

# Behind Jamaica's Garrisons

The following are excerpts of the July 1997 Report of the National Committee on Political Tribalism. The Committee was chaired by Political Ombuds-man the Hon. Justice James Kerr.

## Proximity

THE border wars between garrison communities of different persuasions result in:

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

## Creation

Garrison communities are created by:

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

The hard core garrison communities exhibit an element of autonomy, in that they are states within a state. The Jamaican State has no authority or power except in as far as it forces are able to invade in the form of police and military raids. In the core garrison disputes have been settled, matters tried, offenders sentenced and punished, all without reference to the institutions of the Jamaican State.

## The Garrison Process

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

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

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

Some worked with a notion of eight garrison constituencies. Based on my analysis of the 1993 election results I have also identified eight unambiguously garrisoned constituencies. In addition there are four other

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

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

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

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

### **Common Features of Garrison Communities**

Dr. Barry Chevannes de-scribed the common features in this way:

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

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

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

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

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

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

Doctors Sangster and Chevannes and Mr. Figueroa all resort to electoral results as a method of identifying garrison communities. On the basis of a 75 per cent of those voting for the candidate of a particular party, Dr. A.W. Sangster in the submission "Point of View" states that between 1989-93 the garrison communities

increased from 3 to 11 - an increase of 1 JLP and 7 PNP.

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

### **The Immediate Effects**

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

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

### **The Consequential and Continuing Effects**

*The increasing incidence of violence and the attendant space of murders and serious bodily injuries*

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

Criminal gangs tend to identify themselves with particular garrison communities and remain affiliated or aligned to their particular party. During the election period they surface as perpetrators of political violence and election malpractices.

### **Area Branding**

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

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

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## The Primary Causes

### Patronage

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

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

### Scarce Benefits

#### Housing schemes

The practice of the party in power allocating houses to supporters in order to establish a homogeneous voting community resulted in recent proliferation of garrison communities - seven in Kingston and St. Andrew and one in St. Catherine. This method of the allocation must be condemned and discontinued.

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

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

#### Proposals and recommendations

1. The committee approves of the criteria and method of allocation of housing schemes under the control of the National Housing Trust.
2. For housing schemes not under the control of the National Housing Trust, including slum clearance schemes, the allocation should be entrusted to an impartial committee.
3. The committee commends to the Government the adoption for areas in similar circumstances the "Strategy for Revitalisation of Blighted Areas" as set out in the 'Report of the National Inner City Committee' and implemented in 1993 in Jones Town.

#### Land settlement schemes

The widespread belief in political preference in the allocation of lots under Government land settlement schemes has been strengthened by recent complaints to the Ombudsman for political matters and the public outcry of the farmers of Holland in St. Elizabeth that their applications for the purchase of lots will not be given the promised priority, because of the publication list of an approved list of approved purchasers who were not

farmers from the area.

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

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

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

The criteria for disposal for lands will include:

- A. Making lots available to the landless and to small farmers to the extent possible.
- B. The encouragement of youth and women in agriculture.
- C. Favours viable production, especially for exports.
- D. Minimising use for speculative purposes.
- E. Ensuring security of tenure for those to whom lands have previously been allotted and are in good standing.

Once applications have been received, they will be considered by a committee comprised of the following:

- \* Two (2) representatives of the RADA Board for the parish in which the land is situated.
- \* One (1) representative of the Ministers (of Religion) Fraternal for the parish.
- \* One (1) representative of the Jamaica Agricultural Society (JAS).
- \* Three (3) persons selected from a panel established by the Contractor-General, two of whom must be residents of the parish.
- \* The Commissioner of Lands or his/her representative."

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

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

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

### **Contributory Circumstances**

After three decades of independence the deplorable conditions in the inner cities continue - notwithstanding the

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

## Poverty

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

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

The fact is that the Jamaican economy has not performed well over the past 35 years and therefore the country has not been able to provide enough jobs to meet the needs of a growing population.

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

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

The needs of the poor are great, it is estimated that the poorest household contributed five per cent to Gross Domestic Product in 1950, by 1980 the contribution was reduced to two per cent.

