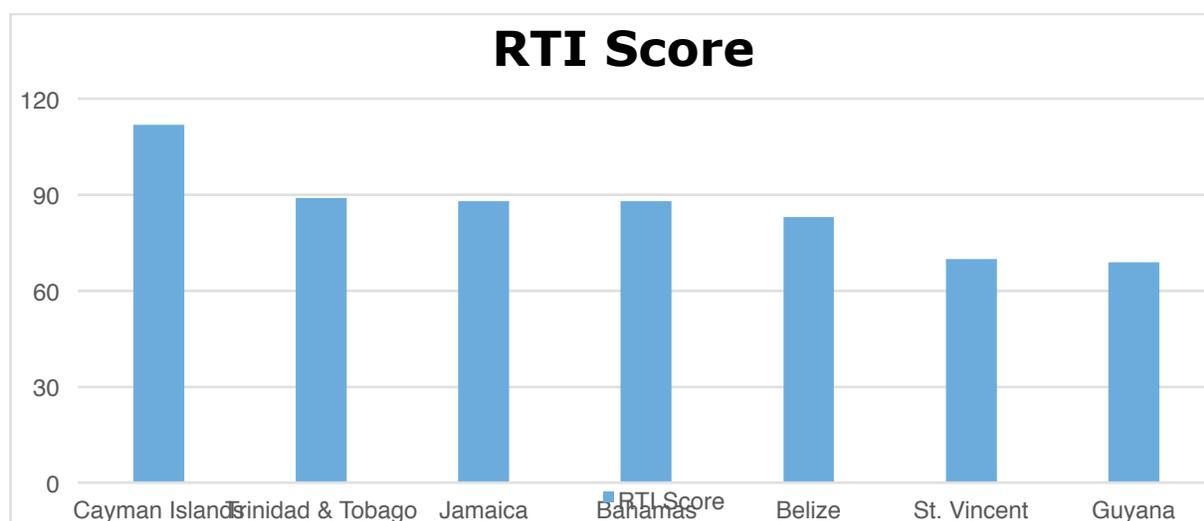
(Scale of 1-5, where 1 = very rarely and 5= always)

		Trinidad & Tobago	Grenada
Survey Question Number	Survey Question	Mean Score	Mean Score
33b	Do MPs & Senators use the Library	1.0	2.0

As the Global Right to Information Rating project, backed by the Centre for Law & Democracy and Access Info, point out, there is substantial variation in the quality of ATI laws across the Caribbean: the Cayman Islands, the best in the region, score 112 out of a possible 138, while Guyana, the lowest, scores 69th. Trinidad & Tobago score 89 and rank 50th out of 111 countries, just behind Canada. It should be noted, however, that most Caribbean countries have not enacted ATI laws and that Grenada has a draft law, yet to be passed by Parliament.

One issue reported to us in Grenada is that government information is not available electronically.

Chart 3: Right to Information Scores



Source: <http://www.rti-rating.org/country-data> and <http://www.rti-rating.org/significant-differences-in-caribbean-rti-rating-scores/> Both accessed April 16, 2017.

Trinidad & Tobago passed the Freedom of Information Act in 1999 (implemented in 2001); the Ombudsman's office oversees implantation of the Act. According to RTI, Trinidad & Tobago's law has several strengths, including a broad scope and somewhat effective promotional mechanism. However its biggest weakness is that, rather than a specialist body, appeals against refusals are channeled to the Ombudsman office, which lacks the structural framework to effectively perform this function. Other problems include vague rules surrounding fees and many exceptions provided for in the legislation. The responsiveness of agencies to FOI requests is not uniform. Some agencies do not provide information unless a court order is made.

An FOI request by the civil group Fixin T+T ties employees in constituency offices with nepotism and resulted in a revision in these procedures as well as a dismissal of a minister for breaching the Parliament's guidelines on the matter. This highlights the potential of FOI in exposing corruption and how CSO activity can assist in investigating and reporting wrong-doing.

Other Oversight Mechanisms

The Senate in both countries plays an important oversight role, especially in Grenada without a lower chamber opposition Member. In Trinidad & Tobago six Senators are appointed on advice from the Leader of the Opposition and nine Senators to represent other sectors of civil society, while in Grenada three of thirteen Senators are appointed on the advice of the Leader of the Opposition and three more to represent other sectors of society (Table 3). In both countries,

while Government has a majority in the upper chamber, the Opposition party is represented as well as sections of society.

