

POLITICAL PARTY AND CAMPAIGN FINANCING IN ST. LUCIA¹

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I. INTRODUCTION

Unlike many settled and newer democracies, St. Lucia like many of its counterparts in the Commonwealth Caribbean does not have a tradition of public funding for political candidates or political parties, nor for that matter is there any specific legislation governing the use of and sourcing of political money for general party purposes or for electioneering. The only subvention by the state is connected to parliamentarians/constituency representatives who receive an equal amount of money from the state to maintain constituency branches. Party financing up to 2003 in St. Lucia lack practically all legal controls by the state. There are no obvious prohibitions on financial contributions whether by foreign governments, agents of governments, private individuals, corporate community. So that there are no effective constraints on political candidates and agents of political parties in raising political money except in so far as the 1999 Money Laundering (Prevention) Acts provide some scope for the authorities to seek the cooperation of the financial institutions of St. Lucia in monitoring and detecting possible attempts to launder monies.²

1. Nature of the Financial System.

A) EFFECTS OF THE FINANCING SYSTEM

There are two main political parties in St. Lucia, the St. Lucia Labour Party and the United Workers Party. For the purpose of general elections both political parties organise a finance committee that is charged with the sole responsibility of raising funds explicitly for the elections process. Such funds are generally kept separate from the funds of the party. While these finance committees are partly drawn from the Executive branch of the parties, and are generally kept separated from the political leader of the party, the leader is normally kept abreast of all matters pertinent to party finances. The party leader is therefore kept informed of fund raising activities, contributions and sources of contributions to the party. In this way party leaders do have a critical input into party financing and can on occasions advise the finance committee on the desirability of accepting questionable funds.

In terms of the financial system that supports the traditional political parties in St. Lucia, the picture is not quite clear. What is apparent however is the fact that there is no definite regulation or legislation that requires the national government to give financial support to political parties. Secondly St. Lucia does not have a limit on financial spending for electoral purposes whether by the candidates or the political party. Given therefore, that formal/official financial government support for political parties is not available, and the state therefore plays only a minimum role in direct financing, political parties are largely financed by private sources of funds. Indeed the only source of government financial support to political parties in a most indirect form is the funding of constituency offices for all elected parliamentarians, a practice

¹ The opinions expressed in this document do not reflect the official position of the Organization of American States.

² See the Money laundering (Prevention) Act, 1999. Government of St. Lucia.

that developed only in the aftermath of the post 1997 elections and was instituted by the St. Lucia Labour Party. Prior to 1997, all elected parliamentarians received a constituency allowance as part of their salary for which they were not required to account. Under that arrangement the Prime Minister, elected cabinet ministers, the Leader of the Opposition and other elected members of the House each received a constituency allowance of EC\$6000.00 annually.³ The Salaries Review Commission of 1999, noted that in relation to the constituency allowance, ‘... There is no requirement for documentation relating to the expenditure to be presented to support the claim for allowances.’⁴ The facility therefore provided absolutely no transparency and no accountability of the parliamentarian to government, which by 1997 was regarded as an untenable situation. It was however felt that constituents should be afforded the opportunity to access their parliamentary representatives outside of the political party branch offices. So that the Salaries Review Commission recommended that constituency offices for all elected members of the parliament should be provided that would be staffed with a secretary and an administrative assistant (minimum staffing).⁵ The state therefore does not transfer any financial assistance to the extra parliamentary party. While the office would not be assigned to a political party per se nonetheless, it is regarded by both political parties as an important source of government financing, even though its offices may be abused for political party reasons. The facility is located in the parliament and administered by the Speaker of the House of Assembly who is not an elected member of the parliament but who is nominated by the Prime Minister. According to the former Speaker of the House of Assembly, Matthew Roberts, the practice on the ground is for constituents to visit these offices only if their supporters are in power or alternatively won the constituency election.

