
**Getting Smart and Scaling Up :
*The Impact of Organized Crime on Governance in
Developing Countries***

A Desk Study of Jamaica

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Annex VI - THE IMPACT OF ORGANIZED CRIME ON GOVERNANCE: A DESK STUDY OF JAMAICA¹

About the Author

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1. Ed. Camino Kavanagh (2013), *Getting Smart and Shaping Up: Responding to the Impact of Drug Trafficking in Developing Countries*, NYU Center on International Cooperation

Introduction

In May 2010, former Prime Minister Bruce Golding ordered Jamaican security forces to invade the neighborhoods of Denham Town and Tivoli Gardens in Kingston, Jamaica's capital, to execute an arrest warrant for Christopher "Dudus" Coke, the local "don." Coke was the head of the infamous Shower Posse, a gang that controlled sizable portions of organized crime activity on the island and was accused by the United States government of drug trafficking and racketeering. Gangsters from around the Kingston area converged on these neighborhoods in an effort to protect Coke who ran a sizable and complex criminal operation in his zone of control and who had important connections to other local criminal organizations. Residents of the community had turned out several days before to demand the government give up its efforts to bring Coke to justice. Faced with considerable and well-organized armed opposition Golding warned residents to evacuate. On May 28th, troops entered the area and carried out a brutal operation killing some 70 residents, the majority of who had no connections to criminal groups whatsoever.

These events represented the culmination of eight months of intense political and diplomatic wrangling following a request by the United States government for Coke's extradition. The Golding government had done everything in its power and more to avoid arresting Coke, including hiring a US-based law firm to lobby the Obama Administration to withdraw its request. When Golding's attempt to evade Jamaica's international treaty obligations came to light, the country's political establishment shuddered. Golding resigned as leader of the Jamaica Labor Party (JLP), potentially opening the door to new elections. His party, however, refused to accept his resignation and the administration staggered onwards. The US government found innovative ways to pressure his government, including cancelling the US visa of prominent JLP supporters, thereby creating significant business difficulties and embarrassment for a portion of the Jamaican elite.

Ultimately, the violent military incursion into Kingston Western was unsuccessful in that Coke managed to

escape. But with no place to hide, he soon surrendered and was extradited to the US. He pled guilty to racketeering charges in a New York court and in June 2012 received a maximum prison sentence of 23 years.² Golding, on the other hand, offered exemption from persecution to other prominent gang leaders across Kingston in exchange for relative peace. Lower violence rates in late 2010 and early 2011 testify to those arrangements. There is little reason to believe that violence rates will remain at lower levels without more decisive action on the part of the state. Yet, in the political arena, efforts to address the intimate ties between miscreants and government officials have been scant. The only powerful figure to suffer from the Coke debacle was Attorney General and Justice Minister Dorothy Lightbourne who was forced to step down. Still, for all its ignominiousness, the intervention of Bruce Golding provides useful insight into the complex relationship between organized crime and the Jamaican political system.

This paper explores why Golding risked his own political career and created difficulties for his prominent supporters to prevent the arrest of a thug running a criminal operation in one of the poorest areas of Kingston. It offers a detailed account of the nature of organized crime in Jamaica and the process through which those political-criminal relationships evolved. The paper is organized as follows: the first section discusses the regional, political, institutional, and social context. It provides an overview of four major phases marking the political-criminal relationship in urban Jamaica before turning to the prevalent norms of behavior such as widespread political corruption that have nurtured organized criminal activity and cemented political-criminal relationships in Jamaica over several decades. With the political-criminal nexus as a backdrop, *Section II* analyzes the nature of organized crime in Jamaica, with specific emphasis on racketeering and drug trafficking. *Section III* sheds some light on the impact of organized crime on governance, with a particular focus on state legitimacy and provision of basic services. The final section puts forward a series of recommendations for responding to the impact of organized crime on governance in Jamaica.

2. "Dudus Gets His Due," *The Economist*, June 13, 2012, available at: <http://www.economist.com/blogs/americasview/2012/06/organised-crime-jamaica>.

I. Regional, Political, Institutional, and Social Context

Regional Context

The diverse Caribbean region has gone through myriad changes over the past decades, with marked progress in health and education in particular. Important advances have been made on the political front too, not least in relation to governance. Barring a few countries such as Jamaica, the Caribbean region boasts many stable democracies with high levels of political participation and low and declining levels of elections-related political violence.³ Growing stability has developed together with the progressive consolidation of the rule of law in most countries. In particular, the “reduction of undue and unlawful political influences on law enforcement and the protection of the independence of the courts have been major achievements in political development since the end of the colonial era.”⁴

Despite these advances, progress in the region is beset by high rates of violent crime and troubling levels of non-criminalized forms of social violence that are “typically directed at the members of vulnerable groups that historically have been disfavored and discriminated against.”⁵ As in the case of Jamaica, much of the crime that is evident in the region is the outcome of the inequalities of opportunity that restrict these choices among large sections of the populations of the region. Organized crime, particularly drug trafficking continues to hinder development and democratic governance across the Caribbean. As in large swathes of Latin America, organized crime has acquired new and more violent ways of operating, challenging the rule of law, and negatively impacting the economy. It has increasingly impacted on security, upturning shaky political settlements, and undermining institutions that have yet to fully consolidate.⁶

Geography also plays an important role. Indeed, because of their location and the difficulties inherent in policing

borders in the region, many small Caribbean states have served as key staging areas for transnational trafficking, particularly in narcotics and firearms. The fact that the Caribbean is also an important area of operations for the US’s “War on Drugs” policy, has exacerbated rather than helped resolve many of the aforementioned challenges.⁷ Indeed, today, and despite huge investments in fighting organized (and ‘disorganized’ crime), the Caribbean boasts some of the highest murder rates in the world – 62 per 100,000 in Jamaica and 29.2 per 100,000 in Trinidad and Tobago – and “the problem is worsening,”⁸ to the extent that one expert calculated it would take some thirty years “of consistent effort to reduce the current homicide rate to single digit figures, i.e., a figure that would approximate the outer limit for advanced country status.”⁹ Violent crime is generally concentrated in poor urban areas; youth constituting the membership base of violent gangs are the primary perpetrators and victims.¹⁰

Meanwhile, public confidence in the police across the region is low, and public confidence in political parties even lower.¹¹ Perceptions of structural corruption within state institutions remain high, as do perceptions that the political and business elite remain above the law. Jamaica is no stranger to many of these challenges.

Dangerous Liaisons: Crime in Support of Party Politics

The Commonwealth of Jamaica is the fourth largest island in the Caribbean. It was primarily settled by the Arawak and Taino indigenous people between 4000 and 1000 B.C. It was named Santiago by the Spanish, who colonized the island in 1492, only to lose it to the British in 1655 who renamed it Jamaica. The country edged toward independence in the first half of the 20th century,

7. Francis, June N.P. and Mauser, Gary A. (2011). *Collateral Damage: The “War on Drugs,” and the Latin America and Caribbean Region: Policy Recommendations for the Obama Administration*. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1739203.

8. In Jamaica, the rate is 121 per 100,000 for males between the ages of 15 and 44. Abuelafia, Emmanuel and Sedlacek, Guilherme (2010). *The Impact of Jamaica’s CSJP Program*. Inter-American Development Bank. Available at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35572724>.

9. Harriott, Anthony (2010). “Charting the Way Forward for the Preparation of the Caribbean Regional Human Development Report on Citizen Security.” Discussion Paper. In C. Kavanagh and B. Jones (2011). *Shaky Foundations: An Assessment of the UN’s Rule of Law Support Agenda*. NYU Center on International Cooperation.

10. Arias, Desmond Enrique (2010). In C. Kavanagh and B. Jones (2011). *Shaky Foundations, An Assessment of the UN Rule of Law Support Agenda*. NYU Center on International Cooperation.

11. Powell, Lawrence and Lewis, Balford (2009). *The Political Culture of Democracy in Jamaica, 2008: The Impact of Governance*. University of the West Indies/Americas Barometer/LAPOP/Vanderbilt University. Available at: <http://www.vanderbilt.edu/lapop/ab2008/jamaica-en.pdf>.

