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CORRUPTION ASSESSMENT FOR JAMAICA

SEPTEMBER 11, 2008

This publication was produced for review by the United States Agency for International Development. It was prepared by Corbin Lyday, Margaret O'Donnell and Trevor Munroe, Management Systems International.

CORRUPTION ASSESSMENT FOR JAMAICA



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Jamaica Corruption Assessment

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

ACRONYMS

AMCHAM – American Chamber of Commerce
CIDA – Canadian International Development Agency
COMET – Community Empowerment and Transformation Project
DFiD – Department for International Development, United Kingdom
DPP – Director of Public Prosecutions
FES – Friedrich Ebert Stiftung
FID – Financial Investigations Directorate, Ministry of Finance
IADB – Inter-American Development Bank
ICAC – (Hong Kong) Independent Commission Against Corruption
ITA – Island Traffic Authority
JEC – Jamaican Electoral Commission
JCC – Jamaican Chamber of Commerce
JCF – Jamaica Constabulary Force
JDF – Jamaica Defense Force
JLP – Jamaica Labour Party
JUTC – Jamaica Urban Transit Company
LAPOP – Latin American Public Opinion Project
MOE – Ministry of Education
MOJ – Ministry of Justice
MSI – Management Systems International
OAS – Organization of American States
PNP – People’s National Party
PERF – Police Executive Research Forum
RICO – Racketeer Influenced and Corruption Organization Act, USC Section 1961
SDF – Social Development Fund
UNDP – United Nations Development Programme
USAID – U.S. Agency for International Development

CONTENTS

ACRONYMS.....I

EXECUTIVE SUMMARYIII

1. INTRODUCTION..... 1

2. ASSESSMENT METHODOLOGY AND APPROACH..... 2

3. SPECIFIC FINDINGS BY SECTOR: VULNERABILITIES AND OBSTACLES TO CHANGE..... 9

 3.1 Weaknesses of the Justice System 12

 3.2 The State Contracting System..... 16

 3.3 The Department of Customs 17

4. PUBLIC ATTITUDES TOWARD CORRUPTION..... 19

5. STRATEGIC AND PROGRAMMATIC RECOMMENDATIONS..... 21

 5.1 Long Term: Moving Toward A Modern And Dynamic System Of Justice 22

 5.2 Short-Term: Engaging The Public Toward Anti-Corruption Action 23

6. CONCLUSION 28

BIBLIOGRAPHY 29

KEY LEGISLATION EXAMINED..... 31

LIST OF INTERVIEWEES/MEETINGS..... 31

ANNEX 1. STATEMENT FROM CONTRACTOR-GENERAL THAT DPP WILL PROSECUTE 17 PUBLIC AGENCIES FOR FAILURE TO COMPLY WITH THE NATIONAL CONTRACTS COMMISSION..... 33

ANNEX 2. ANTICORRUPTION FOCUS GROUP LIST AND QUESTIONS 35

ANNEX 3. ANALYSIS AND RECOMMENDATIONS: CORRUPTION PREVENTION ACT OF 2000 AND SPECIAL PROSECUTOR BILL OF 2008..... 36

EXECUTIVE SUMMARY

In 2007, a newly-elected Government came to power in Jamaica with a strong anti-corruption focus. It has appointed new reform champions to key positions—particularly in the police and customs—to join other recent change agents. Together, these new officials have begun to use their statutory authority quickly and aggressively to uncover illicit wealth and non-compliance with laws and regulation, or to shake up existing law enforcement institutions and practices. Within the first 6 months of 2008, nearly 50 members of the Jamaican Constabulary Force (JCF)—the most visible arm of both the problem and potential solution—were arrested and charged with offenses linked to corruption. While most of those have been low-ranking officers, the Office of the Contractor General has documented credible allegations of large-scale violations of public procurement regulations. Other higher-ranking allegations are sure to follow.

In July 2008, public opinion polls for the first time listed corruption as the second-most serious problem facing Jamaica, behind crime and violence. Because independent media have followed recent developments carefully and systematically, there is a growing recognition by Jamaican society that such violations are not merely the result of mismanagement or incompetence, but a direct product of a political system that rewards patronage at the expense of transparency. While the way forward may not be clear, there is a growing sense society must take action against corruption in order to win the ‘other’ battles of crime, violence, and the squeeze on the country’s treasury made more acute by huge new increases in energy and food prices. The anti-corruption spotlight has been switched to the ‘on’ position and is now likely to stay that way for the foreseeable future, even as the Government of Jamaica (GOJ) pursues new anti-crime measures and alternative means to enhance food and fuel security.

The most visible champions have taken the reins within a small number of public sector agencies and ministries, such as the Anti-Corruption Branch of the JCF, the Customs Department, the Office of the Director of Public Prosecutions and the Office of the Contractor-General. But their influence in the current environment arguably goes beyond narrow mandates. Indeed, their continued success or failure rests heavily on the degree to which they can secure non-partisan, publicized support for their efforts from the country’s top political leadership as well as on the operational competence of their own organizations, especially at mid-levels. Indirectly, it also depends on the vigor with which the country’s systems of justice can investigate, arraign, prosecute and convict key ‘big fish’ accused of corruption. Their combined success at more or less the same time will send a powerful message to a cynical and uneasy society that business as usual will simply not be tolerated.

The dynamics of these efforts are complicated and potentially dangerous. As the state moves to tighten procurement, clean up ‘ghost worker’ lists, move from low-level to higher-level targeting of corrupt police and public officials on a non-partisan basis, and move toward political party accountability, it will encounter fierce resistance. Many believe that the assassination of Jamaica Urban Transit Company (JUTC) Chairman Douglas Chambers in July 2008 can be construed to mean that the underworld has thrown down the gauntlet against this effort to ‘take back’ the state.¹ Because both Jamaica’s state and

¹ On Friday, June 27, during a break between meetings with officials from the University and Allied Workers (UAWU), Chambers was killed gangland-style, dying from multiple bullet wounds. Chambers, a chartered accountant and head of his own firm, had been asked by the Prime Minister to take leave to head the JUTC for a symbolic salary of J\$1 per year to help clean it up and reduce losses of nearly \$J100 million a month. His murderers initially escaped into the fringes of ‘Fish Ground’—a community in Spanish Town known for its loyalty to the Klansman gang, a garrison community which supports the PNP. Chambers attracted initial attention and controversy

society will need help and encouragement to continue to do the right thing, this Assessment urges 3-4 short-term examples of financial and organizational support from USAID/Jamaica in the following priority areas:

Immediate Convening of a National Integrity Roundtable

With the consent of the GOJ, USAID/Jamaica, together with other key donors, could extend an invitation to provide organizational support for the convening of top anti-corruption champions in the justice sector, key ministries and public sector agencies, preferably through a non-partisan institute or association. The purpose of such regular meetings would be three-fold:

- to provide organizational and political space in a mutual forum ideas to secure additional critical resources to support organizational change and institutional reforms in key agencies, such as Customs, Police and the National Contracting Commission;
- to discuss the impact of ‘change management’ approaches and technology-based value-for-money reforms which are shown to help public agencies comply with accountability requirements as established by legislation;
- to facilitate interactions at high levels between the heads of various agencies, bringing best practices from other countries and sectors to their attention to strengthen international cooperation in the promotion of domestic integrity

The list of potential invitees might include the Minister of Finance, the recently-appointed director of the Financial Inspections Directorate, the Commissioners of Police and Customs, the Assistant Commissioner of Police Anti-Corruption Branch, the Contractor General, the Solicitor General, the Attorney General and the Auditor General, as well as the Director of Public Prosecutions (DPP). While respecting necessary constitutional boundaries, such an ‘inner circle’ of key reformers might be extended informally and downward to include senior magistrates and others in the larger justice and court system as well.

Personnel Secondment

Contingent on successful identification by DPP, USAID/Jamaica is encouraged to support the secondment of 1-2 key senior US prosecutors with RICO-style experience from the Criminal Division of the U.S. Department of Justice of the to assist **Director of Public Prosecutions Llewelyn** to organize and train prosecutors to target high-profile illicit enrichment cases using POCA and other existing legislation.

- Alternatively, USAID/Jamaica could support the placement of 1-2 additional seconded personnel instead to the **Anti-Corruption Branch of the JCF** to support its first-year strategic efforts to weed out high-level corruption within the police (*Creating Real Fears of Detection*). This would support budgetary support already offered jointly by the British Home Office, could be offered to the **Customs Department** to build institutional firewalls to prevent corruption.

Short-Term Mid-Level Leadership Development

Upon identification by JCF, DPP, FID or other key enforcement agencies, USAID/Jamaica could support short-term (6 weeks or less) leadership skills training for 25-50 key managers in DPP, Customs or elsewhere, as determined by the GOJ. (The Senior Executive Fellows Training offered by the Kennedy School of Government at Harvard University is routinely used by many USG federal agencies to prepare candidates for Senior Executive Service (SES) and could play a critical role in supporting Jamaica’s ‘change management’ approaches.)

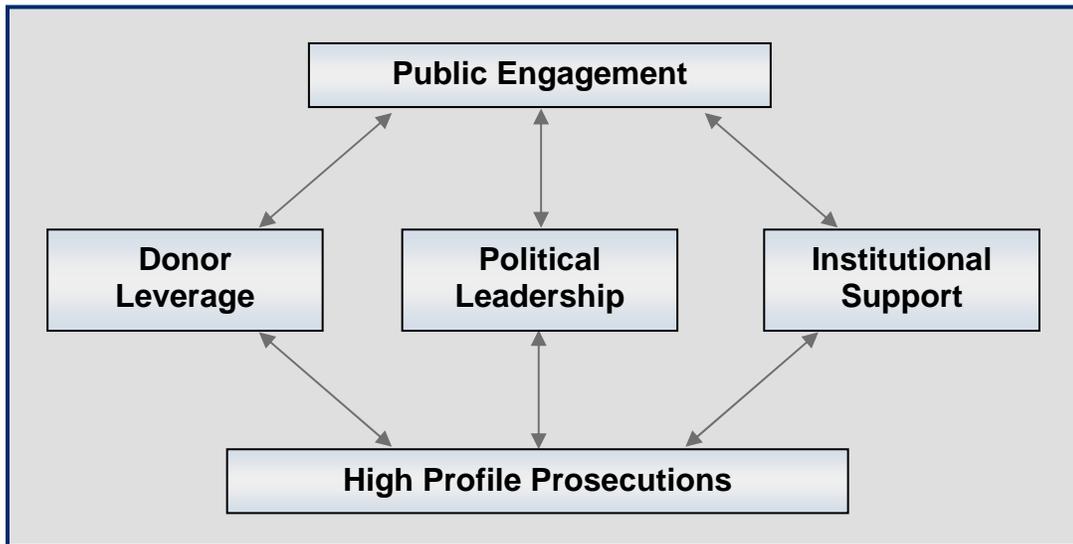
when he fired large numbers (several hundred) ghost workers on the JUTC payroll earlier in 2008. “JUTC Boss Slain,” *The Jamaica Observer*, June 28, 2008.