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

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

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

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

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

## Skills Training and Unemployment

There is little or no emphasis on personal empowerment and the promotion of healthy self-esteem for the numerous unemployed and unemployable inner city residents (particularly among the youth). The large body of unskilled persons who reside within these communities must await the hand-outs of odd jobs (very often the offshoots of small parochial contracts distributed by politicians to known supporters). Jobs are regularly tied to political affiliation. The sources of work are also limited by the high concentration of persons who have no skills

and therefore form part of a very large group of common labourers. Many young males sit idly by unless and until there is a programme or development which requires labour intensive input. And the devil finds work for idle hands. Survey done by the National Inner City Committee (ante) revealed that in 1993 a mere 18 per cent of the residents of Jones Town had proper training in any particular skill. Another 53 per cent admitted to having no particular skill whatsoever.

The committee recognises the need on the part of Government to:

- \* Provide safe places for our young to learn and grow. Businesses, churches and other organisations could assist by offering structured activities for young people.
- \* Help young people to develop marketable skills.
- \* Focus on establishing and developing community centres for skills training, youth programmes and encouraging meaningful social activity.

### **Job Creation/Youth Empowerment**

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

- \* The Government seeks the co-operation of the private sector to spearhead an inner-city job initiative. Essentially, the programme will be funded by the State by means of a tax credit equal to twice the cost of employing and training inner city youths for a period of three years. The Church, Council of Voluntary Social Services, the NGO Community and other approved non-governmental organisations will determine the list of qualified youths.
- \* Reducing the cost of national security and the savings from the National Food Stamps Programme could fund this initiative. It is also suggested that any private sector company participating in a government project or obtaining financial support from the government should provide employment to inner city youths.
- \* The committee has determined that in many communities, there are few examples of good role models for young men. Presently, the politicians and the community "dons" are the models of success and masculinity. We believe that balance could be obtained by resuscitating youth programmes such as Boy's Scout, Girl's Guide, Cadet movement and the Four-H Pro-gramme. The State would encourage companies to allow their employees approved time off to volunteer in such community-based projects. These efforts could be supervised and monitored by the Council for Voluntary Social Services and other umbrella non-governmental organisations.

### **The Social and Economic Support Programme (SESP)**

The SESP was set up in October 1990, with the aim of seeking "to mitigate the effects of major changes in economic strategy on the most vulnerable in the society". The co-ordinator of the SESP unit stated that his unit would not consider "the SESP activities to be related to allocation of scarce benefits which are usually seen from a political stand point as payback for favours and or works rendered for the party". In a memorandum dated January 13, 1997, he went on to emphasise that the focus of the programme was on "developmental issues... to pull up those persons who fall on or under the poverty line with a view to improving the quality of life."

These are obviously laudable objectives and the committee was provided with a copy of a letter dated January 31, 1997 from the Ministry of Finance to the Office of the Prime Minister, which set out detailed guidelines on the accounting and accountability requirements of the disbursement process under the programme. However, it does appear that - apart from a component for project proposals received through non-governmental organisations - the identification of projects generally is to some extent what the co-ordinator himself described as "MP-driven". Indeed, one component relates expressly to a reserve maintained by the Office of the Prime Minister (described as the "OPM Reserve"), which seeks to address requests from "Sundry organisation and institutions... [which] ... from time to time make appeals to the Rt. Hon. Prime Minister, the Ministers in the

Office of the Prime Minister and other Ministers and Members of Parliament." Apparently where various requests for assistance received "cannot be fitted in other government programmes, the Rt. Hon. Prime Minister and his Ministers attempt to satisfy them from the Reserve".

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

### **Recommendations**

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

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## The Contributory Factors

### The politicians

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

### The Peace Agreement

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

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

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

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

- \* Politicians must not only pay lip service to, but must also become actively involved in the eradication of a political arena where gun slingers establish and operate tribal boundaries.
- \* Politicians must divest themselves of the responsibility of issuing scarce benefits and leave the civil servant and impartial committees to implement policies in an objective and unbiased fashion based on set criteria.
- \* The distribution of houses, social services or determination of where an industry is sited ought not to be dependent upon whether or not the area supports the government of the day. The only criteria for the distribution of such benefits should be viability and need.
- \* Politicians must begin to get people to understand that involvement in politics is not a prerequisite to receiving the benefits which it is incumbent on Government to provide for its citizens.
- \* Members of Parliament representing garrison constituencies or constituencies in which there are areas of political violence must by example, exhortation and rebuke, inculcate political tolerance and respect for the constitutional right of freedom of association.
- \* Political leaders must publicly denounce officers and members who are associated with criminals, political and otherwise, and take disciplinary action to remove from office those found in breach of the terms and ethics of the Peace Agreement.
- \* Political leaders of all levels should disassociate themselves from reputed criminals, in particular those committing crimes of violence or offences in breach of the Representation of the People's Act and their kindred laws.