3. FLASCO (2009). *Organized Crime in Latin America and the Caribbean: Summary of Articles*. Available at <http://unpan1.un.org/intradoc/groups/public/documents/icap/unpan037548.pdf>.

4. Ibid

5. Ibid

6. Ibid

becoming a province in the Federation of the British West Indies in 1958. It left the Federation in 1962 in favor of full independence. The majority of Jamaica's population is of African descent, with multiracial Jamaicans forming the second largest racial group and Jamaicans of Indian and Chinese ancestry forming the next largest racial groups. While Lebanese, Syrian, English, Scottish, Irish, and German Jamaicans make up a smaller racial minority, they hold significant economic and social influence on the island.

Jamaican political life has long been marred by violent clashes between the country's two dominant parties: the Jamaica Labor Party (JLP) and the People's National Party (PNP). The long-standing association between politics and violence stems from the structure of the political system itself and the way it has evolved since the decolonization movement in the 1930s. As a British colony, Jamaica inherited a Westminster-style political system from the United Kingdom. The nature of the single-member district plurality system that serves to elect national and local legislators helped create a two-party system comparable to that of the United States. Each party enlisted the help of criminal gangs to secure power and pressure opponents. Inter-party violence and crime are thus an important and historic component of local political life.¹² While Jamaica has struggled with endemic violence, it has never seen an escalation into coups d'état or civil war since gaining independence in 1962.¹³ Instead, the *vertical* connections between government officials and criminal gangs, the relative political independence of the Jamaica Defense Force, a general consensus among political elites against directing violence at members of the elite, and a history of accepting even flawed electoral outcomes has led to little insurgent action against the state.

12. Jamaica consistently ranks among the top five countries in annual homicide indices. At a rate of 52.1 per 100,000 in 2010 and 61.6 per 100,000 in 2009, Jamaica has one of the highest murder rates in the world. See: Ilan Greenberg, Ilan (2010). "Jamaica's Coke Rebellion," *Foreign Policy*, May 26, 2010, available at: http://www.foreignpolicy.com/articles/2010/05/26/jamaicas_coke_rebellion; United Nations Office on Drugs and Crime (2011). *2011 Global Study on Homicide: Trends, Contexts, Data*. Available at: http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf.

13. For an insightful discussion of Jamaica's ability to stave off civil war, see: Fearon, James and Laitin, David (2006). *Jamaica*. Available at: <http://www.stanford.edu/group/ethnic/Random%20Narratives/JamaicaRN1.2.pdf>.

First Phase (1940s to Mid-1960s): The Origins of Inter-Party Violence

Organized violence has been at the heart of Jamaican politics since at least the 1930s. In 1938, workers around Jamaica struck and rioted demanding higher pay and better working conditions.¹⁴ Alexander Bustamante, a traveler, activist, and union organizer, emerged as a key popular leader as a result of his defiant stands for labor rights. In the aftermath of the successful strikes, Jamaica's principal trade union would reorganize under the name Bustamante Industrial Trade Union (BITU).¹⁵ At the same time another leader – Norman Manley – stood up to help quell the riots and achieve a positive outcome for working Jamaicans. Manley was a distinguished lawyer and a cousin of Bustamante's and provided legal services to arrested workers while traveling the island to help calm the population and bring the labor-related violence under control. In the aftermath of the riots, a group of leading Jamaicans organized the People's National Party (PNP) to push for independence and invited Manley to serve as leader.¹⁶ For a time, Bustamante would participate in the PNP but ahead of the first general election in 1944 he left the PNP to found the Jamaica Labour Party, an organization closely tied to the BITU.¹⁷ Prior to the founding of the JLP scuffles occurred between Bustamante supporters and Manley. The split led almost immediately to inter-party violence with supporters of the JLP seeking to prevent PNP meetings. The PNP responded in-kind by organizing its own supporters to defend PNP meetings and break up JLP meetings.

Over the course of the 1940s and 1950s violence escalated between the two factions. Initially, labor union members provided muscle to violent activities. But the PNP soon employed independent armed groups. One of the most important of these was Group 69, deriving its name from meeting at 69 Matthew's Lane in western Kingston. Despite the upsurge in violent confrontations, political violence did not fundamentally undermine governance during that period. Neighborhoods of the Jamaican capital were more

14. Sives, Amanda (2010). *Elections, Violence and the Democratic Process in Jamaica: 1944-2007*. Kingston: Ian Randle Publishers; p. 4.

15. Sherlock, Philip and Bennett, Hazel (1998). *The Story of the Jamaican People*. Kingston: Ian Randle Publishers; p. 364-365.

16. *Ibid*, pp. 367-368.

17. *Ibid*, p. 370.

heterogeneous than they are today. Wealthy and middle class residents lived in closer proximity to the poor, as did supporters of the two parties. The main concern then was not persistent violence or the actions of sustained armed organizations but rather the flashes of violence associated with particular political events.

Second Phase (Mid-1960s to 1980): The Rise of Garrison Communities

In the years following independence, however, Jamaica passed through its most intense phase of political violence. Party leaders, armed youth gangs, and political groups of supporters who, in addition to intimidation, sought to clear neighborhoods of opposition backers in return for benefits from the state. The aim was to create politically homogenous voting districts that could be controlled to guarantee electoral outcomes. These enclave areas became known as political garrisons. Elections turned into zero-sum games with one side scoring points through low-level jobs, paved roads, and improved housing, while the other side would risk government sanctioned retaliation, mass eviction, and deteriorating infrastructure.

The key site of violence in the city of Kingston during this period was the western region running from the historic downtown and moving west and north along the harbor and up Spanish Town Road. This region of the city, especially the areas immediately to the west of downtown that contain the principal market areas, were centers of poverty in the developing municipality. It was habitual to see large numbers of rural migrants arriving in search of work and greater opportunity. This area was organized politically as the Kingston Western constituency, which was historically anchored by the Denham Town neighborhood and contained a small number of other areas including the Matthew's Lane and Hannah Town neighborhoods that still exist today. In the early 1960s the area also included two particularly poor areas known as Back-o-Wall and Dungle, shantytowns that lay between Spanish Town Road and the harbor. This area was a key site of political conflict in the 1960s. Drawing from its historic roots in popular mobilizations, the JLP battled with the middle class for control of this symbolically important working class area. In 1962, Edward Seaga, a record producer and

young anthropologist affiliated with the JLP, defeated PNP candidate Dudley Thompson in a tense election fight that presented local residents with very different visions of the place of the poor in the Jamaican political system.¹⁸ With the JLP in power in Jamaica's first post-independence parliament, and with Seaga serving as Minister of Welfare and Development, the government undertook wholesale slum removal and upgrading in the region, removing the Back-o-Wall shantytown and building a housing project known as Tivoli Garden which the government filled with ardent JLP supporters.¹⁹ Jamaica's most highly contested constituencies had been strategically transformed into one the JLP's safest seats in parliament.

The evictions of PNP supporters from the West Kingston constituency led to a pattern of inter-party and inter-enclave violence over the next ten years as the PNP vigorously defended the neighborhoods its supporters lived in and used similar strategies to secure its urban constituencies. In the 1967, 1972, and 1976 elections the two parties' supporters targeted each other disrupting political demonstrations, candidate speeches, and seeking to control access to the ballot box by intimidating opposition supporters and observing how individuals voted. Both sides would violently evict supporters with gangs burning out the homes of the families believed to support the other party. Once in power in 1972, the PNP would build its own housing projects to increase the density of its supporters in key enclave constituencies especially Saint Andrews Southern and Saint Andrews Southwestern, just north along the harbor from Kingston Western. The PNP would win reelection in 1976.

The arming of local gangs by the two parties combined with the experience of evictions and the creation of dense housing projects intensified violence over the course of the 1970s. Elections themselves became zero sum games with one side winning the possibility of political spoils, low-level jobs, paved roads, and better housing while the other side would risk government sanctioned retaliation by political opponents, mass evictions, the loss of employment, and deteriorating infrastructure. This created highly unstable

18. Gray, Obika (2004). *Demeaned but Empowered: The Social Power of the Urban Poor in Jamaica*. Kingston: University of the West Indies.