Engaging Society Toward Corruption Awareness

USAID/Jamaica should consider funding a targeted ethics and values curriculum project now operating or being proposed for primary and secondary schools in Jamaica. Key programs already being operated by the Ministry of Education include the University of the West Indies Change From Within project, and USAID/Jamaica's Expanding Educational Horizons project's proposed *Counting on Character* proposal. USAID/Jamaica is urged to convene education-focused reform groups to promote a larger vision for an education program around corruption awareness and prevention. How communities and society-based organizations *themselves* should define the nature of the problem and develop their own plans in conjunction with those of others should be the goal of such a project.

While these may be considered short-term steps, they must be followed by a larger vision of an integrated, modern system of justice and engaged public sentiment to channel frustration and anger into positive action. *Political leadership* must underscore such a vision and will become central to the success of both shorter-term and longer-term efforts, as evidenced by the following schematic in Figure 1 below.

Figure 1



I. INTRODUCTION

In 2005, the Honorable Justice Ian Forte, then president of the Court of Appeal, launched the Civic Dialogue for Democratic Governance Project to involve a series of national town meetings through presentation and discussion of four video-clips symbolizing competing visions for a future Jamaica. Paraphrasing Marley’s famous lyrics, *Get Up, Stand Up*—the first of the four—proclaimed a vision of unity, integrity and collective action toward prosperity, peace and social development.

Despite significant publicity, donor support through initial funding by UNDP, and the participation of high-level state and Government of Jamaica (GOJ) officials, the effort to galvanize the population largely floundered for inaction and lack of follow-through. While not successful, it is worth remembering the other three competing visions the Civic Dialogue Project presented: *Nose’ Mus’ Run*—a perilous security-dominated future response to violence and disorder as citizens gradually ceded democratic rights for unfettered police responses to crime; *Sitting on the One-One Coco*—a one-up, one-down, two-steps-forward, three-back stalemate intensified by shrinking domestic budgets, and finally *Paradise Lost*—a failed Haiti-like state and a poor, violent society presided over by a Don—an underworld gangster and community leader—as Prime Minister.²

The authors of this Anti-Corruption Assessment are keenly aware that Jamaica does not lack for reports on governance and security by specialists and scholars. Like the UNDP-funded effort above, many of these have simply disappeared into a well-intentioned elephant graveyard of paper. To that, the authors can only state that 2008 represents a watershed moment in the country’s development that must not be wasted. While this Assessment will raise many of the same red flags, sound many of the same alarm bells and issue a familiar summons to the donor and diplomatic communities to marshal scarce resources to avoid duplication, several factors not present before offer Jamaica a real, but narrowing window of opportunity for either *rapid advancement* or *rapid decline*.

A new Government—the first in a generation—has appointed energetic new reformers to key positions and retained critical champions of national integrity in important agencies. Together with the help of foreign experts and a public opinion increasingly intolerant of high-level corruption, these champions are beginning to use their formidable legislative and statutory authority to act as change agents in a country long accustomed to business as usual. Independent journalists are pursuing investigative leads with new vigor, using recently-enacted Freedom of Information legislation to uncover mismanagement at high levels. A sense of urgency is starting to de-fractionalize a society long accustomed to individualism and political tribalism. The authors of this Assessment believe such changes are real, and believe that both state and society need encouragement and technical support to continue to make the right choices.

And yet with opportunity comes even greater danger. Progress on debt repayment and modest budgetary efficiencies is being swallowed up by recent catastrophic increases in global food and fuel prices. Narcotics trans-shippers between South and North America and the world are focusing on the true weak link in the drug and larger governance enforcement chain in the Americas: the Caribbean. Efforts to clean up ghost employee and *sub rosa* procurement mechanisms, in the eyes of many, have resulted in at least one well-publicized assassination. State and society appear to be reaching a new tipping point: either they go forward with new energy not seen thus far, or continue to tolerate the presence of rogue states within the State, which will inevitably lead to “penetration and weakening by criminal networks of the justice system, government, and the political process [that] could eventually lead to the demise of the State.”³

² “Launching Civic Dialogue for Better Governance,” *Observer Reporter*, June 24, 2005.

³ *National Security Policy*, Government of Jamaica, Ministry of National Security, 12 and 14.

2. ASSESSMENT METHODOLOGY AND APPROACH

In early 2008, with the permission of the Prime Minister, the Hon. Bruce Golding, USAID/Jamaica asked USAID/Washington to help secure the services of a team of technical experts to conduct a limited anti-corruption diagnostic in support of the new Government's good governance objectives. Management Systems International (MSI) was contracted and secured a three-person team (composition below) to conduct this rapid-response assessment. In developing its Assessment, the team interviewed key officials in June-July 2008 from the public, private and civil society sectors in an effort to assist USAID/Jamaica to determine specifically where additional resources could be placed most strategically to support both discrete and longer-term anti-corruption objectives to support or augment those already articulated by the Government.⁴

The Team initially used USAID's Corruption Assessment Handbook, developed jointly by USAID/Washington's Office of Democracy and Governance and MSI. By placing the country's key institutions and political economy into comparative perspective through a specific Corruption Assessment Framework that classifies states according to 'corruption syndromes,' the approach allows policymakers to match institutional problems with proposed strategic and tactical recommendations for reform, and to generate a list of prospective indicators to measure progress. Internal experts were consulted before the Team's arrival to give their assessment of which specific syndrome Jamaica fit into. While their opinions sometimes differed, there seemed to be a partial consensus that Jamaica's political economy placed into a specific type: **Syndrome Type IIA**. (A full description of that syndrome and additional methodological notes is contained in Annex 1).

The Team used USAID's broad definition of corruption, similar to that employed by the World Bank and other development agencies as 'the abuse of entrusted public authority for private gain.'⁵ Such a definition captures many (but not all) public-private interactions at least two, and possibly three distinct levels. Most scholars use the term *administrative corruption* to refer to small-scale, largely unorganized breaches of public space represented by petty bribery, malfeasance and misuse of power by individual state agents who take advantage of organizational loopholes or absences of accountability to engage in rent-seeking behavior without detection. *Grand corruption* describes abuses of power at both a higher and more organized level, where rent-seeking either becomes widespread or takes on large-scale proportions, involving political actors and even entire line ministries (such as the Customs or Police).

Using terminology borrowed from international relations theory, some scholars describe an additional level of *systemic corruption* to describe an end-state collapse of state and society familiar to those caught in the middle of 'greed and grievance' wars in places like Sudan, Colombia, Iraq and Congo. The

⁴ Management Systems International (MSI) assembled the technical team which met in Jamaica in June-July 2008, and included **Dr. Corbin B. Lyday** (Team Leader), a former USAID Senior Policy Analyst with experience designing anti-corruption and integrity-promoting interventions in comparative context; **Dr. Trevor Munroe**, a Professor of Political Science at the Centre for Leadership and Governance University of the West Indies, Jamaica—a former Jamaican Senator who has written widely on corruption, electoral reform and democratization, and **Ms. Margaret O'Donnell, Esq.**, an attorney in private practice, with experience implementing USAID-funded anti-corruption interventions in the Latin American & Caribbean (LAC) regions. The team was guided by USAID Mission Director Dr. Karen Hilliard and Cognizant Technical Officers, Ms. Sasha Parke and Mr. Sean Osner. The Team wishes to express its sincere appreciation to the Hon. Brenda LaGrange Johnson, U.S. Ambassador to Jamaica, for the opportunity to share the conclusions of this Report widely with other donors and the Government of Jamaica.

⁵ See *USAID Anticorruption Strategy*, Washington D.C. January 2005, http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/ac_strategy_final.pdf.

consequences of such conflicts include devastated communities, failed states, the destruction of ecosystems, and uncontrolled trafficking of persons, weapons, and narcotics.

In the early days of anti-corruption assistance, donors often invested considerable resources and efforts to target administrative corruption in the belief that improved performance of state institutions would change a corrupt society to a well-governed one. Many such efforts, while well-intentioned, often exposed glaring inequities between the rich and poor in a society, between those who could afford to buy justice and those who could not. Recent experience suggests that such strategies are not only ineffective, but often counterproductive, instilling anger and resentment at the inevitable sense that ‘little fish’ are being targeted while the big ones swim free. Because ‘the fish rots from the head down’ (according to a proverb with variations across many different cultures), anti-corruption practitioners are coming to appreciate that the head must be targeted, otherwise the tail will pay no attention.

A TYPE IIA corruption syndrome...with SOME cracks

As consistent with a Type IIA (below), Jamaica’s institutions are certainly stronger than in many countries where a voracious ‘hand-over-fist’ type of corruption and political repression predominate. But the system of economic and political opportunities remains fairly tightly controlled and dominated by elites, which control and limit the extent of change that can be introduced from outside. A Type IIA political economy is fairly collusive, politicized and controlled, potentially despite an outward free market form. An emerging exception to this in the Jamaican case is the country’s tourist economy. Some argue that tourism, like other internationally linked economic engines, can act as powerful change agents from within. On the other hand, as the Team discovered, that economy is also subject to, and operates within, the larger ‘rules of the game’ that continue to favor collusion and opacity.

Another important attribute of a Type IIA syndrome is the deterioration of a formal two-party democracy into a collusive, cartel-based ‘gentleman’s agreement’ form of political party contestation. Over time, differences between parties become much more pronounced in personality and organizational culture than they do in terms of ideology and policy. This greatly disposes an otherwise competitive political system to act in clientelistic ways, reinforcing, rather than undermining patronage and collusion.

