

OPINION & INSIGHTS

Case for campaign finance legislation

AS I SEE IT



By Rahym R. Augustin-Joseph

In recent years, across election campaigns in many Caribbean countries, there has been a quiet yet instructive call for the enactment of campaign finance legislation to regulate and ensure transparency in political financing. This call often arises when citizens pause to interrogate where political parties secure funds for campaigning, particularly the flying in of regionally acclaimed artists and other costly paraphernalia. Such reflection inevitably leads to questions about the trade-offs and business deals that accompany large campaign donations.

Yet these internal interrogations rarely translate into sustained public demands for legislation. Once the dust of election season settles, the urgency fades. At times, there is even tacit acceptance of what many believe to be “enfurious” donations, with politicians encouraging citizens to “take their money and vote them out, because it is your money”.

Meanwhile, voters participate in campaign concerts and enjoy the spectacle as part of the electoral fanfare.

Nevertheless, advocates of good governance insist that campaign finance must remain on the political agenda. While pressing for regulation, they must also dismantle the persistent myth that political parties lack constitutional presence. This article seeks to clarify what campaign finance legislation entails and explore why such laws remain absent in Saint Lucia and much of the Caribbean.

The what and why regarding campaign finance laws

Campaign finance legislation requires disclosure of contributions and expenditures to curb the undue influence of money on electoral outcomes. Put simply, it addresses situations where donors expect repayment through state resources if their chosen party wins office.

It also seeks to level the playing field for opposition parties, who often face governments wielding both private donations and unchecked access to state resources. As Caribbean academics note, there is a thin line between a government allocating resources for citizens and using those same resources for campaign purposes.

Of course, the line remains blurry, as an incumbent government can always argue that they are engaging in development and governance during their allotted electoral term, and this cannot be classified as campaigning. But how does one truly determine motive, whether an initiative is genuine governance or electioneering? The answer often depends on partisan or class bias.

The fog strengthens in a political system that does not have fixed election dates,

where prime ministers hold inordinate powers to call elections and remain in office even after Parliament dissolves. As such, the government’s retort, which is also a valid response, is: We were simply carrying out our continued mandate from the people until they have decided that they do not want us to do so.

The distinction between political clientelism and genuine development remains elusive.

This grey area was illustrated in the Guyana elections earlier this year when the European Union Election Observer Mission argued that the government had “an undue advantage of incumbency that distorted the level playing field during the election campaign”. It said:

“The President and his administration inaugurated a high number of public projects (hospitals, schools, roads and bridges) and launched several social support programs combining these events with campaign activities. At the same time, the state media and government-run social media accounts were instrumentalised to amplify campaign messages, further blurring the line between state and party.”

Scholars such as Cynthia Barrow-Giles also highlight allegations of foreign governments funnelling millions into Caribbean campaigns to advance strategic interests. In Saint Lucia, for example, a 2013 parliamentary audit revealed Taiwanese contributions to the UWP government through town councils, in violation of procurement laws. In Dominica, allegations of vote-buying and overseas voter transportation have been so entrenched that legislation was enacted to permit aspects of these practices.

However, the main aim of campaign finance legislation is to provide a more level playing field for all parties to contend equally and fairly on the political battlefield by imposing spending limits and curbing money’s influence on electoral outcomes.

As it currently stands, there has been a minimal attempt to minimise the influence and utilisation of money within the Commonwealth Caribbean elections, despite the Caribbean being touted as one of the world’s most stable democratic regions.

C.L.R. James was right: the Caribbean should not take its claims of modern democracy too seriously. Free and fair elections alone cannot erase authoritarian origins rooted in plantation slavery. Today, we must carefully nurture new democratic instincts. Ours is, as Maurice Bishop observed, a “five-second democracy” – a fleeting moment of sovereignty surrendered the instant we mark an X on the ballot. Rousseau put it similarly: voting is both an exercise in, and a surrender of, sovereignty. Both thinkers envisioned a system where citizens keep their sovereignty while engaging in political life.

The situation in Saint Lucia and the Caribbean

Where regulation exists, enforcement is weak and sanctions negligible.

In Saint Lucia, the Elections Act sets spending limits but does not require disclosure of contributions or donor identities. Antigua’s Representation of the People Act mandates disclosure requirements for contributions, particularly those that exceed EC\$25,000.

Critics argue, however, that political parties across the Caribbean routinely understate actual spending, though there is little evidence to support the claim. Indeed, as Payne observed in his study of Antigua and Barbuda, these parties spend more per capita on campaigns than more developed economies, including the United States.

The notable exception is Jamaica. Unlike its neighbours, Jamaica places limits on foreign, anonymous and maximum donations and requires parties to declare income and expenditure.

Jamaica almost stands alone

In Jamaica, the legislation is instructive such that if a candidate as per Section 52 of the Representation of the People’s Act, knowingly accepts monies from an impermissible donor, they are liable for summary conviction to a fine not exceeding JMD\$3 million or a prison sentence. While the monetary sanctions are not sufficiently high, the prison term is strict and if properly policed and enforced, could serve as a deterrent.

Additionally, the legislation in Jamaica also provides, as per Professor Cynthia Barrow-Giles, for the establishment of a National Election Campaign Fund, whose primary objective is to receive contributions from individuals, diaspora members, companies and other entities, in order to increase transparency. Moreover, sets limits on campaign donations, impermissible donors, disclosure, accounting requirements and procedures, and registration of the political parties. Crucially, it prescribes sanctions for violations..

Where should we go from here?

There is an urgent need for the active consideration of the OAS Draft Model Legislation which offers guiding principles such as:

1. An independent political parties commission which will seek to regulate and supervise the political parties and their finances
2. Provision of disclosure for campaign revenue and expenses

3. Continuous provision of caps and enforcement of spending limits (not within the OAS recommendations, but in other scholarship)
4. Clearly defining who and what a donor can be
5. Consideration of active state support for the sustaining and survival of political parties based on certain criteria such as proportionality in the house, etc.
6. Prohibitions on state funds for the campaign and other benefits of the state.

Any signals from the major political parties this election?

So far, the signals from political parties have amounted largely to virtue signalling. The opposition UWP, for instance, expressed moral outrage through contender Tommy Descartes. Yet when pressed by Timothy Poleon on Newsmaker Live about whether campaign finance reform would be enacted, the familiar politician’s retort followed: he could not speak on behalf of the party.

Indeed, opposition parties often complain about the structural inequities of the political system without committing to changes. As such, campaign finance reform is absent from the UWP manifesto.

It is also missing from the SLP manifesto and there has been no comment on its inclusion or lack thereof.

Why bipartisanship matters

Meaningful reform can only be accomplished through a bipartisan approach, whereby both political parties come together recognising that they will be “victims” of the inequities at some point in the political process.

Correcting these flaws would strengthen the democratic process and encourage transparency, equity, equality and fairness.

Ultimately, it would permit competition among political parties on an equal playing field.

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