19. Sives (2010), p. 65-67; Gunst, Laurie (1995). *Born fi' Dead: A Journey through the Jamaican Posse Underworld*. New York: Henry Holt and Company; p. 79-80.

conditions in downtown Kingston as those with even limited means fled to safer parts of the city and country. The boiling tensions of Jamaican politics were further exacerbated by the emergence of a stark ideological divide between the two parties during this period, as the PNP's Michael Manley advocated a Jamaican socialism composed for the most part of progressive social welfare policies and the JLP, and claimed that his party sought to put the country on the path to Cuba-like socialism.

Third Phase (1980 to Mid-1990s): Partisan Warfare and Diversification of Criminal Deeds

Violence reached its height in the 1980 election when over 800 people were killed, mostly in political confrontations. Massive rioting and gun battles involving gangs and police characterized this tense period. Party leaders imported large quantities of arms into the country, which they passed on to allied gunmen who fought for control of poor and working class constituencies in the metropolitan area. Residents of some neighborhoods set up factories to produce homemade guns to help defend their communities against outside areas. At times, the police and military became directly involved in political violence. Where violence had focused on central and western Kingston in previous elections, major fighting broke out in eastern Kingston as a result of conflicts among PNP gunmen and political patrons causing powerful individuals in some parts to switch affiliation to the JLP. Roy McGann, the Minister of Government for the PNP, was murdered along with his bodyguards during the campaign and a nursing home with predominantly JLP residents in a PNP constituency was set on fire, killing 167 residents.²⁰

This period of partisan warfare dramatically reshaped the city. Neighborhoods were destroyed and rebuilt with an eye towards maintaining political power. Those with even limited means fled to safer parts of the city, intensifying class and racial segregation, and a concomitant segregation of state practices in different neighborhoods. A politically divided police enforced the law for supporters and opponents according to party affiliation. From this point forward, movement between poor neighborhoods was restricted.

20. Gunst (1995), p. 79-80; Sives (2010), p. 108-112.

With Edward Seaga taking power many PNP gunmen fled the country. Politicians sought to distance themselves from the gunmen as a result of both the violence directed against them and the delegitimizing nature of the brutal 1980 campaign. To further complicate matters, political spoils were limited after the 1980s election by the structural adjustment program the Seaga government implemented. Little government money trickled down to the poor. The movement of gang members abroad created new economic opportunities for criminality. Violence became unmanageable as battles took on their own momentum. Dons – local gangs leaders now deeply involved in Jamaica's political turf and patronage – gained more power, rendering them more autonomous and transforming political-criminal relationships even further.

As a result, independent criminal dynamics began to drive conflict, occasionally intersecting with increased violence during elections. While no other election caused the levels of violence that occurred in 1980, substantial conflict would continue to affect elections through the mid-1990s. The growing presence of weapons tied to the drug trade also meant that gang conflict began to operate independently of electoral cycles. Indeed, while murder rates fell dramatically from 1980 to 1981 they remained about 33 percent higher than 1970s levels through the end of the 1980s and then began to increase rapidly in the early 1990s.

During this period, the city, at least in the eyes of powerful politicians, became increasingly ungovernable as they lost control of the gangs that dominated the neighborhoods that formed their electoral base. Police, while still politicized, established more individual relationships with gunmen though, ultimately, they still responded to political masters in more extreme circumstances. While these gang leaders continued to provide some social assistance to the communities they controlled, there were wide variations in what gang leaders would provide to the population given their own particular interests as well as prevailing local conditions. Gangs with a strong political and economic base that controlled large stable areas might be able to provide more support to residents than gangs that controlled relatively limited areas and

that had few economic resources. Political patronage remained important though it was attenuated from the earlier period.²¹ Movement between poor neighborhoods remained restricted and intense violence in the city made even traveling to the downtown commercial and market areas a very risky endeavor for many residents of the city.

Fourth Phase (Mid-1990s to 2010): Shifting Focus of Violence and Criminal Activities

Several important changes that again restructured criminal activities in the city occurred in the mid- to late-1990s. First, violence in the 1993 election led to important electoral reforms that decreased the ability of armed groups to affect local results. Most notable among these reform efforts was the implementation of measures to ensure the integrity of balloting. Second, the Jamaican government supported the international monitoring of its elections. Third, the government also undertook police reforms. While gangs had played a role in political violence around the 1993 elections, events during that contest drew attention to the ongoing role of the police in political violence. Subsequent reforms sought to depoliticize the police.²² Combined with a decreasing dependence on political spoils for social support, these steps had the effect of reducing overall levels of electoral violence in the country, and particularly Kingston. While violence decreased during electoral periods, it did not end. Conflict continued to increase during election years, and in 2003, Percival Patterson, Jamaica's longest-serving Prime Minister, ordered security forces into the Kingston Western constituency to impose order. Certainly, politicians still depended on local party organizations, often led by gang leaders, to turn out votes within their particular garrison or enclave, and to ensure that voters in dangerous parts of the city could safely reach their polling stations. As for organized criminal groups, they refocused many of their activities away from active political conflict to extortion, drug trafficking, and control of government contracts.

As noted, entrenched relations between political parties and gangs began to slowly change with the increase

21. On the governance issues during this period see, Clarke, Colin (2006). "Politics, Violence, and Drugs in Kingston, Jamaica," *Bulletin of Latin American Research*, 25.

22. For a complete discussion, see: Figueroa, Mark and Sives, Amanda (2003). "Garrison Politics and Criminality in Jamaica: Does the 1997 Election Represent a Turning Point?" in Anthony Harriott (ed.), *Understanding Crime in Jamaica New Challenges for Public Policy*. Kingston: University of the West Indies Press.

in transnational criminal activity, such as drug and arms trafficking.²³ Access to new forms of income and instruments of violence meant that over the past decade, some of the more important "dons," such as Dudus Coke, became more independent of their political masters and were in a stronger position to negotiate more preferential arrangements with the political and business elite, regardless of their political persuasion.²⁴ Such situations allowed Dudus Coke and others to develop legitimate business interests in Jamaica while simultaneously continuing illicit operations.²⁵ Continuing links between armed gangs and the political and economic elite continue to present a central challenge to the Jamaican political settlement.²⁶ They also limit the impact of important reform initiatives, including violence reduction and citizen security efforts developed in the post-Tivoli incursion days.

Prevalent Norms of Behavior

Beyond the structural problems that hamper the political system, Jamaica has also had to contend with extreme levels of poverty, underdevelopment, and mismanagement of resources. In 2009, towering debt and the impact of the global recession compelled the government to seek assistance from the IMF in developing a much-contested debt restructuring plan and access to \$1.27 billion in standby credits. Public sector corruption however, appears to be at the core of many of Jamaica's woes, including organized crime and political instability, and persistent poverty and underdevelopment.

Given Jamaica's prolonged history of inter-party violence, it is little surprising that clientelist politics and corruption are rampant.²⁷ Benefits are often distributed to bind citizens to political parties, by facilitating or obstructing,

23. Arias, Desmond Enrique in Kavanagh and Jones (2011), *Shaky Foundations, An Assessment of the UN Rule of Law Support Agenda*, NYU Center on International Cooperation.

24. Kavanagh, Camino and Jones, Bruce (2011). *Shaky Foundations: An Assessment of the UN's Rule of Law Support Agenda*. NYU Center on International Cooperation. Available at <http://cic.nyu.edu/content/shaky-foundations-assessment-uns-rule-law-support-agenda>.

25. Arias, Desmond Enrique (2010). In C. Kavanagh and B. Jones (2011). *Shaky Foundations, An Assessment of the UN Rule of Law Support Agenda*. NYU Center on International Cooperation.