In Grenada, the Government has launched a Committee of Social Partners (CSP) through which the Prime Minister can solicit advice and feedback from different elements of society on policies and draft laws. The CSP meets monthly and is comprised of representatives of the private sector, the trade unions, NGOs, religious organizations and youth. The CSP presents an Annual Report to Parliament for debate. Overall, interviewees spoke positively of this innovative approach to governance.

Recommendations

Before we move on to oversight tools, some consideration of trust in parliament is warranted. How can trust in parliament be increased? As noted in Table 5, public trust in Trinidad & Tobago's Parliament is low: according to World Values Survey, only 25.9% of respondents reported having 'a lot' or 'some' trust in parliament, lower than in other public institutions, but higher than 2001-06, when only 15.7% of respondents reported having 'a lot' or 'some' trust in parliament.

What are the causes of this improvement? Parliament is now more operationally efficient and more effective in citizen communication. There is a code of conduct and public declaration of assets by MPs and more transparency in parliamentary deliberations, including committee meetings, and improving budget oversight.

Support from the Presiding Officers is well entrenched, but maybe difficult to officially facilitate when legislatures do not have control over recruitment, particularly the Clerk of Parliament. High turnover among parliamentary service people is common, but in Trinidad and Tobago the clerk has been in post for over 15 years. The clerk's long experience in office and commitment to Parliament has enabled her to argue with the executive and given her the authority to work around public service constraints by offering a more favorable package to capable staff on a short-term contractual basis. The Clerk is a key factor in parliamentary strengthening over the last 10 years.

Oversight Tools

Both Trinidad & Tobago and Grenada have full gamut oversight tools; the issue is making these tools effective. Again, the recommendations need to be country-specific.

Having an effective committee system is necessary. While committees have been strengthened in Trinidad & Tobago (with regular committee meetings and public hearings, and adequate administrative & research support), effectiveness is limited by part-time MPs. In Grenada the committee system is under-developed. The Finance Committee meets as a Committee of the Whole, leaving partisan politics to the Chamber. Since the number of backbench MPs to serve on committees is limited, certain facets of ‘the Westminster’ system should be relaxed:

- Committee membership should comprise MPs and Senators
- Ministers should be allowed to sit on Committees, and where necessary chair committees – but not committees that oversee their departments
- Committee membership should be open to unelected members
- Clerks and researchers (the latter perhaps as interns) should be provided to support committees.

The CSP in Grenada performs a useful function, although it is not a substitute for parliamentary oversight. The Prime Minister chairs the CSP and there is no official opposition representative on the body. This forum has not had a focus on generating economic growth and employment, nor has it focused on corruption. Closer links between the CSP and Parliament would be useful, particularly with a new parliamentary building expected by 2018.

PACs should have the power to subpoena documents and witnesses, should promote ‘government accountability’ and should strive to increase public involvement. In Grenada, the Chair of the PAC is the ranking Opposition Senator, which makes committee operations difficult, with the Chairs competing responsibilities. A bipartisan approach in the committee may be difficult to obtain.

A workshop held in Port of Spain in February 2014, suggests: (i) that small parliaments establish a body of unelected, apolitical officials with a public audit background to review audit reports by local governments; (ii) that they appoint an advisory audit committee to act as an ‘ad hoc PAC’, examining Audit reports, calling witnesses and making recommendations to the parliamentary PAC which could review the work and issue an endorsement to the advisory committee’s report (ParlAmericas, 2014). A final suggestion is that small countries in the Caribbean, like Grenada, establish a ‘regional PAC’ so that potential synergies can be developed and support systems established and rationalized.

Having an effective, independent Auditor General is also important. Generally, it is recommended that Auditors General have the mandate to report key findings publicly with user-friendly reports, and that the PAC know the Auditor’s budget and work plans (ParlAmericas, 2012).

More specifically, the Auditor-General in Trinidad & Tobago should be empowered to impose administrative sanctions on government departments, agencies and statutory bodies that do not submit their financial reports on time. ‘Naming and shaming’ could also help, with the Auditor General publishing a list of non-compliant agencies and statutory bodies. The AG office also needs independence in hiring, promoting and firing staff, and not be dependent on the Public Service Commission (PSC), which in the past has taken 2-4 years to recruit staff (MESICIC, 2013); this could be achieved by the delegation of authority by the PSC. Parliament should also consider legislating the Extractive Industries Transparency Initiative (EITI) into the country’s laws to ensure EITI forms part of the legal framework and provide an independent assessment of the revenues and payments declared by government and the extractive companies.