The main sources of funds for general political party and election purposes are therefore derived from: An important element in party financing in St. Lucia is the level of party membership. Traditionally party members contribute to the financing of the day to day operations of the political party as well as to the election’s campaign. However, despite the fact that the St. Lucia Labour Party and the United Workers Party were established as mass political parties in the 1950s’ and 1960s’, they both remain relatively weakly organised political parties. The St. Lucia Labour Party was formed in 1949 while the United Workers Party was organised in 1964.⁶ The weakness of the organisational base of the party is reflected in the fact that neither political party have well-established branches, fully staffed and maned either by volunteers or paid professionals nor for that matter does all 17 constituencies in the countries possess operational branches. This is more acute for the United Workers Party than the St. Lucia Labour Party. Branch meetings in the absence of constituency offices must meet at community centers or private dwellings to discuss party business.⁷ The fundamental weakness of the party notwithstanding more recent attempts to reorganise both political parties (the SLP since 1997 with some success and the UWP after two disastrous elections in 1997 and 2001) is also reflected in the poor financial contributions by party members. Prime Minister Dr. The Hon. Kenny Anthony admits that given the ‘... extraordinary weak financial base of the party, the

³ See the Salaries Review Commission document “Review of Salaries of Political Executives. Legislative and Top management Public Officers in the St. Lucia Public service, First Interim Report, August 1999, government of St. Lucia.

⁴ Ibid, Salaries Review Commission, pp.20.

⁵ Ibid salaries Review Commission, pp 44.

⁶ See Patrick A. M. Emmanuel; Elections and Party Systems in the Commonwealth Caribbean 1944-1991 (CADRES: Barbados, 1992) for further details on the origins of the two parties.

⁷ Interview with party chairman Stephenson King of the United Workers Party, Office of the Leader of the Opposition, High Street, Castries, St. Lucia, 13 August, 2003.

membership does not meet its obligations to the party.⁸ He further contends that this is not only related to the direct benefits that members expect to receive for their small contributions which he describes as ‘... a disease that is entrenched in the body politic of St. Lucia,⁹ While it is difficult to arrive at a clear picture of the actual membership of the parties, given the unusually high non payment of dues by so-called party members, official party membership cannot be placed higher than 2000 members. In the case of the United Workers Party, party members are expected to pay a monthly nominal fee of EC\$1.00, while the monthly contribution to the SLP is EC\$5.00. More often than not given non payment of party dues, entire constituency party delegates would be disenfranchised at party conventions if committed party supporters at the conventions themselves did not pay the outstanding monies owed to the party.¹⁰ As can be expected even in a context where contributions are paid, the small sum cannot realistically be expected to meet the day to day (routine activities)operational cost of the party nor is it expected to finance an election campaign as it constitutes a minuscule portion of the financial requirement of the parties. The lack of adequate financing for the UWP since its electoral defeat in 1997 have lead to some streamlining of the party’s headquarters, so that this places an added strain on the capacity of the party to effectively campaign for electoral purposes. The modernisation of the system is therefore urgently required, and is recognised by the political parties.

2. Domestic private sector sources, including offshore firms such as corporate St. Lucia and private individuals are in fact the principal source of political party income in the country. Both political parties admit that they are the beneficiaries of large sums of money from the business community in St. Lucia and that the extent of the financing depends to a large extent on the health of the economy and the perception by companies and individuals of the electoral chances of the party. Since 1997 therefore the St. Lucia Labour Party, under the political leadership of Dr. The Hon. Kenny Anthony has been the main but not the only beneficiary of the domestic private sector election’s contributions. Limited funds are generally available to opposition political parties as businessmen are somewhat fearful of victimisation. Many of these contributions are anonymous known primarily to the finance committees of the party and not generally declared/reported to the general membership of the party. Nonetheless there are several individuals that are routinely acknowledged in the public and privately by social and political commentators as well as party officials. These individuals are also perceived by the general public as having tremendous political and economic influence in the country. So that private sector contributions constitute the bulk of the financing of the process of elections and the political activity of the political parties. Very often outside of elections assistance is given as the need arises for the political parties. Thus, the two main political parties in St. Lucia show tremendous financial dependency on private sector contributions/donations.
3. International agencies are also customary sources of funds for political parties. In particular the Westminster Foundation for Democracy that provide small funding to both political parties primarily for capacity building purposes such as training, some

⁸ Interview with Prime Minister Kenny Anthony of St. Lucia, Prime Ministers Official Residence, Vigie, Castries, St. Lucia, 14, August 2003.

⁹ Ibid, Kenny Anthony.

