

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 James Kerr.

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.'