



The Assets of Senators By Senator Mary K. King

The request by the Independent Senators to be enjoined in the judicial process with respect to the declaration of assets under the Integrity in Public Life Act, could have offered the nation the opportunity to sensibly discuss the latest approaches to corruption control. I was afforded the opportunity by Mr Dale Enoch of Radio 95.5 to initiate the basis of the discussion, information, which he professionally shared with his call-in clientele. My hope was dashed as the various pied pipers of the media attempted to vilify the eight Senators who wished to re-open a discussion that is taking place in the world at large. Unfortunately the learned judge thought that the Senators would be of no help to her (?) in her review as regards the judiciary's wish to be exempted from filing their assets. Paradoxically our intervention, as the UNC's, was in response to a public invitation by the High Court to interested parties to apply to be heard. But it is worth noting that the UN Convention against Corruption highlights transparency in matters of public finance and specifically mentions the judiciary as an important group to be monitored.

However let me correct the impression given by Anna Ramdass in the Express report that subsequent to the judge's ruling three of the independent Senators decided to file their declarations of assets. The eight of us who wanted to be part of the judicial discussion are indeed involved in the law making process of this country and we obeyed the law from its inception. All of us had filed the declarations of assets as required by law, unlike the judiciary, long before we sought to be part of the court proceedings.

It is in the public record that I resigned my post of Chairman of TT Transparency Institute because there was an unbearable demand by the TTTI Executive for me to publicly expose my personal business in the name of transparency. If I thought that having to declare my assets was also an unbearable imposition on my privacy then I would not need the encouragement of a pied piper to resign the Senator 'wuk'

Still, let us pursue the current discussion on the control of corruption via the monitoring of assets. T&T has signed on to both the OAS and the UN Conventions against corruption. Therefore it has accepted the responsibility to establish an anti corruption agency and to update its legislation in an attempt to control public officials' corruption and those carrying out public functions. Also let me quote from the ADB/OECD Anti Corruption Initiative from Asia and the Pacific:

‘Detecting an act of bribery and especially providing sufficient evidence of such an action in court is a particularly difficult endeavour. Concealed assets held under the name of family members or other agents are difficult to detect and confiscate. By contrast, unexplained wealth and luxurious life styles, Illicit Enrichment, of say public officials or politicians are relatively easy to discover. Consequently some countries have criminalized the public’s official very possession of unexplained wealth’. (The UN and OAS Conventions also include this provision)

What this says is that monitoring Illicit Enrichment is a more effective (Peru’s ex-President, Fujimori, is so charged) and less intrusive approach than having to declare assets. The latter, in our present state of crime as the Prime Minister stated recently, makes it difficult to get people from the private sector to accept Board positions in the state enterprises. His solution is to exempt them from filing these declarations. Surely these people are in the public sector and can be deeply involved in the award of corrupt contracts. As parliamentarians it is our duty to introduce more effective methods to trap corruption but which are less intrusive on people’s privacy. But the eight independent Senators are not alone in feeling that the duty of declaring their assets should be replaced by one that is less intrusive and more effective. So much so that ex-Senator Prof Julian Kenny is on record as saying Express Dec 27th, 2005:

‘Nevertheless, I note that my position when in the Senate and on the Select Committee, was for a narrow net and the exclusion of Senators and the judiciary.’

The intention is to bring anti corruption legislation back to the Parliament in fulfillment of our UN and OAS commitments. We have more experience now and empirical evidence of what works and what does not. Hence let us use this time to sensibly discuss the issues and not get into the gutter as another immigrant (like myself) and pied piper who wondered aloud why this Irish woman don’t resign the wuk! maryking@tstt.net.tt