Taken as a single snapshot, a Type IIA states arguably describes the opposite of what the World Bank Institute once called a captured state, where the sources of corruption lie within a powerful private sector pushing and probing the limits and boundaries between private and public to its constant advantage. In Jamaica, by contrast, most respondents appeared to agree that corruption originates in the *public sectors*, rather than the private. Whereas *state capture* points to a strong private sector attempting to take advantage of weak enforcement and accountability systems to gain preferential treatment, the Jamaican state seems operate in somewhat opposite ways.⁶ As in many developing low to middle-income countries, the situation is actually complex, where both public and private sectors share power in a dynamic relationship. At certain times, one side seems to enjoy dominance; at other times, the other. Administrative and political elites do have final say (subject to corporate influence) in the important area of the country’s public procurement systems. But in another critical area of governance, campaign election finance and political party funding are strongly influenced by both licit corporate and illicit criminal ties. While Johnston’s specific corruption typology can capture some of the broad outlines of this type of collusion, as an abstract type, it fails to capture the dynamics of the relationship or the extent to which criminal activity—not simply a weak public or private sector—gets mixed into the legitimate business of both.

⁶ See Joel S. Hellman, Geraint Jones and Daniel Kaufman, “Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition,” *World Bank Policy Research Working Paper No. 2444*, Social Science Research Network database (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=240555).

Because of this, the Team believed that Jamaica’s corruption syndrome is showing ‘cracks’ with holes large enough for new actors to enter—such as a strong, questioning and increasingly professional media demanding accountability and openness. The urgency with which many respondents responded to the larger question of corruption does indicate *movement*. It suggests that a Type IIA Syndrome may well be evolving into something either much worse (the ‘hand-over-fist’ type mentioned briefly above) or something more manageable, where instances of corruption can become more constrained, provided resources match critical reforms perhaps. As a methodology, the syndrome approach is simply a snapshot in time; it fails to tell us how a country got where it did, or where it is going.

TYPE IIA Corruption Syndrome⁷	
<p>Narrative description: In this Type IIA variant, elites still make deals and cement their alliances through exchanges of corrupt incentives, but are less insecure politically or economically because of the relative strength of institutions compared to basic Type II corruption cases. In some respects, that is good news, as Type IIA elites may have less reason to engage in voracious, “hand-over-fist” corruption (or, perhaps, political repression) because their positions are relatively secure. But both economic and political opportunities are scarce, and both are dominated by Type IIA elites. Relatively strong institutions dominated by Type IIA elites will offer little help or protection to would-be challengers, and can be used very effectively by the corrupt leadership to control the scope and pace of change. Greece, Paraguay (under Stroessner), and Italy (before 1993) might be examples of this variant.</p>	
Problem Statement:	<ul style="list-style-type: none"> •Closed, collusive and politicized economy, politics, parties and elite stratum •Top elites overlap and are interlinked •Fraudulent, indecisive or uncompetitive elections foster collusion among party leaders •Large overlap between state and business; poor transparency •Moderately weak institutions: <ul style="list-style-type: none"> --public/private boundaries are porous and politicized --colonization of bureaucracy and business by parties and political leaders •Civil society and press lack independence and are orchestrated from above
Strategic Objectives:	<ul style="list-style-type: none"> •Promote increased political and economic competition <u>at an orderly pace</u> •More decisive elections and competitive parties and leaders •Strengthen public/private and government/business boundaries •Promote smaller state role in economy and greater government/business transparency •Promote strong and independent judiciary •Promote greater bureaucratic quality and autonomy •Promote more independent and professional news media •Promote strong and independent civil society that is able to put transparency to use •Emphasize increased economic opportunities, if possible, outside the domination of elites. •Promote economic initiatives and investment from outside the country, which may be facilitated by moderate strength of institutions. •Promote judicious conditionality linking aid and technical assistance to treatment of political opposition groups and economic competitors, rewarding tolerance, transparency, and fair treatment. •Seek gradual pluralization of the political system with new competing groups emerging based on a more open, vigorous, and broad-based economy.
Strategic Reform Options:	<ul style="list-style-type: none"> •Reform electoral systems to reduce fraud, implement voting systems that encourage and reward <i>bona fide</i> competition, and link to real groups in society •Make legitimate campaign funds easier to get and verify their use by campaigns; subsidies to increase competition

⁷ This table is based on Michael Johnston, *Corruption Syndromes: Wealth, Power and Democracy* (Cambridge: Cambridge University Press, 2005).

	<ul style="list-style-type: none"> •More credible property rights, anti-trust and pro-competition policies •Promote selective and <i>genuine</i> privatization/deregulation and carefully monitor parastatals •Promote politically independent banking, lending, and news media •Promote constitutional reform: checks, balances, and stronger judiciary •Encourage stronger civil society -- <i>not just around anti-corruption issues</i> •Build professionalism in the civil service and political autonomy of judges, bureaucrats and military
Tactical Reform Options:	<ul style="list-style-type: none"> •Promote transparency initiatives in elections and the economy. •Judiciously use conditionality and external resources to reward regime's moves toward openness, increased economic and political competition.
Avoid:	<ul style="list-style-type: none"> •Avoid an overly-rapid pace of change, which might create insecurity among elites and encourage both voracious corruption and political repression •Using conditionality and external resources to challenge regime directly. •Avoid expectations of quick results from strategic reforms.
Progress Indicators:	<ul style="list-style-type: none"> •Economy, politics, and banking become more open, competitive, and transparent •Meaningful alternatives compete and power changes hands at elections •Party and elite infiltration of bureaucracy, courts, and business declines •Parties sink roots into civil society and speak for real segments of society •Bureaucracy, media, and capital markets become more autonomous •Reform activity <i>independent of ruling elites</i> becomes common •Privatizations are genuine and parastatal sector shrinks

As mentioned, is important to reiterate note that this syndrome may not accurately describe Jamaica's strong and independent media, which stands out as an exception and offers ordinary Jamaicans a critical glimpse into the inner workings of state and Government. In other respects, Type IIA may be thought of as a fairly developed system of patronage and clientelism.

The corruption syndrome typology described above is not just significant for what it describes, but for what it prescribes and proscribes equally. Here, the match with Jamaica is an imperfect one. The Team strongly supports the notion that campaign and electoral reform do lie at the heart of long-term systemic political changes the syndrome above suggests. A Westminster-style winner-take-all political system strengthens a two-party system, which works to the advantage of an already developed economy and society, but entrenches political patronage and clientelism in an emerging one. Nonetheless, the specifics of such long-term electoral change lie outside the Team's narrow anti-corruption mandate.

In another important regard, as was stated initially, the Team came to conclude that despite some outward similarities with this type, Jamaica needs to pursue change rapidly. Stagnation, rather than the pace of change, has led to the situation that exists today, and serious and thoughtful reformers—both within the current Government and outside it—understand that the *status quo* now carries such heavy opportunity costs that it simply cannot be pursued any longer.

Before proceeding with its diagnostic, the Team believes it is critical to understand why the status quo carries with it such high costs. Historically, the current system emerged with the late colonial and post-independence period after 1962. Despite the commendable consolidation of the principal institutions of democratic governance after independence, the political life of the country fostered collusion among significant sections of the population – at both elite and mass levels – in petty as well as grand corruption for many years. The process was allowed to infect politics and economics to such an extent that it now threatens the viability of both state and society. Politically, the characteristics of that process included:

- On acceding to office following electoral victory, each party continued the practice of its predecessor (which it had previously attacked when it constituted the Opposition) of using state power to favor supporters and disadvantage opponents at both the elite and the mass levels;
- Each party developed associations with criminal gangs in which the gangs and their leaders ('dons') – enforced zones of political exclusion '(garrisons') against the opposition party in return for protection and privileged access to benefits from the state;
- Each party utilized the public procurement system and, in particular, the award of public contracts and the divestment of public assets as the principal means of rewarding supporters and punishing opponents, relegating considerations of merit and competence to secondary significance;
- A broad acceptance thus developed amongst the people that there is 'nothing wrong' in paying or taking a bribe (for a motor vehicle license, to avoid a traffic ticket, to get anything substantive done.). Over time, this formed a significant part of a larger erosion of traditional ethical concerns, aided by sluggish enforcement procedures and the widespread perception that elite wrongdoing is not subject to law enforcement.
- Critical public sector agencies such as the Customs Department and the Jamaica Constabulary Force became not only enmeshed in corrupt relations with criminal elements as well as with political and business elites, but became widely perceived as fostering human rights abuses over the years. Consequently, a sense of public urgency over the failures of the police specifically became lost.

From time to time, the growth of such institutionalized corruption was accompanied by a public outcry for reform coming from within the political system itself. Such an outcry is most evident during election campaigns and post-election activism on the part of new administrations. In the early 1970s, for example, the newly elected People's National Party (PNP) Government under Michael Manley charged the previous Jamaica Labour Party (JLP) administration with corruption, and established the DaCosta Commission of Enquiry into corruption allegations. The same Government subsequently passed the Parliament Integrity of Members Act (1973), which established the Parliamentary Integrity Commission.

For its part the JLP, which took office in 1980 under Prime Minister Edward Seaga, passed the Contractor General Act in 1986 and set up the office of the Contractor General with the mandate to protect the integrity of the public procurement system. More recently, at the turn of the century, the PNP Patterson Administration responded to allegations of corruption by passing the Corruption Prevention Act (2001) and establishing the Commission for the Prevention of Corruption. Later, the same Administration passed the Access to Information Act, liberalized the media landscape and, along with JLP opposition, endorsed a Political Code of Conduct, designed in part to eliminate the incidence of political violence and to exorcise zones of political exclusion from Jamaica's system of democratic governance.

While such measures undoubtedly contained the potential of strengthening Jamaica's national integrity system, they remained largely ineffective in stemming the tide of corruption – both perceived and real. Neither legislative reform nor institutional innovation led to effective law enforcement largely because of vested interests in sustaining corruption within the political leadership, the bureaucracy, the business elite and organized crime. Opinion polls of the population now confirm the widespread view that corruption had become endemic by the current time and reveal low levels of public confidence in the ability of either the JLP or the PNP to reverse this trend.

Historically then, Jamaican corruption has managed to develop in ways that permitted extended networks of diverse elites, together with certain elements of the mass public, to share major benefits among

themselves while staving off political and economic competitors. The costs of such a Faustian bargain, however, were played out in terms of violence and the increasing degradation of non-partisan state power.