¹⁰ Interview with party officials in St. Lucia. Legal Officer of the St. Lucia Labour Party, Hilford Deterville, admits that he has also paid the outstanding fees for entire delegates at conventions itself.

technical assistance and of course for political polls prior to elections. In addition, the United Workers Party (UWP) have source funds from the International Democrat Union a European organisation to which the party is affiliated through the Caribbean Democratic Union an umbrella organisation of conservative, right of center political parties in the region. The IDU through its regional organisation, the CDU, provides assistance in the form of seminars for politicians and party workers on how to adequately prepare campaigning. These involve exchanges of information on campaign technology, fund-raising techniques, opinion polling, advertising and campaign arrangements.

4. Support of regional like minded political parties in the form of election workers, campaign organisers and training.
5. Loans. Both political parties admit that given the high cost of elections campaigns in particular, candidates have either mortgaged personal property or borrowed from financial institutions.
6. Fund-raising activities by individual candidates for the purposes of elections, such as fetes, beach parties, barbecues, etc.
7. Personal finances of the candidates themselves, as party support and contributions from a variety of sources are insufficient to meet the growing expenses of mounting an effective election's campaign especially in a context of dependency and handouts in St. Lucia. For instance as political leader of the SLP, Julian Hunte contributed tremendous sums of his personal fortune on the party for over a decade. Indeed, there are many complaints from both opposition and government parliamentarians and parliamentary hopefuls that this is increasing burdensome for the politically interested.
8. Contributions of the political parties public office holders to the Party's central office. The SLP for example receive monthly contributions from all party parliamentarians in the two house legislature. So that all elected SLP members of the parliament as well as government appointed senators contribute between EC\$150.00 - EC\$250.00 to the financing of the party.
9. Far more controversial and therefore more prone to invite evasion and outright denial is the issue of the extent of foreign government intervention in the form of campaign contribution in cash. While allegations of foreign government financing are not new to the political landscape of St. Lucia (in the 1979 elections there were allegations of Libyan contributions to the St. Lucia Labour Party and in the post break up of that party in 1981, allegations of Libyan financing of the People's Progressive Party led by George Odlum, the former SLP deputy political leader), in the December 2001 general elections, rumours of Taiwanese financial political support to the United Workers Party which was tied to diplomatic recognition of Taiwan surfaced and was given significant currency by the parliamentary opposition (UWP) political leader, Marius Wilson in a context of his impending removal as leader of the parliamentary opposition. Wilson, now an independent member of the parliament alleged that as much as US\$800, 000.00 was channeled to the then political leader of the UWP, Morella Joseph through an

intermediary Caribbean country. Such political interference can be placed against the backdrop of the SLP's government new relationship with mainland China.

While there is some denial that the size of the war chest for elections plays a large part in the success or failure of the political party, there is sufficient credible evidence to strongly suggest that the capacity of the party to raise funds is an important variable in the electoral success or failure of the political parties. This invariably will affect the ability of newer political parties to mount an effective campaign.

Both political parties offer financial assistance to parliamentary candidates that are officially derived primarily private sector contributions in a variety of ways. The first form of financial assistance to the candidates is direct cash contributions by the party. The determination of the degree of financial support that the individual candidate officially receives from the party's financial committees depends on a number of factors. These range from Geographical considerations to incumbency and include all or a combination of the following:

11. Desirability of the candidate. Oftentimes the two political parties distribute party resource to candidates depending on the party's desire to draw and keep in the party particular individuals. There is therefore a certain inbuilt bias toward such candidates.
12. The incumbency factor. While many incumbents receive financial support from the party, party officials expressed the view that older candidates, that is, the incumbents (on the government side) and candidates who have either contested previous elections and opposition parliamentarians have a greater capacity to raise funds privately and have established some credibility. Therefore the two main political parties in St. Lucia would offer relatively greater resources to some but not all 'young' that is untried candidates.
13. Urban-rural dichotomy. Both political parties acknowledge that as a general rule (the practice) there is a greater predisposition on the part of the parties to distribute the larger slice of the party's finance on the urban candidates. This is not only a function of the size of the urban constituencies that tend to be larger in terms of population size than the rural constituencies, (notwithstanding the constitutional requirement that urge the need for approximate equality of constituency size) but also a function of the higher rates of dependency of the urban population than the rural population and the number of seats at stake in the Castries basin. It is calculated by the two major political parties that there is a culture of dependency that is a dependency on handouts and favours, of the urban population that is not unparalleled in other parts of the country. This dependency is partly explained by the higher rates of unemployment in the urban centers than the rural communities. Moreover the political parties also believe that urban dwellers have strong influence on the belief systems of their more rural relatives and would more than likely encourage their relatives to vote for political parties that spend liberally on their communities. Rightly or wrongly rural candidates are viewed as having less of a need for cash to spend on their constituents.
14. Competitiveness of the party. Election spending is also a function of the relative strength of the political parties in various localities. Both political parties therefore spend considerably more funds in areas that are seen as their party strongholds as compared to areas that are deemed historically hostile to the party. However, the notion of party

strongholds and safe seats is also eroded given the electoral shifts that have been experienced in the last two general elections. There is however little doubt that candidates entering an election race on behalf of the political party in areas historically deemed to be party strongholds and in the more marginal constituencies would more likely receive greater party support than candidates contesting elections in areas where political parties have been extremely weak. This is calculated by both political parties as a means of maximising the funds available to the political party in order to maintain and enhanced the party's parliamentary profile.

Equity; while a consideration, therefore do not loom large in terms of the decisions taken by the party in its determination of the needs of the candidates who have been selected to contest general elections on behalf of the parties. Inequality, that is imbalance between parties and on the other hand among candidates in terms of the distribution of the party's resources whether in kind or cash is rife.

B) THREATS TO THE FINANCING SYSTEM

It is customary for members of political parties and candidates to receive donations from private individuals that may not be accounted for in terms of estimating the cost of an election. Moreover, what is an absolutely frightening prospect is the very real possibility that given the rudimentary, unstructured nature of the collection agencies of both political parties that non-legal sources of funds may in fact be filtered through the political parties. In fact given the growth of narco trafficking, drug related violence in the country, the increasing use of St. Lucia as a transit point by drug personal and the unregulated nature of political party financing that drug money may have and will continue to partly finance the political activities of parties as well elections which in the last decade have began to emulate non American style campaigning. However the official position of the political parties is that drug money is not acceptable to the party, even while acknowledging that like foreign financial support it would be difficult to control. In 1997, the St. Lucia Labour Party for instance, issued a clear statement of principle prohibiting the acceptance of monies from drug dealers.

Both political parties readily agree that there is a growing tendency to de-emphasise the nightly community meeting in favour of door to door canvassing, massive advertising campaigning, television campaigning especially the political broadcast, recruitment of North American and regional public relations firms to assist in electioneering and the huge rallies that require tremendous logistical execution which is particularly onerous in specially in terms of transportation of large bodies of individuals across the island. This has not led to the disappearance of traditional forms of electioneering that includes the erecting of posters in various localities and the public election meetings particularly in rural areas as distinct to urban centers where there is a higher level of election sophistication. To effectively organise this, political parties routinely depend on contributions in kind in the form of the provision of vehicles for transporting party supporters to a central location. Most of the financial resources of the party irrespective of how meager or lavish, are allocated to the national election programme, primarily on the pre-campaign stage that may range from a year to three weeks on such items as:

1. Purchasing and leasing of equipment
2. Organisation of huge rallies, including PA system and performers.

3. Transportation, particularly of the rank and file members of the party, for rallies and on election day, is estimated to be responsible for about twenty (20 %)percent of the formal finances of the party.
4. Campaigning at the local level
5. Advertising, estimated to cost the political parties about 30-35 percent of their resources. Advertising on television is extremely costly to the political parties.
6. Election paraphernalia, such as posters, flyers, t-shirts for supporters, official campaign advertising boards etc. While much is contributed by supporters, a proportion of the cost had to be born by the candidates and/or political party.
7. The production of party manifesto and individual manifestoes
8. Launching of the candidates
9. Polls
10. Retainers to public relations experts that both political parties undertake.