26. Sullivan (2010).

27. Clientelism is commonly defined as personalized relationship between actors who have unequal access to power and wealth and who engage in mutually beneficial transactions based on conditional loyalty. In the Jamaican context, clientelist politics are mainly channeled through the JLP and the PNP. See: Flynn, Peter (1974). "Class, Clientelism, and Coercion: Some Mechanisms of Internal Dependency and Control," *Journal of Commonwealth and Comparative Politics*, 12; Sives, Amanda (2002). "Changing Patrons, from Politician to Drug Don: Clientelism in Downtown Kingston, Jamaica," *Latin American Perspectives*, 29. With respect to corruption, Jamaica's rating on the Corruption Perceptions Index has progressively worsened, dropping from 3.7 in 2006 to 3.3 in 2011, see: Transparency International (2012). *Corruption Perceptions Index 2011*, Available at: <http://www.transparency.org/cpi2011/results>.

inter alia, access to employment, education, and other social services.²⁸

A prominent example is the public contracting system, which is rife with corruption and kickbacks. In 2006, government agencies awarded more than half of all public contracts to companies not registered with the National Contracts Commission and nearly one quarter of all contracts during that period were not subject to any sort of public oversight.²⁹ The Customs Department is another serious source of corruption and known for its enmeshment with criminal elements. Various schemes exist within the department to lower tariffs, and payoffs in the area facilitate the movement of firearms into the country.³⁰ Finally, two recent cases of large-scale fraud and corruption drew renewed attention to the problem: the OLINT and Trafigura scandals. The OLINT scandal was a pyramid scheme in which a foreign currency-trading corporation operating in Jamaica promised investors high rates of return. E-mails emerged suggesting that OLINT leadership had provided significant funding to the Jamaica Labor Party in its winning 2007 election campaign.³¹ There have been some indications that OLINT also provided more limited funds to the People's National Party.³² Similarly, the People's National Party, during its eighteen years in government between 1989 and 2007, engaged in a large-scale kickback scheme with Trafigura Beheer, a Dutch company, that traded Jamaican petroleum on the international market. Prior to the People's National Party Conference in 2006, the company deposited \$31 million in the account of a senior party official who later stepped down from his post.³³

These bureaucratic problems provide important opportunities for large-scale criminal organizations.

Anthony Harriott has argued that some criminal gangs have converted themselves into illegal conglomerates that have succeeded in spinning off legal enterprises from their illegal capital. This is particularly the case with Christopher Coke who had formed an array of businesses including Presidential Click and Incomparable Enterprise, a construction company that successfully competed for both business and private contracts.³⁴

34. Rao, Vijayendra and Ibañez, Ana Maria (2003). *The Impact of Social Funds in Jamaica: A Mixed Methods Analysis of Participation, Targeting, and Collective Action in Community-Driven Development*. The World Bank, Available at: http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2003/03/22/000094946_03030704153291/Rendered/PDF/multi0page.pdf; p. 10; "UDC Paying Millions to Coke Company," *Nation News*, July 5, 2010, available at: <http://www.nationnews.com/articles/view/udc-paying-millions-to-coke-company/>.

28. Edie, Carlene (1989). "From Manley to Seaga: The Persistence of Clientelist Politics in Jamaica," *Social and Economic Studies*, 38; p. 10.

29. Lyday, Corbin; O'Donnell, Margaret; and Munroe, Trevor (2008). *Corruption Assessment for Jamaica*. United States Agency for International Development. Available at: http://pdf.usaid.gov/pdf_docs/PNADU835.pdf; p. 10.

30. *Ibid.*, p. 17-18.

31. In a recent press statement, JLP admitted to receiving large contributions from OLINT in the period leading up to the September 2007 General Elections. The party currently examines the claim that OLINT donations amounted to US\$ 5million. See: "JLP admits accepting OLINT donation," *Jamaica Observer*, May 7, 2012, available at: <http://www.jamaicaobserver.com/latestnews/JLP-admits-accepting-OLINT-donation>.

32. Hall, Arthur (2010). "Oh God! Oh No! OLINT!," *Jamaica Gleaner*, August 22, 2010, available at: <http://jamaica-gleaner.com/gleaner/20100822/lead/lead2.html>.

33. "Trafigura Haunts PNP: Contractor General Recommends Colin Campbell be Charged for Obstruction in Probe," *Jamaica Observer*, August 24, 2010, available at: <http://www.jamaicaobserver.com/news/Trafigura-haunts-PNP>.

II. The Nature of Organized Crime in Jamaica

Organized crime manifests itself in a range of manners in Jamaica, ranging from extortion and drug trafficking to large-scale fraud. As the previous section has suggested, such activities have matured significantly over the past decades. A shaky political settlement among the political elite, leading to periods of intense political violence has allowed organized crime to fester in Jamaica, and allowed criminal groups to develop strong connections with the elite at home, and with organized criminal networks abroad. More importantly, it has allowed Jamaica's political system to develop and nurture strong ties with, if not dependency on, organized criminal groups.

Jamaica's organized crime landscape is also linked to an economic crisis that has persisted since the mid-1970s, the involvement of criminal gangs throughout the region in the international drug trade, and the fact that the Caribbean still serves as an important international hub for money laundering. It is well known that the island serves as a major transit point for cocaine entering the United States from Latin America, although the flows ebb and flow depending on where the pressure is being placed at a given time. Jamaica is also a primary source of marijuana.

Small and Larger-Scale Organized Criminal Groups in Kingston

At the most local level, armed gangs with historic affiliations to political parties dominate working class neighborhoods, principally in the Kingston and Saint Andrews Corporate Area and the neighboring municipality of Spanish Town. Their notorious role as enforcers in garrison communities provided local leaders – often referred to as “dons” – a degree of political power, social legitimacy, and even, moral authority. In this regard, organized criminal groups have tended to superimpose political structures.³⁵ While different criminal structures exist at the local level, the most basic organizations deal in drugs, primarily marijuana, and seek to enforce certain basic local norms. For example, local criminal leaders may impose security

fees on business owners and gangs compete for control of the extortion racket on buses passing through the areas they control and in nearby commercial areas. In many cases, local criminal leaders seek to control the structure of the local state spending in the areas they dominate, deciding who will work on street repair projects or on the yearly efforts to clear the gullies running through the city to prevent flooding during the rainy season. In some cases the simplest criminal gangs compete for territorial control over very small pieces of turf and, as a result, also fight over how to spend local political patronage monies. These smaller organizations may have contacts with Jamaicans engaged in illegal activities abroad. Transnational networks support small-scale smuggling operations with Jamaicans sending drugs to the United States, Canada, and the United Kingdom, and importing arms mostly from the United States and Haiti. Funds from these contacts help criminal organizations offer limited social services to local residents and provide for a measure of independence from elected officials. At the same time, such international contacts can have disruptive impacts on small-scale criminal organizations since foreign contacts may return to live in Jamaica, creating significant tensions as newly deported criminals seek to establish a place for themselves in the local underworld.³⁶ Generally speaking, these local organizations have little control over international criminal activities.

Better-located (in terms of urban reach) and well-connected gangs engage in more sophisticated and better-organized criminal activities. These organizations have more capacity to extort security payments from larger businesses. They may extort funds from bus companies that monopolize major bus routes, from large construction companies, and from mid-sized and large businesses. Beyond controlling who might gain access to patronage jobs in a particular neighborhood, these organizations might also fully control construction projects and, in extreme cases, may own their own construction companies that can compete for government contracts. This kind of organization generally has the resources to support significant social activities providing, in some cases, certain basic social services to local residents.

35. Harriott, Anthony (1996). “The Changing Social Organization of Crime and Criminals in Jamaica,” *Caribbean Quarterly*, 42; p. 68-69.

36. Author's observations from conducting research in Jamaica.

Large-scale organized criminal groups engage in more sophisticated and complex international illegal operations alongside their domestic illicit activities. Several important criminal groups in Kingston, including the Shower Posse in Tivoli Gardens and the Spanglers, a PNP-affiliated group in the nearby neighborhood of Matthew's Lane, have regularly engaged in large-scale international trafficking.³⁷ The Shower Posse in particular maintained control over a nearby wharf.³⁸ These major criminal groups maintain some autonomy vis-à-vis their international criminal partners, and deportation of collaborators in foreign countries are less likely to disrupt activities in Jamaica since their networks are broad enough to cover such contingencies.