Consequences of Recent History. Two critical broad consequences, together with a useful comparison, must be emphasized. As has been noted, Jamaica's corruption did not originate with incompetence, administrative failure or inadequate accountability structures, but *with the political system itself*. Improving the efficiency of the justice system, generating fiscal accountability among line ministries, and creating firewalls within key prevention bodies to attack a broader culture of mismanagement and non-compliance (all of which are strongly urged in this Report) cannot ultimately succeed unless they are adopted in tandem with similar political moves to “sever the umbilical cord”—in the words of a senior newspaper editor—that still links party politics and financing to criminal activity in the heart of Kingston, Montego Bay and elsewhere. One form of that ‘umbilical cord’ continues to operate in the shadows—the utilization by all MPs of a new Constituency Development Fund, which the new Government has promised that parliamentarians may tap into to support ‘constituency relations’—up to 2.5% of the entire budget. As with the previous Social and Economic Support Programme (SESP), the purpose of such nebulous ‘constituency support’ was never been clearly defined. In practice, it serves as a powerful backbone for maintaining the patronage system of both political parties. While even the previous PNP Government recommended abolishing the SESP, some voices believe that its replacement may offers even greater potential for shadow spending than its predecessor.⁸

A second manifestation of that umbilical cord is more dangerous. While overt garrison politics has faded from the violent elections of the 1970s and 1980s, the assassination of JUTC Chairman Chambers that coincided with the Team's arrival in Jamaica may be a gripping example of this second form. While the press widely reported Chambers' attempts to go after ghost workers, lending credence to a popular notion that this was a reprisal murder by disgruntled unionists, Chambers' efforts to revise key procurement contracts, which initially received far less publicity, may ultimately have been more significant. That action in particular may have frightened the shadow economy far more, with its contractual and political linkages with key public sectors. But was his murder a sign that the Government is in fact taking bold steps to sever that umbilical cord? Or was it because he may have given appearances of continuing to balance PNP and JLP-related subcontracts in ways that were considered too partisan? The Team does not claim to know the answers, but ordinary Jamaicans believe that the answers will determine how serious recent moves to clean up the state really are.

How the Government responds to these issues is also critical for Jamaica's economic recovery. With no changes to the political *status quo*, a high proportion of economic activity will continue to lie outside the formal sector. Without needed revenues, Jamaica cannot hope to manage its catastrophic debt re-servicing agreements and provide needed social services to its people at the same time. Political corruption thus directly causes the economic shortfalls Jamaica suffers from today.⁹ According to estimates supplied by the Jamaican Chamber of Commerce, 50-60% of the island's economic activity already lies in the grey sector, part of which is easily explainable by Jamaica's burdensome and counter-productive system of business licensure and tax enrollment.¹⁰ While systems of ‘one-stop shopping’ to reduce that burden

⁸ Martin Henry, “The Constituency Development Fund,” *Jamaica Gleaner*, February 7, 2008.

⁹ Recent figures suggest a current account deficit of around 10% of GDP in 2007 (with 2008 figures worse in trade, services and income balances—Economist Intelligence Unit, April 4, 2008) a combined debt re-payment schedule that drains *half* of Jamaica's annual budget and a total debt-to-GDP ratio of 131.5% at the end of FY2005/06. Cheryl Lewis, Leah Bobb-Semple, *Jamaica Country Report: Commonwealth Seminar on Debt Renegotiation*, 2005. Jamaica's Sovereign Risk Rating currently stands at ‘CC.’

¹⁰ As a joint USAID/Washington and Booz Allen Hamilton report made clear, “there is no dispute that the tax system in Jamaica is in woeful condition—one of the poorest, least effective in the world” (Bizclir, 21). The system is particularly injurious to SMEs, responsible for generating 70% of the country's GDP.

could only help improve incentives to take part in the legitimate economy, they must be followed by similar moves politically to keep political favoritism and criminal activity out of legitimate economic activity altogether.

In thinking ahead, it is useful to reflect on a comparison between Jamaica and other states facing similar developmental choices over several decades. At independence, Jamaica was blessed with a strong light manufacturing and tourist sectors, natural resources of bauxite, coffee and sugar, a strong currency, and an energetic population. Singapore, by contrast, another former British colony, began its development with far less auspicious attributes. But 40 years later, the roles have seemingly reversed. In 2002, Singapore's per capita income neared about \$30,000 per year, while Jamaica's hovered at around \$2,500. Jamaica's record in public housing, health, education, and infrastructure has been one of relative failure and compromise, and its anti-corruption rating has plummeted while Singapore's has soared. In the World Economic Forum's Global Competitiveness Index—a broad measure of both future economic growth prospects as well as the effectiveness with which countries utilize existing physical and human capital resources, Jamaica ranks 78th, well below Puerto Rico's 36th and Barbados' 50th. The country was not even included in the 2007 Global Integrity Index, while on World Bank Governance Indicators for 1996-2007, Jamaica ranks well below even the Caribbean average in *Voice/Accountability*, *Political Stability*, *Government Effectiveness*, *Regulatory Quality*, *Rule of Law* and the *Control of Corruption*.

Within the Caribbean itself, in Transparency International's 2007 Corruption Perception Index (CPI), Jamaica ranks 84th with a 3.3 score, far behind Barbados, with a 6.9 ranking, just edging out Panama—a country marked by high levels of money-laundering. In the CPI, Jamaica fell over 20 places in a single year, moving from 61st place in 2006 to 84th (out of 180).¹¹ In less quantitative areas of social trust and capital, few countries on earth score as low as Jamaica. Only 14% of Jamaicans agree that “most people can be trusted,” according to a 2006 leadership and governance survey conducted by the University of the West Indies' Centre for Leadership and Governance. Not even Kenya's ethnically divided and violent polity scored as low.

What are the reasons for such low performance? The answers point more to politics than economics. Formally a Westminster democracy, Jamaica's adaptation of that system has been woefully inadequate. Dons have grown up alongside an educated civil society and been given control of patronage and political turf. Past poor performance suggests that there is no real way forward for the country except the hard way: society must insist that its leaders ‘sever the umbilical cord’ by demanding accountability from nearly 100 public enterprises, curtailing the abuses present within the Constituency Development Fund and demanding value-for-money institutional reforms within Customs, Police and other key agencies. Together, state and society—with support from international actors—must help Jamaica reverse its ‘culture of non-compliance’ in the words of its Contractor-General before the gap between it and other emerging economies can hope to be bridged.

¹¹ For the 2007 Global Integrity Index, see <http://report.globalintegrity.org/globalindex/results.cfm>; Global Competitiveness Index (http://www.gcr.weforum.org/_0) and Transparency International, (www.transparency.org/policy_research/surveys_indices/cpi/2007/regional_highlights_factsheets).

3. SPECIFIC FINDINGS BY SECTOR: VULNERABILITIES AND OBSTACLES TO CHANGE

Separate from this larger political question, patterns of corruption in public sector bodies is best described as a “generalized culture of non-compliance” with laws, regulations and procedures. Such patterns of behavior and enforcement stem from larger political arrangements, but have taken on their own form over time. The key features common to all agencies and to the society generally include:

- Highly unequal opportunity structures for advancement;
- Relatively poor pay and working conditions for public officials;
- Inadequate internal controls in key institutions (customs and police especially) and ineffective application of disciplinary sanctions for corruption;
- A culture of tolerance of petty corruption and an attitude of cynicism towards previous anti-corruption efforts of the authorities;
- Jamaica’s geo-strategic vulnerabilities in the cocaine supply route;
- A political tradition of patron-client relations and inadequate checks and balances in a ‘winner-take-all’ political systems erroneously applied to state structures;
- An absence of top-down decisive integrity leadership by example;
- A decline in volunteer support for the political parties;
- Ineffective law enforcement in corruption-related offences.

Responsibility for changing this type of operational culture rests on a combination of right regulation and right management enforcing appropriate rules and leading by example. The critical relationship between these two elements is almost totally ignored in practice by Jamaica’s state bodies. For example, the most important of Jamaica’s 180 current public sector entities are permitted by law and practice to borrow and hold commercial debt outside of their budgets. In theory, each state agency is obligated to submit requests through 14 different line ministries and submit an Annual Report afterward. In practice, reports are up to 2 years late because penalties for non-compliance are either not enforced or non-existent. 70% of the country’s public debt is actually held not by the Treasury per sé, but by these statutory bodies. Most of that debt is also in private hands, according to the IADB. Agencies, such as the Urban Development Corporation, thus have legally protected authority to engage in unsustainable financial practices that protect them from immediate consequences at the cost of increasing the reckoning and repayment for future generations. Even world-class operational managers cannot staunch the bleeding of their agencies as long as regulations are not amended to prevent such structural mismanagement. Parallels from a recent review of the country’s community-based policing programs from 2002-07 are instructive:

In theory, control of the operational philosophy rests with management. In practice, however, if supervision, process, structure, policy, implementation, accountability, leadership, and all the other components of an effective organization are inadequate, effective management of even routine operations is a significant problem. These daily obstacles are even more daunting when sustained operational reform is the goal.¹²

While right operational management is more complex, it is not impossible. As former Minister of National Security Philips described it, “you have to create an environment where people will want to do the right thing.” As was mentioned previously, Jamaica suffers from a larger ‘culture of non-compliance’

¹² John McLean, ACF, Anthony Harriott, Dr. Elizabeth Ward, John Buchanan and Roopa Karia, *Jamaica—Community-Based Policing Assessment*, USAID, March 2008.

in the words of its Contractor-General. He rightly argues—either obey the laws or get rid of them—because nothing undermines respect for law more than enacting legislation which everyone knows will either be unenforced or ignored, particularly by the law-makers themselves or by ‘connected parties’. With the right kind of ‘change management,’ however, operational cultures can and do change—sometimes quite quickly. Evidence for this is suggested by the rapid raise in auditory compliance rates that the Contractor-General has succeeded in obtaining from the country’s public sector agencies even without sanction authority in 2007. It seems clear that with the proper incentives—both negative and positive—Jamaica’s public agencies can improve their performance.