The growth in the cost of managing and staging an election is leading to a situation where the candidates who had largely relied on their own resources, are now increasingly turning to the political party for financial assistance. In the view of the prime Minister this is an unhappy trend and is linked to the changing nature of the campaigning since 1997. It is largely for this reason that some politicians are considering the desirability of some form of direct state sponsorship of the political parties. For instance the SLP have considered the introduction of legislation to govern campaign financing, although this has not been seriously discussed at a higher level. Overall however there are no well articulated views on controlling party financing and on disclosure for instance. What is clear is that the employment of professional campaigning which is also associated with spin doctoring is now the dominant feature of the election process for national elections.

C) QUANTIFICATION OF FINANCING

The actual cost of mounting/staging an election by a political party in St. Lucia is incalculable. The employment of the technical/professional strategies has transformed electoral politics into an expensive enterprise. The fact remains that given the tendency for funds to be directly channeled to candidates and activists working on behalf of individual candidates, the personal contributions made by candidates themselves, the significant level of contribution that is made in kind, a sizeable amount of the total cost of an election is not calculated by the political parties. So that while some political parties make claim for instance that the 2001 elections cost their party under EC\$2,000,000.00, it is a very conservative estimate of the final cost of an election. This difficulty is a function not only of the high rate of dependency of electors and the willingness of many politicians to participate in the system but it is more importantly an expression of the lack of appropriate mechanisms adopted and implemented by the political parties to manage their finances. So that in the absence of the need for disclosure

and weak to non-existent co-ordination of the resources of the political parties, the secrecy with which political money is held, we have to rely on the parties own claims on approximate sums of money expended for election campaigns. Some of these claims can be viewed with some scepticism and indeed members of political parties themselves who are tightly integrated into the top leadership of the parties scoff at ideas that any election in St. Lucia cost less than \$2,000,000.00 which are figures that have been advanced.

D) IMPORTANCE OF THE ISSUE TO THE COUNTRY

There is little evidence based on the number of interviews conducted that there is much political willingness to undertake reform with respect to the financing of political parties. Both political parties are not averse to the need for some form of regulation, however, it has generally not been on the party's agendas nor has it received much media attention although it has always captured the imagination of the performing artists.

II. ACCESS TO THE MEDIA

A) APPLICATION OF LAWS ON ACCESS TO THE MEDIA

While there are concerns over the growing use of advertising, particularly negative advertising in recent elections campaigns, this has not led to a change in the minimum level of campaign regulation by the state. In effect therefore, there is little regulation of television which is the most costly item for the political parties in terms of advertising, there is no restriction placed on the publication of opinion polls, and private advertising by the various political parties on both radio and television is permitted and encouraged by the governments. Official election broadcasts are facilitated by Media, both television and radio, so that the privately owned Helen Television Service (HTS) and Daher Broadcasting Services (DBS) actively solicit advertising from political parties especially during elections time. The Radio and in more recent times the television are therefore major campaign vehicles in St. Lucia for the purpose of election broadcasting and also for news broadcasts in their current affairs programmes. These take the form of either paid services, for example political advertising bought and paid for by the political parties and 'unpaid' or free news items. The only known prohibition to accessing the media is therefore the affordability factor.

Since the mid 1990s' a proliferation of call in programmes have been appeared on Radio that are critical for politicians or their supporters. Additionally Talk shows on the two television stations provide candidates or their supporters the opportunity to present their philosophies and programmes to the public as well as to permit cross examination by journalist. The openness of these shows is laudable and provides an equal opportunity for both government parties and opposition political groups to make themselves known to the public. Unfortunately, some candidates do not avail themselves of that opportunity which is in itself a function of the increasingly 'vulgarism' of the journalists and talk show hosts. This aspect of broadcasting has encouraged many politicians to call for some kind of regulation of the media houses. Opposition political parties however complain that the government has a greater advantage as they can effectively utilise Government Information Services and the newly created National Television Network (NTN) to highlight their programmes. These two services fall in the category of unpaid media. The NTN undertook a number of educational programmes for the December 2001 elections, including public service announcements, and interviews of the

candidates of all candidates contesting the elections. The Department of Information Service in St. Lucia in keeping with the guidelines for political broadcasts by Political parties for election purposes established by the government of St. Lucia permit electioneering broadcasts ‘only during the period commencing with Nomination Day and ending on the eve of polling Day for any General Election or By-Election.’¹¹ The Department of Information service which operates the NTN and Government Information Service provides all political parties whether or not they have a parliamentary presence broadcast time during the election period. This is based largely on parliamentary strength of the party but all political groupings do have access to the public to state agencies.