Drug Trafficking

The explosive growth of the cocaine market in the United States in the late 1970s and 1980s, combined with local political change, led to a marked shift in gang activity in Jamaica. Where in the 1970s gangs were essentially creatures of the political parties, in the 1980s international networks and the growing role of the Jamaican gangs in the transshipment of Colombian cocaine to the eastern United States, Canada, and the United Kingdom enabled gangs to operate more independently of their political patrons. Gangs no longer depended on politicians to provide weapons. Rather they could buy those weapons themselves in gun shops in Miami and other parts of the southern United States, and ship them to Jamaica with money earned from the cocaine trade. Criminal operations abroad also provided gang leaders in Jamaica with resources to provide limited social support and host events for neighborhood residents helping to reinforce their social legitimacy while depending less on politicians.³⁹

These underlying conditions lasted through the 1980s and into the 1990s. The expansion of the cocaine trade complicated political-criminal relationships in Kingston. On the one hand politicians still needed contacts with gunmen to turnout votes. At the same time, the increasingly mercenary nature of their activities made it

more difficult for politicians to maintain public associations with gunmen. Similarly, gang leaders needed political contacts for protection of their new business interests but also felt that they had received little compensation for their sacrifice in the political wars of the 1970s and with their new wealth were less dependent on politicians. The growing presence of weapons tied to the drug trade also meant that gang conflict began to operate independently of electoral cycles. Indeed, while murder rates fell dramatically from 1980 to 1981 they remained about 33percent higher than 1970s levels through the end of the 1980s and then began to increase rapidly in the early 1990s.

Racketeering

The late 1990s and the first decade of the 21st Century saw the emergence of new criminal practices focused on protection rackets and finding new avenues to obtain resources from the state. While powerful gangs remained active in many of the core garrison areas, in many other places these larger gangs, representing component parts within neighborhoods, competed with each other for pieces of the local security market. In the most central historic garrison areas, those regions of the city running from the Kingston Central constituency through Kingston Western to Saint Andrews Southern, local gangs developed an alliance in which they divided up portions of the protection racket around the downtown area, including inter-city buses, central open-air markets and the downtown business district. The basis of this alliance was a 1996 "peace agreement" between Christopher Coke and Donald "Zekes" Phipps, the leader of the Spangler's gang in the Matthews Lane area that facilitated the security of the Kingston Public Hospital renovations.⁴⁰ These organizations profited by providing protection to major government contracts. In some cases, these activities expanded directly into legally competing for government contracts. In other areas, less organized gangs violently turned on each other driving homicide up by fifty percent over the decade to around 1,600 per year in 2009.

A perverse effect of such racketeering is that initiatives such as the peace and security agreement among the

37. Gunst (1995).

38. "Dudus' Extradition Process to Begin," *Jamaica Observer*, May 18, 2010, available at: http://www.jamaicaobserver.com/news/-Dudus-extradition-process-to-begin_7624063.

39. Sives (2002).

40. Rao and Ibañez (2003), p. 16.

gangs in central and western Kingston and the expansion of security rackets in the downtown area made that region of the city more secure for shoppers even as entry into particular poor communities remained restricted. Department of State cables from the United States Embassy in Kingston indicated that high-ranking city officials in Kingston actively worked with gang leaders to provide security in commercial areas of the city.⁴¹ Criminal organizations became more heavily involved in contracting, providing services to both government and private enterprises. At the same time ongoing political conflict, especially in eastern Kingston, continued to create intense divisions and restrict movement. Conflict between smaller criminal organizations associated with efforts to gain money through the myriad of micro-level extortion schemes operated throughout the city, and other small-scale criminal activity contributed to ongoing violence and exploding homicide rates that politicians had little ability to manage. On the positive side, the increasing depoliticization of the police and of violence in general led to more peaceful elections. Unfortunately, however, the ongoing dependence of politicians on local area leaders, many of whom also control gangs, for turning out votes and securing polling places in many parts of the city has prevented deeper reforms.

Organized Crime beyond Kingston

Organized crime has a different history in the less densely populated western half of Jamaica. Large-scale criminal operations emerged historically out of much looser configurations with independent operators undertaking drug trafficking activities that dominated many elements of the underground economy in the region. Specific individuals might grow drugs, set up clandestine airfields, load drugs on airplanes, and transport them to the United States. The result was the emergence in western Jamaica of a less structured more entrepreneurial set of criminal enterprises in which legitimate business people, often from the middle and upper classes, engaged in international drug trafficking.⁴²

41. "US Embassy Cables: The Dangers in Extraditing Christopher 'Dudus' Coke from Jamaica," *The Guardian*, December 22, 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/223424>.

42. Frater, Adrian (2010). "Crime Doesn't Pay Montego Bay Pushes Back," *Jamaica Gleaner*, April 14, 2010, available at: <http://jamaica-gleaner.com/gleaner/20100414/news/news1.html>; Frater, Adrian (2010). "Montego Bay: Breeding Ground for Crime," *Jamaica Gleaner*, April 8, 2010, available at: <http://jamaica-gleaner.com/gleaner/20100408/lead/lead3.html>; Harriott, Anthony

Unlike Kingston, there is less evidence of strong political-territorial gang ties in Montego Bay. With only 100,000 inhabitants, Montego Bay has only a fraction of the population of the Kingston Metropolitan Area and, perhaps more importantly, the city only really began to grow in the 1980s, well after the establishment of the principal political gangs in Kingston. Montego Bay, as a result, does not have the same history of party aligned garrison communities. In recent years however, a number of territorial gangs have emerged to dominate the proliferating shantytowns in Montego Bay. Of particular importance here is the Stone Crushers gang that plays important roles in international drug trafficking. This organization has consolidated a degree of power in the St. James Parish since 2000 as its leaders have violently pursued other gangs and gained control of a sizable portion of the local extortion market. Pre-existing gang conflicts had driven many gang members abroad in the 1990s, creating a solid international distribution network for members of this gang.⁴³

(2008). *Organized Crime and Politics in Jamaica: Breaking the Nexus*. Kingston: University of the West Indies Press; p. 64-65.

43. "Crushed Stone," *Jamaica Gleaner*, September 5, 2010, available at: <http://jamaica-gleaner.com/gleaner/20100905/news/news1.html>.

III. The Impact of Organized Crime on Governance

Jamaica's political and economic elite has been deeply implicated in nurturing the emergence of organized crime and violence in Jamaica over the past forty years. National responses to organized crime and violence have primarily been taken when political conflict and corruption have put the country in a bad light on the international stage, as was the case involving Dudas Coke in Tivoli Garden, or when gang leaders and politicians are aligned in bringing rates of violence down, as was the case with the restructuring of security arrangements in downtown Kingston from the late 1990s onwards. However, even then efforts remain superficial at best.

Much needed constitutional reforms have yet to take place. The latter could reshape the way politics is waged and organized crime is supported, ensuring tighter oversight and transparency mechanisms. For example, in light of a move among Commonwealth nations in the Caribbean to shift away from the British parliamentary system, which concentrated power within the Office of the Prime Minister and provided limited checks and balances, in 1991 a Committee was established to provide recommendations for constitutional reform in Jamaica. The Stone Committee Report recommended the adoption of a presidential model with effective checks and balances on executive power. The report's recommendations were however rejected in favor of a limit on the number of legislative members who could be appointed to the prime minister's Cabinet and limited reforms have since been implemented.⁴⁴

Despite significant external investment in supporting key political and governance reforms through traditional development assistance or other sources of foreign aid, Jamaican institutions remain weak and, apart from the military, most institutions have been unable to foster trust among the population: the police are viewed "with great distrust and [often] perceived as instigators of violence."⁴⁵

Equally weak is the Jamaican justice system: courts are

44. Barrows-Giles, Cynthia (2010), "Regional Trends in Constitutional Developments in the Commonwealth Caribbean," Paper Prepared for the Conflict Prevention and Peace Forum, January 2010. Available at: http://web.archive.org/pdfs/Cynthia_Barrow-Giles_Constitutional_Development_in_the_Commonwealth_Caribbean_CPPP_Briefing%20Paper%20_f_.pdf.