Sectors Most Vulnerable to Corruption. In the Contractor-General’s 2006 Annual Report, 99 agencies were highlighted out of approximately of approximately 300 that were the subject of “sustained interest” to the Commission (an example of the Report is included in Annex I). The list included the following ministries and public bodies attached to them:

- Ministry of Agriculture and Lands
- Ministry of Education and Youth
- Ministry of Local Government and Environment
- Office of the Prime Minister
 - o Jamaica Social Investment Fund (JSIF)
 - o Urban Development Corporation
- Ministry of Housing, Transportation, Works and Water
 - o National Water Commission (NWC)
 - o National Works Agency NWA)
 - o Airports Authority of Jamaica (AAJ)
 - o Port Authority of Jamaica (PAJ)¹³

This list encapsulates some of the most vulnerable public bodies in Jamaica. Others can probably be added—every application for title registry at the National Land Agency must be signed by 1 of only 3 persons, arbitrarily named as ‘referees’ by the Governor-General. Within the JCF, as in other law enforcement bodies, poor salaries are the norm—reinforcing the notion, rightly or wrongly, that the police force is a corrupt body whose members must seek income besides their salaries. Internal controls, not simply for the police, but for the entire public sector as a whole, are wholly inadequate. The Contractor-General has estimated that approximately 51% of all contracts reviewed in 2006, valuing more than \$J2.7 billion, were awarded to contractors not registered with the NCC, while 23% *were awarded without any evaluation from any public body whatever.*¹⁴

With this list compiled by the National Contracts Commission, the Team focused its findings and observations in a handful of agencies and structures where, the Team believes, the right leaders and public servants, together with the right processes, are best placed to challenge the *status quo*. One significant player absent in the Team’s analysis, however, was the Commission for the Prevention of Corruption, formed in 2003 but never properly funded or staffed.¹⁵ Its functions were originally broad in scope—to examine financial records of public servants and made broad independent investigations as it considered necessary. But not a single person interviewed believed that this Commission had the slightest capacity

¹³ Office of the Contractor-General *Annual Report 2006*, Appendix II—Pre & Post Contract Monitoring Activities – 99 Select Cases, p. 115.

¹⁴ Office of the Contractor-General *Annual Report 2006*, 11

¹⁵ Ironically, the Anti-Corruption Commission was the one agency the Team could not even secure an interview with; no one from the Commission ever picked up their telephone.

whatever to do its job.¹⁶ In case in point, the Auditor General's staff, which is not trained or equipped to undertake forensic accounting or investigations, simply collects income and asset declarations from MPs and turns them over to the Permanent Secretary and the Integrity Commission. The exact procedures that must then be followed by the Commission for the Prevention of Corruption when malfeasance, non-reporting or fraud is present, remains unclear. But as the Contracts Commissioner made clear in his meetings with the Team, the Anti-corruption Commission appears to function more as a *pro forma* place where declarations are kept, rather than an investigative body to track collusion, abuse of office or other impropriety.

Vulnerabilities, but opportunities for change. Against the backdrop of past stagnation, structural causes of corruption and lack of internal controls, real opportunities for change do appear to exist, caused by an unusual conjuncture of events, policies and personalities. They include:

- a growing public awareness of corruption, in part caused by:
 - the central role played by the issues of corruption during the 2007 elections;
 - the new Government's self-articulated mandate to 'clean up' the state;
- a number of newly-appointed, strategically-placed and energetic reformers, in particular:
 - The Commissioner of Police
 - The Assistant Commissioner, Anti-Corruption Branch
 - The Commissioner of Customs
 - The Director of Public Prosecutions
 - The Chief Justice of the Supreme Court
 - The Contractor General
- the enactment of new, powerful anti-corruption legislation and crime-fighting tools, such as the Proceeds of Crime Act (2007);
- the first high-profile arrest and prosecution of a leading member of the political directorate in almost 20 years.¹⁷

While these constitute important accomplishments, they bring with them added resistance to anti-corruption initiatives and new peril to those carrying out such initiatives. In some sense, the stakes appear to be rising as new attention is being focused on old problems. But an unrealized danger, perhaps, is the simple exhaustion of key reformers as they mount new struggles with recalcitrant bureaucracies, encounter a perceived failure of strong political support for their initiatives on top of resistance from wrongdoers. The chief obstacles to progress thus continue to be:

- the difficulty in bringing witnesses to testify in court in cases involving bribery, malfeasance, intimidation and assassination;

¹⁶ The functions are worth reviewing here, for they include many of the same provisions being considered under the new Special Prosecutor legislation (discussion following). Under regulations agreed to by Parliament in January 2003, the Commission had the power to: (a) receive and keep on record statutory declarations of wealth and income; (b) to request additional information relevant to such declarations; (c) undertake relevant independent investigations on its own; (d) investigate any complaint regarding a corrupt act; (e) conduct investigations into said act. See: <http://www.moj.gov.jm/node/view/8>.

¹⁷ Shortly after the Team's departure from Jamaica, Harry Daley, Police Superintendent, formerly in charge of Spanish Town, was arrested on charges of extortion during a sting operation and is now in custody at Horizon Remand Center. Radio Jamaica, August 3, 2008.

- the collusion amongst powerful politicians, state officials, businesspersons and criminal elements through the illicit ‘guns and ganja’ economy, aided by evidence of GOJ involvement in many of those scandals over the years;
- widespread skepticism and apathy among the population regarding the perceived immunity of ‘big fish’ from prosecution or punishment;
- the diversion of attention from corruption to high-profile violent crime.

Finding the right balance between opportunities and obstacles for change will require not simply political leadership but deft and swift manipulation of key agencies, structures and public opinion to support a larger anti-corruption effort. And it is entirely possible that should opportunities not be urgently and fully seized, substantial setbacks are likely. Based on the experience of other countries that undertake the difficult decision to ‘ride the tiger,’ the first manifestations of indecision and push-back often include emerging contradictory attitudes toward corruption (with publics beginning to feel that the cure is worse than the disease). Governments that show success after the first initial push for reform are those who can both find political support ‘across the aisle’ for difficult programs while effectively managing the levers of dissent and disagreement within their own parties and factions. The Team believed that Jamaica finds itself precisely at this awkward and unstable juncture.

3.1 Weaknesses of the Justice System

For various reasons, the Team focused the bulk of its findings on the workings of the larger system of justice in Jamaica. Although the Team listened to and read about problems affecting individual agencies within and outside the justice system, it was struck first and foremost by an absence of vision for a unified, coherent system of justice for the country. Without such a larger vision, it is difficult to imagine how serious progress can be made in law enforcement. A history of under-resourced programs and inadequate staffing (such as the previously mentioned Commission for the Prevention of Corruption) dominates on top of a larger vacuum of leadership and direction. While the appointment of a new Director of Public Prosecutions and Chief Justice of the Court is a critically necessary series of first steps, it is not a sufficient one for a government serious about the rule of law. Ordinary Jamaicans who see the workings of justice at lower levels simply dismiss much of what they see, when they see magistrates who fearfully or incompetently interpret the law in ways that seem to allow powerful violators exemptions, while demanding the last ‘pound of flesh’ from those without connection, money or privilege.

One critical way to help jumpstart a rickety system of justice would be to create a ‘fast-track’ system for corruption-related cases. Both the Chief Justice and the Director of Public Prosecutions appear receptive to such concepts, and both clearly recognize that more and better-equipped courtrooms, automation and support personnel are urgently needed at all levels. While this is welcome, still missing is a larger sense of the strategic interconnectedness of the entire system—from police investigation, to prosecution, adjudication, sentencing and detention. The larger system is painfully anachronistic and in danger of collapse, particularly its criminal case components. Only political leadership can address this issue in the way it deserves, followed by institutional changes and improvements afterward.

Enforcement, Rather Than New Laws. In some countries, incomplete or incoherent legislation is often the core of the rule of law-corruption problem. But Jamaica does not lack for adequate anti-corruption legislation. The recently-enacted Proceeds of Crime Act, together with the FOIA-style Access to Information Act, the earlier Contractor General’s Act of 1986, Parliament (Integrity of Members) Act (1973) and the Corruption Prevention Act of 2001) sufficiently criminalize corrupt and collusive behavior, giving broad statutory authority to many different public sector bodies and

commissions. A greater and less discussed problem is that too many good laws go unenforced, raising questions of leadership as well as competence. As has been mentioned, Jamaica has a long history of establishing new bodies and agencies, but crippling them through under-resourcing or misappropriation.¹⁸

In terms of ethics, official codes of conduct do exist on paper, but remain mostly unenforced or undeveloped. Conflict of interest is not well understood or well practiced, especially at higher levels of state service where charges of partisanship are routinely heard, but inconclusively, resolved. In one recent high profile case involving the Prime Minister's dismissal of the independent Public Service Commission and rejection of its recommendation for the Office of Solicitor General, the Courts are yet to rule on the constitutionality of what many regard as a Prime Ministerial act of partisanship. For example, the Auditor General is charged with receiving annual expenditure accounts from officials in charge of public entities, but is obliged to depend on those same public officials for compliance. Once she receives the declarations, they are turned over to the Public Accounts Committee of Parliament. Her ability to act as auditor would be greatly augmented if she had both investigative and compliance authority.

Special Prosecutorial Legislation. *The Proposed 2008 Special Prosecutor legislation, apparently modeled on a number of international Anti-Corruption Commission-type authorities, contains important, powerful, and specific authority to define and prosecute corruption-related cases. It brings Jamaican law into compliance with commitments agreed to through the signing and ratification of the Inter-American Convention Against Corruption in 1996 and 2001, respectively. It gives both the police and Special Prosecutor an expanded basis for arrest of public officials and private individuals engaged in illicit enrichment.*

However, the legislation does not clarify the relationship between the new SP and DPP. Currently, nothing stands in the way of on-going prosecution of major cases through the Proceeds of Crime Act. A lengthy amendment process and questions surrounding its future organizational layout mean that the new legislation would not be functional for at least a year. In the interim, criminals under investigation will profit from delayed prosecution should the GOJ choose to wait until new legislation is adopted.

In general, a Hong Kong styled 'silver bullet' approach to fighting corruption has been shown only to work in a handful of countries—those who commit to new legislation with simultaneous massive investments, political will, and well-trained personnel to carry it out over at least a decade. Given Jamaica's current problems, the outlook for success from this bill can be questioned.

Almost all interviewees agreed that the official bodies charged with investigating inconsistencies are almost totally ineffective. The Team arrived to discover a major new piece of legislation introduced and tabled for debate before the Senate at the end of June 2008: the proposed Special Prosecutor (SP) Act. The Act would roll over existing functions of the Corruption Prevention Commission to the SP and bring Jamaica into full compliance with the Inter-American Convention Against Corruption. The SP legislation appears to be based loosely on several international models, including Singapore's Corrupt Practices Investigations Bureau (CPIB), Hong Kong's ICAC and perhaps the Office of Inspector General (OIG) in several U.S. states and most federal agencies. It proposes to abolish and fold in previous functions of the Commission on the Prevention of Corruption (previously created in 2003) and the Integrity Commission, which receives asset declaration statements from MPs.

Existing legislation already permits prosecution involving illicit enrichment and asset forfeiture, however, and officials hinted at major indictments forthcoming. This suggests that problems are more political than structural, and

¹⁸ New, additional legislation is to cover gaps, such as the Green Paper for a proposed Whistleblower Law and a proposed National Independent Investigative Authority, recently proposed by the Minister of National Security, need to be examined in light of this past history.

questions whether passing new laws will significantly improve the situation, or detract from it by sucking resources away from the DPP.