1. The ruling political party is allowed two broadcasts. One fifteen and the other twenty minutes.
2. The official parliamentary opposition is granted one 20 minute broadcast.
3. One ten minute broadcast to any other political party that nominates members to contest an election. In the December 2001 four political parties contested the election, so that the STAFF Party and the National Alliance under these guidelines would have received a one time 10 minute free broadcast.
4. All independent candidates were allocated a five-minute political broadcast.¹²

Apart from this free political broadcasting, Radio St. Lucia, provides the government of St. Lucia space to discuss issues deemed as pertinent to the government on a weekly basis.¹³ **“Constitution Park - Inside Government”** narrated by the government Press secretary Earl Bousquet airs weekly (every Wednesday from 2.00- 3.30PM). No such equal opportunity is provided to the main opposition political party and is regarded by the opposition as giving the ruling political party an unfair advantage. All other political broadcasts are in fact paid for. On both sides are allegations of journalists partiality and manipulation of facts to discredit opponents. Certainly there were severe complaints during the last election of December 2001 of the manipulation and use of the media for personal political agendas by certain well placed media personalities who sought to bring disrepute to political opponents. Similarly the government charges that certain Radio programmes and the two television stations are hostile to the ruling St. Lucia Labour Party and therefore journalists are heavily tainted against government. As for the national press, currently there are five newspapers that are on average published bi-weekly. The practice historically is that while the press is privately owned, some are openly partial to particular political parties.

1. The Voice Newspapers - traditionally accepted as having a pro-UWP bias but in more recent times have adopted a more or less center position in its reporting.
2. The Crusader owned and operated by the Odlum brothers and whose political postures depends on the political fortunes of George Odlum. Since George Odlum’s disaffection

¹¹ See the Department of Information Service “Guidelines for Political Broadcasts by Political Parties leading Up to a General Elections. Government of St. Lucia.

¹² Ibid

¹³ Under the Saint Lucia Broadcasting Corporation (Amendment) legislation, Radio St. Lucia became a private company, owned by the government of St. Lucia. (100 shares owned by the Government).

and subsequent expulsion/resignation from the SLP, it has a clear SLP bias.

3. The Mirror - deemed as having the most political balance in its reporting by some politicians but nonetheless often adopting and exhibiting an anti- government (SLP) line.
4. One Caribbean, owned and operated by St. Clair DaBreo, (a several times defeated independent candidate) that is hostile to the SLP.
5. The Star Newspaper owned and operated by Rick Wayne, a one time open supporter of the SLP, but now increasingly hostile to the ruling political party.

The practice is that there are therefore tremendous political preferences displayed by the Media Houses in the country.

A) EFFECTIVENESS OF NON-LEGAL MECHANISMS FOR ACCESS TO THE MEDIA

Under the Guidelines for Political Broadcasts by Political Parties Leading Up to the Elections, the Department of Information Service, have issued prohibitions against political broadcasts that would contravene the laws of St. Lucia, contain abusive or derisive comment upon any person, race, creed or religion, contains obscene, malicious language and which may incite persons to violence. In a nutshell the Department of Information Service has full discretion over what they will broadcast.¹⁴ It is an entirely different issue with regards to paid political advertising.

In terms of the behaviour of political parties, supporters and candidates for political office and the Media, these are largely self regulated although both the Electoral Department and the St. Lucia Christian Council have prepared Codes of Conduct/Ethics after consultation with the two major political parties.¹⁵ However while the Electoral Office admits that it has not received any written complaints by citizens of a violation of the largely voluntary agreement, political campaigns and certainly media coverage and reporting routinely disregard the code of Conduct as manifested in the abuse of candidates by political opponents and the overt manipulation by sections of the press and other media Houses.