## **Legislation**

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

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

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

## **General Elections**

### **Police Preparation for Elections**

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

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

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

### **Nomination Day To Election Day**

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

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

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

## **Campaigning**

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

canvassing by political meetings and marches should end 72 hours before the opening of the polls.

## **Motorcades**

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

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

In that regard, the Committee advocates:

- \* Strict compliance with the provisions of the Act and in particular those prohibiting motorcades during the night.
- \* In considering an application for a motorcade, the proper police officer should demand that the particulars in the application for permit comply with the requirements of Section 7(2) - point of departure, route, point of termination, the hours between which such march will take place and an estimate of the number of persons who are expected to participate in such march, and the permit granted should specify route and time as required by the provisions of the Act.
- \* In the exercise of the discretionary power conferred by the Act the proper officer, in the appropriate circumstances as described in the Act should require the leader to call upon the motorcade to disperse.'

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### General proposals and recommendations

#### Political Education

WHILE THE Committee notes the present comforting emphasis by Government and Opposition on facilities for improvement in education, the existence of political tribalism is clearly indicative of certain misconceptions of party politics in our Constitutional Democracy, in particular, the existence of garrison communities and the significant and increasing malpractices in the proceedings in the general election.

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

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

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

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

#### Recommendations

That political education be taught as a special subject to:

(a) schools beginning as part of the curriculum of the 12-year olds; and

(b) adult education at the community level.

#### Community Relations

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

The institution of a local Consultative Committee as exemplified by that in St. Thomas and Westmoreland is commendable and such a local committee for every police station is recommended.

The membership of the local committee should be drawn from residents in the area served by the particular station.

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

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

On the other hand, as the Security Forces have an inescapable duty to act firmly against crime and to maintain law and order, the Committee appreciates that there will be occasions when the nature and extent of the

criminal activities call for hard policing - the calling out of specially and appropriately trained units and even if the occasion so demands, the assistance of members of the Jamaica Defence Force. In any event then, the principle of using no more force than reasonably necessary is applicable and over-reaction should be avoided. The police must act within the law at all times. But, when a community becomes resentful and restless and there is widespread loss of confidence in the police, the particular circumstances may require a review of police methods. This attitude of the community is often due to a breakdown of the desirable rapport between members of the community and the police and more often than not it is triggered by some incident or cause of conduct which the community feels was abuse or excess of police power.

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

Public duty in assisting the police in the maintenance of law and order

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

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

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

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

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

It is the duty of the citizen:

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

Concluding general observations and proposals

**Political violence**

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

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

### **On violence - firearms**

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

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

The Police in the recovery of illegal guns have been fairly successful. They have been less successful in uncovering the source and method of importation due to the deportees' American connection, the difficulty of effectively patrolling the extensive coastline of Jamaica with our present fleet and the conspiracy of silence among the criminal element.

### **Amnesty**

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

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

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

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

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

## Behind Jamaica's Garrisons

*The following are excerpts of the July 1997 Report of the National Committee of Political Tribalism. The Committee was chaired by Political Ombudsman the Hon. Justice Kerr*

### Police

THE COMMITTEE on the basis of submissions, oral and written, shares the following view of the National Task Force on Crime:

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

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

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

### Performance

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

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

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

### Duties

The duties of the police fall into two broad categories:

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

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

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

### Independence

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

"The Independence of the Police is the other principle of policing a free society to which I wish to refer. Neither politicians nor pressure groups nor anyone else may tell the police what decisions to take or what methods to employ, whether to enforce the law or not in a particular case, or how to investigate a particular offence. The exercise of police judgement has to be as independent as the exercise of professional judgement by a doctor or

a lawyer. If it is not, the way is open to manipulation and abuse of the law, whether for political or for private ends."

On the matter of independence the Committee noted -

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

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

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

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

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

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

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

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

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

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

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

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

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

With respect to the recommendation at para. 7.4p.40 of the National Task Force on Crime, on the power of the

Commissioner to dismiss members of the Force, the Committee is of the view that such wide powers could make the Commissioner a Judge in his own cause and accordingly, the following is suggested in lieu:

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