Office of Director of Public Prosecutions (DPP). Newly-appointed Director of DPP Paula Llewellyn brings important new vigor into a previously depleted Office of the DPP and understands both the significance of ‘big fish’ prosecutions through video-link and other technologies, as well as the day-to-day conduct of her office, even though she was appointed only in March 2008. Despite this, DPP does not have resources it needs in order to bring her full legal staff to 40. Nevertheless, the Director was able to secure the Ministry of Finance’s permission to hire an additional 7 Crown Counsel, 3 paralegals and a records clerk. A Management Committee has been established to coordinate work and establish clear lines of authority and responsibility within DPP.¹⁹ Witness protection is a particularly acute need; at times the Director herself has conducted large parts of the investigation and preparation of a major case—a symptom that structures are not in place to support her efforts.

Since January 2008, the DPP has created an anti-corruption department, whose purpose is to review the mandatory asset declarations required of public employees and parliamentarians and referred for prosecutorial review by the Corruption Prevention Commission and the Integrity Commission. The Deputy Prosecutor in charge of the department appears to need more authority and resources to initiate such prosecutions, however; and has devoted much of his efforts to coordination with the JCF’s Anti-Corruption Branch. In light of the inactivity under the previous Director, such work is not inconsequential, but it is hardly sufficient for Jamaica’s current needs. 50 of these low-level cases have been taken to court since the beginning of the year, but decisions are not expected immediately.

The bulk of documents referred to DPP by the Contractor-General may reflect more the failure to report, rather than for specific reporting irregularities or fraud. Of 14 cases of failure to report referred to DPP from 2006-07, 7 pled not guilty and were dismissed, while 7 pled guilty and were simply admonished.²⁰ DPP’s anti-corruption department has yet to coordinate with the FID and has not yet used POCA in a single case, which requires extensive support and coordination at the highest levels of government, together with dedicated training and resources, to function effectively. To help focus on DPP’s critical operational and managerial deficiencies, the Team recommends that USAID/Jamaica and CIDA-JUST coordinate closely together on CIDA’s anticipated justice strengthening program. With the hiring of new Counsel and staff, the DPP’s office needs should focus on strategic management of new technical and personnel resources toward greater integrity at all levels.

The Police. Unlike DPP, the JCF has already been the recipient of considerable foreign assistance and attention, from the British High Commission, DFID, and the UK Metropolitan Police. In part because of this high-level attention, Dr Herbert Thompson’s strategic review of the JCF—the most comprehensive in its history—has received considerable and well-deserved attention.²¹ The list of 128 proposed recommendations covering 86 pages is a daunting one and the Team did not attempt to systematically review the entire workings of the police force since the larger Strategic Review has done this quite clearly. Rather, it focused on the *integrity* aspects of those recommendations, especially when there were perceived entry points in them that connected *community development*, *civil society oversight* and police and other *justice system accountability*. In that regard, on his first day in office, Commissioner Lewin

¹⁹ “More Lawyers for DPP Office,” *Radio Jamaica*, July 18, 2008.

²⁰ Statutorily, the Integrity Commission and Commission for Prevention of Corruption since 2003 have legal responsibility to refer cases for prosecution; in reality, both these offices have never been properly staffed or institutionalized, and the Contractor-General has used broad language in the previous 1986 Contractor General Act to carry out broad activities that were intended for both commissions.

²¹ See Ken Chaplin, “Reforming the Police Force,” *Daily Observer*, July 1, 2008.

moved to approve the suggested establishment of an Anti-Corruption Branch whose goal conforms to the larger task suggested in the Review: to completely transform the operational culture of the police.

Two additional changes necessary to sustain that effort includes *staffing of the Policing Reform Commission from outside the JCF* by persons of tested change management experience and community development organizations that are ideally positioned to review appointments. Additionally, as noted in the Executive Summary, the Team recommends the possible secondment of 2-3 additional higher-ranking deputy commissioners (Inspector to Superintendent levels) with proven investigative expertise to help the JCF fulfill its critical first-year integrity goals--to create real fear of detection among mid- and senior-level managers, supporting British and Canadian Home Office efforts in the same area. A third critical support area, and one already identified by Assistant Commissioner Ellington, includes toughening up procedures under which files are transferred to defense attorneys to prevent the names and addresses of witnesses from falling into criminal hands.²² The latter, in particular, will require cooperation and the tightening of accountability on the part of the Jamaican Bar Association, underscoring the point that it is not simply one agency, but the larger workings of the justice system itself that need to be overhauled.

Community Policing. While USAID/Jamaica is funding a separate community policing effort through MSI with the active engagement of both the JCF and the Jamaica Social Development Commission, the Team believes that community concerns will play a critical, positive role in broader anti-corruption efforts with the police.²³ One particular program of note can already be found in the lower middle-class community of Flanker, outside Montego Bay, where 31 murders in 18 months from 2006-08 have given way to a complete truce. Not a shot has been fired since community leaders invited members of the JCF's Mobile Reserve to help restore order. An unusual partnership between the Reserve and the community's modest Peace and Justice Center deserves comment for several key reasons related to integrity:

- It is *inexpensive*. By focusing on building anti-crime capacity onto an already existing community center, programs avoid expensive 'bells-and-whistles' approaches that simply cannot be sustained within the confines of Jamaica's overall budget.
- It is *non-partisan*. In its programs, the community has cultivated very visible and widely perceived 'safe space' and non-affiliation with either JLP or PNP, avoiding the garrison approach altogether.²⁴
- It is one step *removed from petty corruption*. Because the Mobile Reserve rotates every three weeks and is operationally trained to respond to emergencies only, there is far less opportunity and willingness to engage in ticket-fixing, traffic interdiction and other sources of small-scale graft the regular police are known for.
- It *appears to work*. The strong need for a police force that serves and protects is balanced by the need for young men to have role models they can look up to, who have the authority and good judgment to act as role models and enforcers of the peace worthy of respect. Visitors are struck by the trust that seems to be present between police and community—rare in Jamaica.

²² Mark Beckford, "Witnesses Exposed: Protection being breached as case files change hands," *The Gleaner*, July 11, 2008.

²³ In full disclosure, USAID/Washington funded this Anti-Corruption diagnostic through a separate contract with MSI, while USAID/Jamaica is funding, by different decision-making authority altogether, MSI's Community Empowerment and Transformation Project (COMET).

²⁴ The party colors of the JNP and PNP are green and orange, respectively.

These successes are not accidental, but connected to the order in which interventions were done. An already-existing center (though one still not properly funded by state authorities) serving at-risk persons within the community was then *later* coupled with a well-trained, well-armed, well-regarded elite force capable of providing genuine police *protection* rather than a racket. In this manner, the relationship between peace and integrity becomes as clear as that between crime and corruption. Future police reform efforts would be well advised to consider the sequencing and focus of reform efforts. It is not so much ‘build it and they will come’ as ‘support it in the right order and it really will work.’

The Judicial System. The new Chief Justice faces numerous institutional hurdles, not the least of which includes the reluctance of High Court judges themselves to move toward modernized concepts of the law’s place in society, restorative justice, and administrative control over finances and organization. Jamaica remains the sole Commonwealth country to require bail in all cases save murder—although the GOJ is taking steps currently to reform the existing bail legislation more in line with that of other countries.²⁵ Criminal cases have been delayed for years, personnel have not been hired and buildings and facilities simply allowed to fall apart. A registry system for thousands of backlogged cases is still being planned and judges still write out case proceedings themselves by longhand. Adding corruption and financial crimes to fast-tracking has not even been considered. The court system does not have an Administrative Office, while judges themselves have not played an active role in determining budgetary priorities for the justice system. As crime rises, their own decisions have been criticized frequently as both erroneous and ill-timed. The public understands little of the workings of their justice system and for its part, the justice system appears to make little attempt to convey those workings in a way that might secure it broader public support and engagement.

The system of keeping adjudication in one branch of state while funding its needs through another is not inherently unworkable, but requires degrees of coordination, vision and leadership that is not yet present in the Ministry. Without leadership, conversation about direction begins and ends with a lack of resources which translates to justice delayed to such an extent that it becomes ‘justice denied’ with adjudicating falling into the hands of vigilantes. Without both, the widespread attitude by respondents that Jamaica’s system of justice is so dysfunctional that punishment—when meted out at all—is intended only for poor people will not change.

3.2 The State Contracting System

The National Contracts Commission (NCC) has a unique role to play in creating and sustaining a new culture of integrity for Jamaica through its power to investigate and audit public sector contracts—a major source of political patronage. Taking his oath seriously, Jamaica’s newly-appointed Contractor-General has already uncovered significant evidence of the ‘culture of non-compliance.’ In just two years, new leadership, together with relatively low-cost computerized automation of key processes has helped move auditory compliance from 18% of all public sector bodies in 2006 to 91% in 2008, even without statutory authority to impose sanctions. The basis for the Contractor-General’s philosophy is akin to that of the Assistant Police Commissioner’s: creating a real fear of detection as the first step to changing a non-compliant culture.

But the power of the office is constrained. 95 referrals were made to the DPP for non-compliance in 2007, affecting 68 public bodies, but only 17 cases have been taken to magistrate courts for hearings in the same year, all of them backlogged from 2006. None have been brought so far from 2007. Because of this, the Contractor-General has taken on the role of advocate, arguing that certain breaches of procedures be

²⁵ See the Prime Minister’s July 23, 2008 Statement to Parliament regarding legislative measures to strengthen anti-crime initiatives.

elevated to the status of legal regulations, which provides for criminal or administrative sanctions in the event they are violated.²⁶

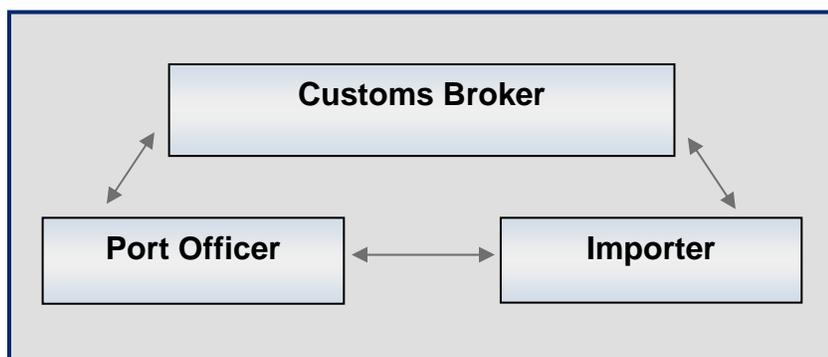
Political realities are such that the Contractor-General’s work is not encouraged but it is grudgingly tolerated. The Contractor General believes rightly that the Commission’s office must be strengthened by giving it authority to impose sanctions, not simply recommend them. The danger is great that without such additional authority, the office must simply rely on the goodwill of those it is investigating in order to be successful. The Team believed that other agencies would do well to copy the operational changes already in place at NCC. In Jamaica’s current environment, however, it is difficult to promulgate such changes, prompting the Team to recommend that USAID/Jamaica and other donors work to promote such ‘best practices’ in the proposed roundtable forum already discussed.