B) QUANTIFICATION AND DESCRIPTION OF SPENDING ON THE MEDIA

Like most other democratic societies, the more recent general elections' campaigns in St. Lucia have been dominated by press, national television, and radio coverage and therefore consumes a sizeable slice of the financial resources of the political parties. Generally both political parties admit that electoral advertising constitutes a major slice of the finance of the political parties for electoral purposes. While the figures are not readily available, it is estimated that at a minimum level, between 30-35 percent of the official party spending on elections is

¹⁴ Department of Information Service "Guidelines for Political Broadcasts by Political Parties leading Up to a General Elections. Government of St. Lucia.

¹⁵ See the Report of the General Elections of May 23 in St. Lucia , Appendix 6, "The Code of Conduct (Ethics) pp. 98-101. Government of St. Lucia.

currently allocated to advertising, with the bulk being allocated to television.¹⁶ Both political parties see the rising cost of advertising as prohibitive but crucial to the ability of the parties to mount an effective and successful elections' campaign. For example the cost of political broadcasting on Radio St. Lucia varies according to the time slot from a low of EC\$50.00 - EC\$75.00 a minute for spots while programmes cost between EC\$70.00 - EC\$95.00 for a five minute schedule.¹⁷

C) CONTROL CAPACITY OF THE AUTHORITIES

There is no requirement under the law in St. Lucia for the establishment of any agency charged with the specific responsibility of oversight of the Media in terms of affording space and fairness of the process to candidates and political parties.

III. DISCLOSURE AND ACCOUNTABILITY

A) STATUS OF REGULATORY POLICIES AND OTHER INFORMATION MECHANISMS

In St. Lucia, regulations on political financing, that is, political money does not exist and despite some concerns, it is given very low priority in the country. With respect to disclosure, the only existing piece of legislature that relates to the need for politicians to disclose is the Integrity in Public Life Act of 2002. The Act itself does not make reference to politicians, but under Part III requires a person in public life,¹⁸ including all elected and non elected members of the parliament to file a declaration of income, assets and liabilities at the end of every financial year with the Independent Integrity Commission (under Part II, provision 8, the Commission is not subject to the control or direction of any person or authority).¹⁹ Under Part II, provision 7 of the Act is charged with the responsibility of:

- (1) receiving, examining and retaining all declarations filed with it according to the Act
- (2) making inquiries in order to verify or determine the accuracy of the declarations
- (3) receiving and investigating complaints regarding non-compliance ²⁰

The Commission is also empowered to recommend further action to the Director of Public Prosecution in the event that there is failure either to declare or to fully disclose and can in fact request the Governor General to appoint a Tribunal to investigate the accuracy of any declaration.²¹ Under the Act it is an offense not only to make false declarations but also to fail to attend a tribunal which can lead to a conviction by the courts if the Director of Public

¹⁶ Interviews with political leaders of the St. Lucia Labour Party and the United Workers Party. Interview with Dr. the hon. Kenny Anthony took place on the 14, August 2003, while the interview with Professor Vaughan Lewis took place on the 12 August 2003, Castries St. Lucia.

¹⁷ See Radio St. Lucia Rate Card.

¹⁸ See Integrity in Public Life Act of 2002, First Schedule (section 2) for a definition and identification of who constitutes a person in public life.

¹⁹ Integrity in Public Life, Saint Lucia No. 4 of 2002.

²⁰ Ibid. Integrity in Public Life, Saint Lucia No. 4 of 2002.

²¹ Ibid. See Part III, provisions 21-24.

Prosecution believes that criminal prosecution is warranted. A monetary fine not exceeding fifty thousand dollars or up to five year imprisonment, as well as payment to the state of the value of the property that was undeclared by a person in public life.²² The Act also provides for the declaration of gifts to persons in Public Life. Under Part IV of the Act, every gift valued at more than five hundred dollars must be declared. The Act requires the declaration of the donor.²³

Similarly the failure to declare can lead to a criminal investigation by the Director of Public Prosecution and to a penalty of the value of the gift or three months being imposed on the person in public life. ²⁴So that legally an attempt is made by the government of St. Lucia to achieve some transparency in public life and very indirectly it also impacts party representatives, elected and non elected in the double chamber parliament.

Beyond the requirements of the Integrity in Public Life Act, there is no evidence of the need for public disclosure by politicians and political parties. Indeed, there is not a climate in St. Lucia that would support at this time an urgent need for such regulations although there are growing concerns given the scale of resources expended during elections. Political elites in St. Lucia while recognising the need for greater transparency points to a number of problems that may hinder the effectiveness and desirability of disclosure laws.