45. Abuelafia and Sedlacek (2010).

backlogged, while poor infrastructure and outdated practices add to existing challenges. Laws are enforced inconsistently, and there is a sense that individuals are not treated equally by the justice system.⁴⁶ Jamaica's eight prisons and four juvenile facilities are overcrowded, with little segregation for high needs groups.⁴⁷ These conditions have created a lack of trust in the justice system, increased incidents of "mob justice," and fostered a turn to community justice mechanisms to resolve crime.⁴⁸

The government adopted a hard-line security response in the wake of the Tivoli incursion. Supported by members of the international community, the response has led to a "concomitant disruption to criminal networks, and a negotiated end to violence with leading criminal groups."⁴⁹ Combined, these efforts, many of which included the arbitrary use of force, have contributed to a decline in crime over the past year.⁵⁰ They also inadvertently bolstered the legitimacy of the former Bruce Golding Administration, despite the fact that Golding himself was clearly implicated in attempting to disrupt the course of justice and providing protection to Dudas.⁵¹

In this case like many others, were it not for direct international pressure, Bruce Golding would not have moved against Coke despite his hard work to build a national profile as a reformer. Golding had sought to avoid extradition because of personal and party connections to the historic Shower Posse leadership, the importance of the Kingston Western Constituency to the JLP and to Golding himself, and because of the disruption that such an effort would entail for security in Jamaica over both the short and long term. Coke had worked collaboratively with Jamaican officials and other criminal groups to establish an intricate security arrangement for downtown Kingston.

46. Government of Jamaica (2007). *Jamaican Justice System Reform Task Force Final Report*. Available at: http://www.cba.org/jamaicanjustice/pdf/jjsrtf_report_final.pdf.

47. United Nations Office on Drugs and Crime and the World Bank (2007). *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*. Report No. 37820. Available at: http://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf.

48. Ibid.

49. Arias (2010).

50. Rights groups and individual civilians complained that the government had used excessive force during and after the Tivoli incursion. These groups and individuals were joined by the public defender in initiating calls for inquiries into the operations of the security forces during and after the Tivoli incursion. Powell, Lawrence and Lewis, Balford (2009). *The Political Culture of Democracy in Jamaica, 2008: The Impact of Governance*. University of the West Indies/Americas Barometer/LAPOP/Vanderbilt University. Available at: <http://www.vanderbilt.edu/lapop/ab2008/jamaica-en.pdf>.

51. Having initially denied it in parliamentary session, Golding himself admitted that he had covertly retained a U.S. law firm in Washington, D.C. to help negotiate a political settlement to the Dudas affair, namely to avoid extradition. Golding has since stepped down as Prime Minister.

A US diplomatic cable released by WikiLeaks noted that Kingston Mayor Desmond McKenzie reported that any action against Coke could disrupt that set of agreements.⁵²

Ultimately, intense and personal pressure from the United States Government and the embarrassment that came from the publicity around his illicit efforts to avoid extradition forced Golding to turn on Coke. This dynamic reflects the janus-faced nature of Jamaica's weak state. While internally political leaders and much of the population tolerates contacts between politicians and armed leaders of poor areas, Jamaica as a state with relatively little power on the international stage cannot risk the type of international opprobrium that comes from the publicizing of these relationships. Jamaica needs international acceptance, development aid, and access to international markets.

International pressure, however, is a very blunt instrument that will do little in the long run for strengthening governance and ending the embeddedness of criminality in Jamaican institutions. In the end, local leaders cannot be forced to prosecute known dons and establish a more constructive relationship with citizens. This point is illuminated by the aforementioned actions of the Jamaican government following Coke's extradition. The police negotiated with leading gangsters in the Kingston Metropolitan area, telling them that if they kept things quiet they would not be persecuted. A senior police officer at a public forum in New York indicated that these negotiations had succeeded in securing agreements from major criminal leaders to minimize violence but that the lieutenants of these gangsters had not fully accepted the new arrangement. In the months after the action in Kingston Western, the police moved against a number of other gang leaders.⁵³

Delivery of Basic Services

As noted in the preceding section, organized criminal groups in Jamaica vary in terms of level of sophistication and organization. The stronger and better organized they

are, the more strategic they are in mustering social capital and legitimacy through the delivery of much-needed basic services, particularly employment, and guaranteeing security to citizens.

Despite abundant natural assets and a relatively high human development rating, Jamaica has experienced a prolonged period of little or negative growth. While the island's economy is expected to grow at 1-2 percent over the medium term, it faces an enormous debt burden comprising almost 140 percent of GDP.⁵⁴ In 2009, Jamaica's poverty rate stood at 16.5 percent, a sharp increase from 9.9 percent in 2007. Net official development assistance in 2009 totaled US \$150 million.⁵⁵ Major donors operating in Jamaica include the Inter-American Development Bank (the largest donor to the government sector), EU institutions, the Global Fund, the World Bank, and development agencies of the United Kingdom, Belgium, and the United States, among others.

Donors are acutely aware of the debilitating effect of criminal activity on growth and development. The World Bank estimates that if Jamaica were to reduce its homicide rates, the country's GDP could rise by approximately 5.4 percent.⁵⁶ There is no doubt that crime and violence incur high direct and indirect, and short- and longer-term, costs. Consider, for instance, the value of goods and services used to prevent crime and violence or offer treatment to victims as well as perpetrators. This includes costs in health, police, justice, and imprisonment. Organized crime also impacts on labor force participation and local markets. Similarly, Jamaica's reputation as one of the most violent countries in the world can derail the tourism industry. It deters foreign investors, particularly foreign businesses and foundations.

In addition, organized crime destabilizes Jamaica's social environment. By spreading fear, restricting physical mobility, and creating "area stigma" associated with specific neighborhoods, it corrodes social capital and relationships. Still more alarmingly, structurally embedded criminality transmits violence and distorted moral

54. The World Bank (2013). "Jamaica Overview," available at: <http://www.worldbank.org/en/country/jamaica/overview>.

55. Organisation for Economic Co-operation and Development (2011). "Jamaica." In *Aid Effectiveness 2005-2010: Progress in Implementing the Paris Declaration, Volume II*, available at: <http://www.oecd.org/dataoecd/37/3/49368360.pdf>.

56. United Nations Development Programme (2009). *Opening Spaces to Citizen Security and Human Development: Human Development Report for Central America*, p. 8. Available at: <http://hdr.undp.org/en/reports/regional/latinamericathecaribbean/irdhc-2009-2010-summary.pdf>.

52. "US Embassy Cables: The Dangers in Extraditing Christopher 'Dudus' Coke from Jamaica," *The Guardian*, December 22, 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/223424>.

53. Comments made by senior police official at John Jay College of Criminal Justice, November 15, 2011.

values across generations. It further exacerbates distrust between citizens and state. Despite being much lamented and protested, violence has already attained a level of normalcy in Jamaica. Indeed, violent crime dominates the lives of youth, especially in Kingston, thereby robbing the country of much of its human capital. Women are increasingly involved in the global drug trade, serving as drug mules en route to Europe or the United States. In 2003, the British Broadcasting Corporation (BBC) stated, "more than half of all foreign women in UK prisons are Jamaican drug mules."⁵⁷

Another challenge is that many of Jamaica's urban poverty pockets are located in enclave areas controlled by armed gangs. Intervention by state agencies or international donors to establish targeted development projects in these zones is both difficult and dangerous, although more recent citizen security initiatives implemented after the 2010 Tivoli incursion did seem to be having a positive impact.