3.3 The Department of Customs

In many countries, Customs emerges as one of the most frequently cited sources for state corruption (alongside the police and revenue authorities). Jamaica is no exception. As an island country almost totally reliant on outside food, fuel and manufactured goods in the licit global economy, and highly vulnerable in the illicit trans-shipment of narcotics and weapons in the illicit, opportunities for corruption abound. Major leakages to state revenue revolve around under-invoicing, transshipments, past failures or inabilities to publicize names of chief offenders.

At the heart of the issues lies an informal ‘unholy trinity’ among customs officers, brokers and the private sector importers as represented by Figure 2, below: Because the relationship is quite simple, it has proved flexible and sufficiently strong to be institutionalized.

Figure 2



Several corrupt patterns exist during the offloading a stage. In the first, a pallet is invoiced with a dummy bill of lading that understates the value or quantity of goods being shipped, or falsifies the description of the goods themselves. In one version of this known as ‘cloning’ – a customs officer searches the computer database for a comparable tariff code similar to the one arriving, then places the name of that product in place of the real one. In return for a ‘fee’ to the customs broker, the importer is charged a lower tariff, at the cost of the national treasury. As Commissioner Walker currently expressed to the Team, turning Customs into an effective enforcement body requires severing the extra-legal relationship between the customs broker, in particular, and the importer without disrupting legitimate commerce.

²⁶ In Singapore, for example, proven contracting fraud by a public official results in the forfeiture of his pension.

In a second version, a pallet is quickly unloaded and its contents emptied with the assistance and involvement of third-country nationals, then re-loaded with another good for trans-shipment. Because criminals understand that products labeled for transshipment face far less scrutiny than those labeled for import, there is tremendous incentive to re-load a pallet with substitute illicit ‘bads’ or licit, but re-imported goods escaping duty. Regardless of the system, close cooperation among the ‘unholy trinity’ is required for an illicit system to function. The lion’s share of smuggling and duty evasion thus does not consist of airport seizures and other ‘low hanging fruit’ but a complex system of collusion among many parties whose relationship is well established long before the actual flight or ship arrival.

All persons interviewed by the Team believe that the recent appointment Commissioner Walker is a hopeful sign for Customs. He has already garnered a distinct reputation as a ‘no pushover’ official that “cannot be trampled upon”--a *sine qua non* for meaningful reform of the Customs, but one which will also bring new dangers to the reform process.²⁷ Introducing firewalls to break the triangle described in Figure 2 will require creating and institutionalizing whistleblower mechanisms which have no precedent in Jamaican culture. For unique historical reasons, whistleblowers in Jamaica are widely considered ‘rats’ and outcasts deserving of vicious retribution. Because of this, the Team strongly recommends that the current Green Paper proposing new whistleblower legislation provide appropriate structural safeguards and protections for those within Customs specifically who will be expected to carry out a ‘zero tolerance’ policy directed specifically at their colleagues.

The success of such internal efforts can be greatly assisted by two meaningful external ones. First, the GOJ must support Customs’ own effort to seek public engagement program and cooperation even as it moves to make seizures both public and routine, working closely with the police and DPP to do so. Fines for violations must be augmented with criminal penalties and the names of violators must be publicized. Second, the US, the UK, Canada and other states must make their support of such efforts far more public than they have up to now. Violators cannot be rewarded by being granted visas to enter third countries. The Jamaican public rightly understands that leaks in the foreign customs process leads to guns and drugs flowing into the country as well as flowing out of it, and cooperation must be expanded to help curtail both sides of the trade. The links between poorly enforced gun and narcotics trafficking networks and unacceptably high levels of inner-city violence are so strong that this simply cannot be relegated to secondary importance.

The Team singled out the Customs Department not only because of Jamaica’s reliance on legitimate imports, the drain on the country’s treasury, and the island’s geo-strategic vulnerabilities to the illicit global political economy, but because from comparative experience, no government-organized anti-corruption effort can succeed if Customs is allowed to fail. Many people interviewed in this Assessment concur that if Commissioner Walker’s institutional reforms survive an initial dangerous period, there will be significant and positive repercussions on the rest of Jamaica’s state bodies. This is a clear example where not only the failures to perform incur significant negative costs, but where the benefits of successful operational reform can bring new energy by showing that difficult reforms are possible, even against great odds.

²⁷ Quoting Dr. Herbert Thompson, Electoral Commission of Jamaica, in “Danville Walks: Director of Elections Resigns Over US Citizenship,” *Jamaica Gleaner*, May 6, 2008.

4. PUBLIC ATTITUDES TOWARD CORRUPTION

Jamaicans conveniently self-define corruption in ways that implicate the political system, but leave their own behavior largely intact. In 2006, according to LAPOP statistics, almost 70% of youth aged 18 to 25 justify and acquiesce with corrupt practices in Jamaica, and 60% believe that kind of corruption to be quite common. 57% of all respondents in 2008 justify ‘doing the runnings’ as a necessary, if inconvenient and expensive duty. In 2008, 96% considered corruption to be pervasive, but not high on a list of societal concerns, coming in 6th—with crime, violence and unemployment dwarfing it, along with all other concerns.²⁸



Jamaica Gleaner, August 7, 2008

The figures present contradictory snapshots. Petty (administrative) corruption is both widespread and tolerated because at the most direct and accessible levels, it makes sense. Petty corruption thus mimics grand, which historically has preceded it. For example, because constables are poorly paid, they moonlight as private security officers (even for public officials) or set up traffic stings.²⁹ “What can you do to help yourself?” is a question routinely understood by thousands of drivers supposedly guilty of traffic infractions. It is a signal to use your common sense and protect yourself in dealings with the state.³⁰

In another example, drivers’ licenses are routinely purchased from the ITA by means of bribes from J\$2,000 to J\$50,000, depending on the type of license. Originally perhaps, such a system may have been initiated by ordinary people. But at this stage, the system is so entrenched that examiners simply expect to be paid private fees on top of formal ones. And yet people mostly do not make connections between road

²⁸ As Contractor-General Christie has noted, “many Jamaicans [have paid] scant regard to issues of accountability and transparency in government” (Singapore Report, 2). This was confirmed in a Jamaica Gleaner poll conducted as recently as October 2006.

²⁹ Salaries for constables average around J\$25,000.

³⁰ Other, more colorful statements by the JCF abound: ‘Left or right’ (“If you ‘left’ me something, I won’t ‘right’ a report.”) In a recent call-in radio show, a caller informed the Commissioner of Customs that he interviewed 64 prospective truck drivers and not one of them passed a basic truck driver’s test—a reflection of the fact that driver’s licenses now can simply be bought without having to read and write. Bribes are cheap and easy to arrange—the ‘cost’ of purchasing a road-worthiness license for a vehicle is reportedly about JA\$1,500 for the examination alone or JA\$1,500 for the examination and JA\$3,000 for the examiner.

safety and ITA corruption, between accident rates involving unqualified drivers and this kind of collusion, much less the connections between their own behavior and absence of proper funds received by the treasury.

While the above type of corruption is not only accepted but utilized frequently, the story changes when Jamaicans are asked to give their views about “political corruption.” Fully 91% of respondents consider offering an MP a bribe of \$JA10,000 to not only be wrong *but worth punishing*. The relationship between political and petty corruption is thus deeply contradictory. While Jamaicans disapprove of their officials accepting bribes, they do not similarly disapprove of *paying* bribes to them, particularly if the bribes are seen small. Yet when malfeasance takes place at higher levels, people follow it intently—a trait common in other societies gripped by corruption. When indictments do come against the powerful and connected, the very process sends a powerful message that ordinary people understand perfectly. In this regard, Jamaican prosecutors can learn much from on-going indictments in some other countries to help them secure the convictions they need.³¹ Experience in other countries shows that people take anticorruption campaigns seriously as long as they see evidence that ‘big fish,’ not just small minnows, are being targeted. A sense of public anger against illicit enrichment is palpable when ordinary people see fancy houses, privileged access, special contracts and controlled political outcomes for the well connected. As long as the public believes that a tacit *noli me tangere* agreement exists among a triangle of powerful politicians, the business elite and the criminal underworld, they will not support anti-corruption efforts that also involve them.

By contrast, the Team believes that the data support carefully targeted anti-corruption campaigns, as long as they are coupled with a larger move toward restoring ethics and civics in school programs and that such campaigns are not perceived as moving after ordinary people while the political elite is left alone.

³¹ The current corruption case against United States Senator Ted Stevens is instructive. “Alaska Senator is Indicted for Failing to Disclose Gifts,” *New York Times*, July 30, 2008.

5. STRATEGIC AND PROGRAMMATIC RECOMMENDATIONS

During the Team’s visit in Jamaica, a fire broke out at Kingston’s Riverton Landfill, which caused the city to be enveloped by a thick cloud of smoke for the better part of a day. Yet the fire may not have been accidental, according to reports, and efforts to control it would have been more successful had the National Solid Waste Management Authority not been compelled to fight smaller fires deliberately set by young garbage-pickers and scrap metal scavengers. The gangs who controlled those workers, in turn, may have staged both incidents to protest the Authority’s sub-contracting clean-up efforts to different gangs.³² Regardless of the precise reasons, the fire served as an example of the *sub rosa* world of corrupt connections between legitimate and illegitimate authority in Jamaica, where things are often not as they appear to be. The words of warning by a senior media editor that the Government must ‘cut the umbilical cord’ linking politics, business and crime, come to mind. The Team was re-reminded of this during a televised show on corruption near the end of July, as a call-in viewer to RJ Television stated that the island “is covered by a blanket of corruption.” Like the blanket of smoke that covered Kingston on that day, preventing healthful breathing and visibility, corruption indeed ‘blankets’ both state and society.