1. The small size of the country may lead to victimisation of donors
2. Reluctance of donors to have their names published
3. Antiquated methods of collecting political monies in St. Lucia, whether intra party funds or from non party contributors
4. Difficulty in regulating, given the manner in which funds are received and the multiple receivers.
5. The level of dependency and patronage in the community
6. The largely uncoordinated approach (inspite of the finance committees) and therefore uncoordinated expenditure of the political parties and candidates.

What however both political parties point to is the need to regulate and perhaps to make illegal (prohibit) foreign government contributions for political purposes (political money) which in itself is a difficult enterprise as the state does not possess the technical competence to effect such a prohibition.

²² Ibid. Part III, provision 25.

²³ Ibid Part IV, provision 28.

²⁴ Ibid Part IV, provision 28 Clause 7, 8, 9 and provision 29.

B) AUDIT AND MONITORING OF FINANCIAL REPORTS

Under the Integrity in Public Life Act of 2002, the Integrity Commission (consisting of a chairperson, and not less than two or more than five other persons) is to receive all reports from persons in public life.²⁵ The office of the Director of Public prosecution receives reports subsequent to an inquiry by independent Integrity Commission. It is the Independent Commission that is charged with the overall responsibility for ensuring that persons comply with the provisions of the Act. There are no other regulation agencies or oversight bodies to receive and determine the accuracy of reports and to undertake inquiries. In any event in the absence of adequate controls by the parties themselves, and given the tremendous contributions in kind given to both individual candidates and political parties it is difficult to assess the total expenditure by the political parties especially during election period.

C) TIME FOR DISCLOSURE AND PUBLIC ACCESS

There are no law requiring political parties and candidates to open their books to any agency or the public. Transparency in this case is not apparent. There are in fact no limits on how much money political parties can spend on candidates or elections for parliamentary elections. If a case; and in fact some have attempted to do so; can be made for direct state intervention to political parties, then it would not only encourage greater scrutiny by civil society of political monies but it would require transparency of the process that is currently absent. For the moment however, it would be the newer political parties that would be the prime beneficiaries of state financing since the two established political parties do have access to political money. Accessing private sector financial support would be more difficult for newer political parties. Thus, some form of party campaign finance by the state may produce greater capacity of political parties to wage a competitive struggle. On the other hand there is not only reservation that its use may not only lead to greater cynicism on the part of the electorate and the holding of state funded political parties to ransom but would also reduce the link between communities, candidates and political parties. The lack of regulation and the nature of the financial system of the political parties is therefore seen to mitigate against the possibility of third party presence in the parliament and firmly orients the system to a two party model.

IV. EFFECTIVE APPLICATION OR ENFORCEMENT OF POLITICAL FINANCING SYSTEMS

A) QUANTITY AND QUALITY OF EXISTING LAWS

Without doubt and in the absence of any specific and direct regulation governing political party state regulation of that sector is required. However, there is not a well-articulated view with regards to its necessity in the country.

B) NATURE, CAPACITY, AND OPERATION OF REGULATORY AGENCIES

²⁵ The Integrity Commission is appointed by the Governor General on the advise of the prime minister acting in consultation with the leader of the opposition at least one member of the commission is a chartered accountant.

The electoral Commission in St. Lucia is charged with the responsibility for the registration of voters and for the general conduct of the elections. It also has the right to scrutinise proposed electoral bills, regulations and other instruments before they are authorised. There are concerns that the Commission needs to deal in a more timely fashion with the list of registered voters and that the list of electors in St. Lucia is inaccurate as it over estimates the number of actual voters in the country. This was a major issue in the last general election (December 2001) in St. Lucia. What was seen as a highly inflated electors list has led to some lost of credibility of the Commission.

C) STRUCTURE AND APPLICABILITY OF ENFORCEMENT MECHANISMS AND PENALTY SYSTEMS

See discussion above.

D) CULTURE OF COMPLIANCE WITH, AND CONTROL OF PUBLIC MONIES

There is currently no existing law on disclosure of political monies.