In Grenada, the Audit Department should be able to send its reports directly to Parliament, and not through the Department of Finance, as at present. Working with the PAC, the Department could better inform the public of their work, activities and outcomes, especially relating to corruption. And again, the Audit Office should be able to hire staff independently. There could also be a vehicle for developing linkages between the Audit Department and the CSP, with the aim of establishing channels for social audit.

Perhaps the biggest problem regarding ombudsman offices is that public servants, and the general public, are generally unaware of their existence. Outreach activities and public education activities should be enhanced and, in Trinidad & Tobago, Parliament itself could assist, given its communications expertise.

Adequate budgets and financial autonomy were noted as problems. While ombuds offices, like other public bodies, need to accept and operate within fiscal reality, Parliaments in both countries could help ensure that the ombuds offices have some financial independence. This degree of autonomy is important, especially if the Ombudsman is investigating complaints about the Ministry of Finance. Autonomy in human resource management is also desirable.

It would seem useful, too, if the ombuds offices could establish time frames for public agencies to respond to their requests for information, and also have appropriate noncompliance enforcement mechanisms.

The Integrity Commissions of Trinidad & Tobago and Grenada are also not well known, and those who were aware thought they were rather ineffective. Public outreach and communications strategies are required, including training for public officials on their responsibilities under the Code of Conduct.

In Trinidad & Tobago, the Commission is required to forward any breaches of Codes of Conduct to Parliament, the Board or other Authority and to the Director of Public Prosecution to take appropriate disciplinary action – but the institutions are not well coordinated. A formal information exchange should be established between the Commission and relevant agencies. Similarly, in Grenada collaborative arrangements need to be made between the Commission and the Financial Intelligence Unit, the Audit Department and the Director of Public Prosecutions (MESICIC, 2014). The Integrity Commissions need more access for prompt judgments. Whistleblower legislation may also prove useful in the fight against corruption and provide protection for individuals when exposing corruption.

Again, like the ombudsmen offices, the Commissions lack the power to impose administrative sanctions and financial and human resource autonomy. Parliaments should review these issues to ensure that the Commission is adequately resourced with financial autonomy. Grenada needs Parliament to have a stronger role in the appointment of the heads of constitutional watchdogs. Without an opposition voice in the House, the focus should be on the Senate to review and approve such appointments. Given concerns about conflict of interest in small institutions, a non-citizen could be appointed as head of the Integrity Commission in both jurisdictions.

There are some further measures that the legislatures in both countries should prioritise, including a tougher parliamentary code of conduct, ethics committees, and using CPA benchmarks on Codes of Conduct. MPs and integrity commissions should fully and regularly disclose their financial assets and business interests. In terms of the issue of campaign financing and political party registration, the OAS Model Law provides useful transparency and accountability guidance. Finally, one area that has caused recent controversy in Trinidad and Tobago has been the use of constituency offices which are paid by the parliament, but under the control of members. Members should publish reports on how they have spent this money.

Conclusions

The research regarding parliamentary oversight in corruption in Trinidad & Tobago and Grenada illustrate two principal findings: the issues and weaknesses in parliamentary oversight are fundamentally different in small countries than in large, and that one cannot generalize across small countries. The lessons learned in the UK and Canada are largely irrelevant to small countries, and the lessons in one small country may not easily transfer to other small countries.

Several issues are common to oversight institutions in Trinidad & Tobago and Grenada, including the perception that government dominates the institutions. To counter this, the institutions must not only *be* constitutionally independent, but must be *perceived* independent. Having them report to parliament, as in the AG in Trinidad, would be a first step. The oversight institutions, and indeed parliaments themselves, need financial autonomy and freedom to manage

human resources. If oversight institutions are dependent on government departments or public agencies controlled by government, they are likely under-resourced. The general public and public sector officials are mostly unaware of the mandate, work and output of oversight institutions. Again, the Parliament of Trinidad & Tobago sets a good example of how public awareness can be raised.

In short, both countries have oversight tools and mechanisms to hold governments to account, and thereby reduce corruption, with limited success. Political will is critical. Unless citizens demand that their elected governments establish various oversight and anti-corruption mechanisms *and* ensure these mechanisms are free of political influence and are adequately resourced, the institutions will be ‘window dressing’ and corrupt actions will continue undeterred and unpunished.

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