Despite the somewhat negative picture painted above, there has been some positive development in Jamaican efforts to control organized crime and violence. One such example was the Peace Management Initiative (PMI), formed under the government of PJ Patterson in 2002 in response to an extended political-gang conflict in the neighborhoods arrayed along Mountainview Avenue, a major thoroughfare connecting the airport to the financial center and major hotels in New Kingston.⁵⁸ Violent clashes at the time led to travel advisories from the United States Embassy in Kingston. The conflicts emerged around efforts during the 2002 elections to shift the alliance of gang controlled areas in the Saint Andrew's Southeastern constituency that led, fairly, rapidly to include the many gang controlled areas. The PMI brought together, under the auspices of the state, a number of distinguished members of civil society who would seek to negotiate with the various factions in the area to develop a peaceful solution. With substantial government funding, a peace was negotiated that provided government assistance to the neighborhoods in the area and helped to reduce

conflict in the area though the area has experienced a number of disruptions since that time.

Ultimately though, the Jamaican political system does not have the safeguards in place to respond to organized crime or ward it off. The leadership of both major political parties has been deeply implicated in the pervasive organized crime and political corruption that has affected the country over the past forty years. Domestic responses to this situation have primarily focused on controlling violence whenever political conflict and corruption has led to the country being shown in a bad light on the international stage, as was the case with the actions against the Shower Posse in Kingston Western; or with the Mountain View conflict over the last decade; or when gang leaders and politicians have a common interest in bringing rates of violence down as was the case with the restructuring of security arrangements in downtown Kingston from the late 1990s onwards. Deeper and more effective structural reforms have yet to take place.

Economic Costs

High levels of violence in Jamaica impose significant costs on Jamaican businesses, the population, and for economic growth generally. A report by the United Nations Office on Drugs and Crime and the World Bank estimated in 2007 that reducing national homicide rates from around 34 per 100,000 inhabitants to around 8 per 100,000, a level equivalent to Costa Rica, a country of similar size in Central America, would increase annual GDP growth in Jamaica by 5.4 percent. This estimate was based on a model that estimated the impact of several socio-demographic and economic factors as well as homicide rates in 28 countries.⁵⁹

Politically connected organized criminal activities have particular impacts on Jamaican economic development. Many poor neighborhoods in the Kingston metropolitan area are subject to the control of area leaders who play important roles in turning out votes during elections. These local leaders control access to certain public works jobs in areas they control and have been known to siphon money from projects. The control over hiring on

57. "Jamaica's Women Drug Mules fill UK Jails," *BBC News*, September 13, 2003, available at: <http://news.bbc.co.uk/2/hi/americas/3097882.stm>.

58. *Ibid*

59. United Nations Office on Drugs and Crime and the World Bank (2007). *Crime, Violence, and Development: Trends, Costs, and Policy Options* in the Caribbean. Report No. 37820. Available at: http://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf; p. 57-59.

some projects leads to lower levels of labor productivity. These dons often charge protection fees to private sector construction projects and ongoing business operations in areas they control. These actions make government and private development projects less efficient in the broad array of city areas where these actors maintain some degree of local power.⁶⁰

Beyond the general effects of violence on GDP, crime also imposes direct heavy costs on Jamaican businesses. These include hiring private security guards, installing effective security systems, and changing opening and closing times to decrease risks. While these costs have a limited effect on large enterprises that can deal with them through economies of scale, smaller businesses suffer very heavily from the additional costs imposed by crime with private security spending accounting for seventeen percent of small business revenue.⁶¹

Violent crime also imposes costs on individuals. Private health costs as a result of violent criminal activity amounted to approximately 0.1 percent of Jamaica's GDP. Economic costs due to incapacitation impose a similar level of costs on Jamaica. When these costs are added to lost productivity and public expenditure to control crime they accounted for approximately 3.7 percent of Jamaica's GDP in 2001.⁶²

60. Francis, Anthony; Gibson, Godfrey; Harriot, Anthony; and Kirton, Claremont (2009). *Crime and Development: The Jamaican Experience*. Kingston: Sir Arthur Lewis Institute of Social and Economic Studies; p. 33-38.

61. United Nations Office on Drugs and Crime and the World Bank (2007). *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*. Report No. 37820. Available at: http://www.unodc.org/pdf/research/Cr_and_Vio_Car_E.pdf; p. 49; Francis, Anthony; Gibson, Godfrey; Harriot, Anthony; and Kirton, Claremont (2009). *Crime and Development: The Jamaican Experience*. Kingston: Sir Arthur Lewis Institute of Social and Economic Studies; p. 38-39.

62. United Nations Office on Drugs and Crime (2007), p. 50-52.

IV. Recommendations

International development actors and specialized agencies have been providing assistance to Jamaica for decades. The tempo of this assistance was stepped up following the Tivoli incursion, particularly in the areas of security and justice, and anti-corruption. The increase in support was aimed at pressuring the government to implement crucial reforms, especially those it espoused after the extradition showdown.⁶³ Actions taken against criminal groups from May 2010 onwards have opened a new chapter in national security policy. New legislation has been adopted and significant emphasis placed in citizen security initiatives, many of which are being supported by international partners.⁶⁴ However, in practice, international actors have been unable to strategically link these lower-level initiatives in a manner that confronts the deeper political arrangements that exist between gangs and the political elite, on the one hand, and other structural reforms related to the political system and financial management on the other.⁶⁵

The key to resolving Jamaica's political-criminal nexus lies with the country's political elite. Organized criminal gangs are linked to the government through electoral politics, urban security, government development contracts, and other public works projects. Politicians remain in control of funds that are distributed through local area leaders, many of whom are criminals. As long as public funds flow from government to local criminal leaders, the residents of those areas will remain dependent on the political-criminal patronage network. Yet, so far, political leaders, while paying lip-service to making some very limited changes, do not appear to understand the possible precariousness of the decline in homicide rates over the last year and the need to act rapidly to take advantage of this lull in conflict to implement changes that can help reduce corruption and reestablish political legitimacy. In general discussions about criminal activities in Jamaica have mainly focused on the reductions of crime over the last

63. LAPOP Survey (2010). Following the Tivoli Gardens incursion, both major political parties (JLP and PNP) tabled an agreement in the House of Representatives on a general approach "aimed at sustaining the advance against criminality." At a later sitting, the House debated and passed six bills including amendments to the Firearms, Offences against the Person, Bail, and Parole Acts geared at strengthening the power of the security forces to reduce the country's high crime rate.

64. For example, 'Anti-Gang/Organized Crime Legislation', reform of the Jamaican Constabulary Force, and the 'National Crime Prevention and Community Safety Strategy'.

65. Ibid.

year rather than the need to deal with pernicious contacts between organized crime figures and politicians. Actions taken by the government in the 12 months following the September 2012 elections will be an indicator of whether the government will seek to address any of these issues in the short-term.

1. Donors should help **strengthen accountability processes**. At present, the primary source of accountability in the Jamaican political system is foreign governments. Transparency, answerability, and enforcement need to be enhanced. Donors should focus on **vertical accountability**, including electoral accountability and the way in which non-state actors, such as media and civil society organizations, reflect citizens' views as well as concerns. The centrality of the state in national political life and its domination over the past seventy years by two highly compromised political parties often locked in mortal battle with one another has led to Jamaica having an extremely weak civil society that has had little success in providing a real check on the political parties.

Emphasis should also be on **horizontal accountability**, or how intra-governmental mechanisms can be improved (for instance, the judiciary and supreme audit institutions). Here, the concentration of power in the hands of party leadership and the Parliament has also prevented the emergence of real accountability. Donors should work with the Jamaican political elite and other relevant stakeholders to define good practices and hold them to account against clear, measurable targets.

The **engagement of a wide range of domestic actors at the sub-national level**, such as parliamentarians, audit institutions, local civil society, and the private sector in these efforts is imperative. Donors could facilitate debates about development priorities to ensure alignment and encourage stakeholders to engage more actively in monitoring and evaluation processes. Given the prevalence of political-criminal ties in Jamaica, more emphasis should be placed on making publicly available data regarding the disbursement, management, and impact of development funds.

Well-defined sanctions for poor performance or siphoning of funds should be developed. At the same time, donors should collaborate with civil society bodies to **inform citizens about the consequences of criminal activities**, such as acting as drug couriers for organized criminal groups. **Alternative income opportunities**, for instance microfinance schemes, need to be promoted, especially in urban areas with the greatest need. So far, civil society does an extremely poor job penetrating the poorest neighborhoods. The most powerful civic actors there are often politically connected criminal groups.

In a similar vein, donors should step up their efforts to **support state and non-state actors in carrying out anti-corruption initiatives**. Jamaica has a relatively comprehensive anti-corruption framework. In 1986, then Prime Minister Edward Seaga set up the office of the Contractor General,⁶⁶ which seeks to protect the integrity of the public procurement system. More recently, the Corruption Prevention Act (2001) was passed, establishing the Commission for the Prevention of Corruption. The Access to Information Act and Political Code of Conduct further contain the potential to fight corruption. Yet, in practice, anti-corruption measures remain grossly inadequate.⁶⁷ Vested interests in sustaining corruption within the political and business elite, organized crime, and bureaucracy have crippled efforts to attack the broader culture of mismanagement and impunity. Jamaica's "untouchables" continue to be out of reach for prosecution. Calls for a single, independent anti-corruption agency remain unanswered. Not a few efforts, while well intentioned, flounder for inaction and lack of follow-through. While in many areas there is no lack for additional reports by specialists, one key challenge is to move implementation forward, particularly transparency initiatives in elections and economy.

2. *Second*, significant support should be channeled towards **strengthening the justice system and**

66. A major failing of the position of Contractor General is that the office holder cannot prosecute corruption or other criminal offences himself. Instead, all matters must be transferred to the appropriate state authorities, including the Jamaica Constabulary Force (JCF) and the Director of Public Prosecution (DPP), rendering the process vulnerable to interference and obstruction.

67. In February 2011, the Jamaica Gleaner Newspaper revealed that the Corruption Prevention Commission (established in 2000) referred more than 18,000 persons to the director of public prosecution (DPP) for breaches of the Corruption Prevention Act (2001). Of this number, so far only 512 have been acted upon by the DPP. See: "Anti-Corruption Body Dissatisfied with DPP," *Jamaica Gleaner*, February 18, 2011, available at: <http://jamaica-gleaner.com/gleaner/20110218/news/news5.html>.

professionalizing the police. Dilapidated courthouses, a considerable backlog of court cases, and inconsistent enforcement of legal processes all contribute to the lack of public confidence in the criminal justice system. **Jamaica needs to continue its efforts to de-politicize and professionalize the police.** In general these efforts have already borne considerable fruit. Today police are not directly involved in political violence. This, along with tighter rules controlling electoral practice, has helped to reduce the overall levels of violence around elections. The Jamaican government should seek to deepen these efforts. At the same time the Jamaican police also need to develop more comprehensive, effective, and regular strategies to deliver every day policing services to working class communities which receive only limited and irregular police patrols. When police do enter, they do so often to execute a warrant or in pursuit of suspects. The poor and working class deserve a police presence similar to those in middle and upper class neighborhoods in which low-level ongoing patrols inhibit public practices of criminality. Further, deploying police in a more systematic and regular way also enables police supervisors and managers to develop and implement more sophisticated policies to prevent crimes and to bring criminals to justice.

Donors could also support efforts to develop dialogue facilitation and conflict resolution capacity of police and community leaders, including through financing prevention and strategic interventions aimed at addressing risk factors.

3. Third, Jamaica **is in sore need of an independent prosecutorial body** that can hold high-level politicians, both in government and the opposition, to account. As was amply evidenced in the Mannatt Affair, in which Golding sought to use influence in the United States to persuade the Obama Administration not to pursue the extradition request against Coke, the Office of the Minister of Justice and Attorney-General, held at the time by JLP Senator Dorothy Lightbourne, does not have the political independence even to effectively resist questionable demands on the part of the Head of Government. As a result of this crisis the Golding government has split the position in two with a veteran JLP politician holding the

position of Minister of Justice and the position of Attorney-General currently vacant.⁶⁸ The underlying problem, however, is that both positions serve at the pleasure of the Prime Minister. A more independent Attorney-General's office and an independent prosecutor's officer would be critical to addressing the concentration of power in the hands of who may hold office at least in part based on their relationships with criminals. Colombia's office of Procurador General (Inspector or Prosecutor General) offers a possible alternative model in which the chief agent of investigation of government officials is appointed through, at least in part, the court system to ensure independence of the executive. This type of position would be much harder to undertake in Jamaica given the concentration of power in the hands of the executive leadership of the legislature in Jamaica's Westminster-based system. Nonetheless, an independent prosecutor's office capable of holding public officials at all levels independently accountable could contribute substantially to creating an important check on official misconduct in a system that concentrates power so heavily in such few hands.

4. Similarly the **Office of Contractor General should be strengthened.** Criminal groups have made substantial inroads into government contracting. Strengthening the role of this office, which seeks to maintain oversight of public contracts and to ensure to government contracts are issued fairly and according to the law, would help to prevent some future contracts from going to organizations affiliated with criminal groups.

5. Given that Jamaica, as an island, imports a sizable portion of the goods its citizens and businesses consume, **ongoing efforts to improve accountability and efficacy of Jamaica's customs** are also important in stemming criminal activities and contacts between organized crime groups and public officials. Efforts detailed earlier in this paper with regards to customs should be maintained and expanded.

6. Donors should support efforts aimed at **decreasing the dependence of residents in gang-controlled areas on criminals.** In recent years, Jamaica has made significant strides in the area of education and social protection. However, more attention should be afforded to the quality

⁶⁸. Ibid

of services, including addressing problems connected with poverty and performance across gender. Many poverty reduction efforts are inadequately coordinated. Fragmentation and limited oversight remain widespread problems.

7. Unwinding Jamaica's tight relationships between political leaders and criminals is a daunting and long-term task. Political elites are deeply entangled with organized criminal groups, and violence and corruption seem to be undying features of the country's political landscape. Yet, recent efforts to tackle these challenges inspire modest optimism. **Foreign donors should build on the political momentum generated by general elections to push for much-needed constitutional reform aimed at reforming the political system. At the same time, donors need to actively support more and better domestic sources of accountability and transparency in order to drive change, particularly where it is most needed.** The 2010 intervention in Denham Town and Tivoli Gardens, and Bruce Golding's publicized involvement with Christopher "Dudus" Coke show that there is a real, if small, window of opportunity to openly address Jamaica's political-criminal nexus and encourage pro-poor, sustainable development.

As long as the leading politicians of Jamaica's two major political parties depend on gang-controlled seats it will be very difficult to undertake serious efforts to control these problems. Current arrangements leave politicians exposed to violent retaliation and as a result, they are often unable to establish constructive dialogues with members of the opposition. These connections severely limit the legitimacy and their ability to lead the country. Radical changes to the partisan arrangements of gang-controlled areas, however, could create conflict. **Political leaders should, undertake a bipartisan effort to slowly unwind garrison arrangements.** First, politicians need to seek to decrease the dependence of residents of these areas on criminal groups. Second, political leaders should make long term efforts to re-apportion Kingston constituencies so that gang controlled areas do not dominate significant parts of constituencies and dilute their overall impact on voting.

8. Finally, a key element that limits the long-term efficacy of the recommendations listed above is that they all involve the state, and its component political parties, undertaking long-term actions that would create sizable discomfort for many leading politicians. Overcoming this requires finding ways to **strengthen Jamaica's civil society.** The centrality of the state in national political life and its domination over the past seventy years by two highly compromised political parties often locked in mortal battle with one another has led to Jamaica having an extremely weak civil society that has had little success in penetrating the poorer segments of society. Even among national civic groups partisanship prevents these groups from providing a real check on the political parties. Further, civil society does an extremely poor job penetrating the poorest neighborhoods. By far the most powerful civic actors in poor areas are politically connected criminal groups. With over 70 Jamaicans murdered by security forces during the actions in Kingston Western, the only protests that took place were those organized by Coke prior to the security forces entering the area. The only other groups that penetrate of these areas are the churches but these groups often find themselves limited by partisanship. The emergence of a vigorous independent civil society is essential to breaking apart the political criminal nexus in Jamaica. Jamaican society would benefit considerably from outside support aimed at strengthening these types of organizations especially in poor and working class areas of the major cities.

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