Extending the metaphor, however, the Team believed that competent fire brigades are also engaged in an energetic effort to put out those flames and dispel the smoke. The first question the Team asked itself was: *how best can USAID specifically, as well as outside donors more broadly, support their efforts?* The Team asked that question of a Focus Group of prominent Jamaican individuals from the media, academia, civil society and faith-based communities (MSI Focus Group members can be found in the Appendix to this Report). Their answers echoed the same urgency the Team heard in other interviews and can be summarized in three points:

- target the illicit linkages between politics, business and crime in visible ways, otherwise later progress will not be possible;
- move aggressively to stanch the bleeding of the state and the sense (even from dons) that the country is rapidly becoming out of control;³³
- help engage society—particularly youth—in efforts to find ways to succeed in employment, in citizenship, in schools, without participating in corrupt and increasingly violent behavior.

On this basis, the Team recommends the following:

- the immediate convening of a proposed *National Integrity Roundtable*, hosted by a reputable Jamaican institution, to bring together the country’s anti-corruption champions to close ranks, share best practices, interact with multinational counterparts from comparable jurisdictions and support one another’s operational efforts to institute stronger prevention systems and a culture of voluntary ethical conduct within state bodies;

³² See *Radio Jamaica*, July 17, 2008 and Corey Robinson, “Protest at Dump as Smoke Blankets Capital city,” *Jamaica Observer*, July 10, 2008.

³³ Dr. Herbert Gayle’s research with inner-city dons confirms that even they believe that the cycles of violence, reprisal and corruption that fuel them have gotten out of hand.

- financial support for key short-term personnel secondments in either the Director of Public Prosecutions, the Customs Department or the Anti-Corruption Branch of the Constabulary, given that the success of many operational reforms rests on mid-level implementation of reforms;
- unified donor support for a focused public engagement program in schools and communities organized around understanding the costs of corruption and realistic ways to live and succeed without it. Such an effort should be launched by Jamaicans, but with comprehensive support from a wide range of donors, as a ‘first step’ to placing civics and integrity at the heart of any civil society assistance efforts.

Such short-term efforts must be linked with longer-term visions, however, if they are to be successful. Such a vision might contain two parts: moving toward a modern justice system and engaging the public’s attention and sense of urgency toward corruption, as follows:

5.1 Long Term: Moving Toward a Modern and Dynamic System of Justice

In some sense, it is appropriate to begin first with a longer-term vision, which cannot be accomplished by simply adding short-term donor support for new agencies. Moving Jamaica away from a rickety system of justice toward a dynamic socially meaningful one is a long-term goal which first requires a *long-term vision*. Too often, well-intentioned donors try to substitute for in-country leadership by supporting new institutions or urging governments to simply introduce additional statutory changes to existing Acts. Experience suggests this will not work until a Government (and the society that has chosen it) first re-tools its national vision. Key documents and strategic reports have already set the stage for that, and their conclusions cannot remain ignored yet again. As the 2007 Justice Reform Report made clear, creating such a vision by 2017 requires first and foremost from *within* the justice system:

A move away from a tradition-bound system to one that values and rewards problem-solving and innovation. Modernization requires abandoning a ‘this is the way we have always done it’ mentality and adopting a general openness to redefining tasks, reviewing procedures, streamlining and so on. The right balance must be found between valuing tradition and ensuring that the central pillars of justice remain unchanged while being open to needed innovations.³⁴

Without this vision, the country will become sidetracked into a series of less than productive arguments about piecemeal changes to existing legislation, turf-based arguments about budgets and funding, and poorly managed, but popular proposals which inevitably fail for lack of vision, carry-through or organizational support. The Team strongly recommends that specific agencies charged with carrying out justice work to agree on such a vision before launching a fast-track anti-corruption system, for instance. While the recent approval of a Canadian-funded multi-year JUST program can help fill in structural, organization and financial gaps, it cannot substitute for a larger sense of vision of where justice must go. With that in mind, the Team recommends that USAID/Jamaica:

- express support for the Integrity Roundtable already mentioned and make urgently clear the Government must commit itself to justice modernization as previous Reports have made clear;

Shorter-Term Support for Institutional Change. Within the parameters of such a longer-term vision, rather than outside it, USAID/Jamaica is strongly encouraged to work with CIDA, the MOJ and DPP to

³⁴ *Justice Reform Report 2007*, Part 2: Foundational Shifts in Approach, p. 15.

target opportunities for support and training of new Crown Counsel, related court staff, the updating of facilities and presentation of ‘tight’ cases that protect witnesses while litigating against high-profile offenders. Because USAID’s resources are limited and because CIDA’s JUST program was recently approved, both agencies should frame support for justice sector strengthening in terms of the modernization and anticorruption parameters expressed in this Assessment.

In addition, to support the implementation of short-term justice sector initiatives, USAID/Jamaica is urged to:

- strongly consider funding the Police Commissioner’s need for additional secondments in investigative personnel to support the overall anti-corruption effort within the Constabulary, as mentioned in the Executive Summary to this Assessment;
- help the Chief Justice to support new courses and standards for the Judicial Training Institute, based on the 2007 Report recommendations, modeled on other CARICOM states, such as Antigua, or the Dominican Republic, and promote the creation of a ‘fast-track’ system for dealing more efficiently with white collar crime.

By way of conclusion, Jamaica’s system of justice evokes some parallels with that of Italy on the eve of Operation Clean Hands in Milan in the early 1990s. Thus far, however, it is important to note that Jamaica lacks an Antonio DiPietro, who headed the magistrate-based investigation of 4,472 businessmen and political leaders in Milan and elsewhere, which ended with the conviction on appeal of Prime Minister Andreotti in 2002. Re-tooling the country’s longer-term vision will help to uncover the kinds of leaders from within the justice system that can take on some of the tasks enumerated above. While the Team does not claim that such leadership can guarantee results, it is important to remember that reformers in other countries faced similar obstacles in the form of moribund justice institutions on the eve of significant shake-ups and institutional transformations, suggesting that with the right vision, progress is indeed possible.

5.2 Short-Term: Engaging the Public Toward Anticorruption Action

As has been mentioned, a short-term, donor-funded support for public education around corruption should not be seen in isolation from a larger and deeper sense of alienation felt in particular by the country’s youth toward its state and institutions. As a recent unpublished paper about youth education made clear, a failed justice system, poor service delivery and persistent inequality work together to take a heavy toll:

Coupled with the lack of civic education, the reality that young people see and live everyday has contributed to an overwhelming sense of hopelessness and there is little or no faith that the ‘system’ works and works for them. This reality includes rampant corruption, a largely inefficient and ineffective law enforcement and justice system, escalating levels of crime, political violence, limited or no access to social services, poor quality and delivery of those services, and high levels of inequity and stigma associated with class, poverty and where persons live. Much of this reality has become normalized and has entrenched the views of hopelessness.³⁵

To recapitulate from the 2006 LAPOP, the following statistics bear re-emphasizing:

³⁵ Sasha Parke, “Jamaica’s Youth: Building Healthy Attitudes Toward Democracy and Developing their Role in the Political Process,” unpublished USAID/Jamaica Concept Paper.

- There is less than 25% support for democracy among 18 – 29 year olds compared to 30% for 30 – 44 year olds, and over 45% for the 45 and over age group;
- More than 20% of citizens aged 16 to 25 demonstrate support for illicit measures such as vigilante justice and illegal protests;
- Youth are rarely victims of corruption; however, 60% of them believe corruption to be very common in Jamaica;
- Almost 70% of 18-25 year olds justify and acquiesce with corrupt practices.
- Youth demonstrate very low levels of interpersonal trust.

These statistics are alarming but a cautious examination of civil society’s capacity and understanding of what, specifically, can be done to change is also needed. While nearly every person interviewed by the Team expressed an unprompted sense of urgency with regard to the need for a sea change in public attitudes toward corruption and within the narrower field of public education, it is important to note that Jamaican civil society organizations are relatively new to, and therefore inexperienced in, justice and educational sector involvement. They are completely new to anti-corruption programming as such. However, a number of organizations have made important, recent progress in areas that intersect both and deserve mention as potential government partners in long-term educational change and short-term and long-term reform of the justice sector.

- **Jamaicans for Justice** stands alone as a citizen watchdog of the justice sector. JFJ has steadfastly exposed weaknesses in the police, in the courts, in legislation and in prosecution. They have proposed very specific change in these areas that are central to fighting corruption.
 - JFJ has done a remarkable job over the years of consistently calling government to task for ineffective policing, corruption in government and especially in the justice sector, and for human rights violations by the government at every level, despite insufficient funding and difficult conditions. JFJ assigns lawyers to specific cases, petitioning the state when individual rights have been abused, training individuals in legal screening and referral. JFJ monitors case progress in the courts and follows through the larger justice process. By promoting human rights education through videos, printed materials, radio shows, and panel presentations, JFJ stands out as underfunded, but narrowly successful justice-focused organization in a larger system that fails more often than not. Yet the current 350 caseload constitute a few drops in a larger bucket. A focus on corruption as a principal impediment to justice can help JFJ re-tool its efforts and increase civil society awareness around corruption issues.
- **The Center for Dispute Resolution** has developed and pilot tested a model for resolving community disputes and for engaging the public in a variety of vital issues. These efforts include a draft proposal for involving citizens in fighting corruption.
 - While new, the CDR has both energy and vision, with a series of briefing papers that could easily be re-tooled to help define corruption and make the case for action plans to combat it at the community and grassroots level. After a recent island-wide series of meetings, the CDR developed a tool for framing the corruption issue. Using step-by-step methods enables small groups to debate and understand what ordinary people can do about the problem, taking the issue out of amorphous speeches into a personal framework, where citizens are best empowered to affect change.

- In the education sector, the University of West Indies’ **Change from Within** project works primarily at reducing violence in schools including specific morals training.
 - While still in the pilot stage, this anti-violence and pro-ethics program shows promise for changing young peoples’ attitudes about violence and conflict, and could easily be applied to attitudes about corruption.
- The USAID Expanding Educational Horizons program has developed a **Counting on Character** project. This well-developed curriculum could well be rolled out in primary schools now.

The Team recommends that these organizations be considered as vital participants, at the appropriate time, in the roundtable on justice and anti-corruption reform mentioned in the Executive Summary. Governmental action alone cannot truly affect the cultural shift needed in attitudes towards corruption and justice. That can only come with a range of ‘front line’ civil society involvement by organizations in the justice and educational sectors, and in churches, neighborhoods and schools. Jamaica’s history shows conclusively that its churches in particular, have often served as critical change agents. A pair of Baptist preachers began a grassroots movement to break up the vestiges of the plantation system and return land to the people. However, churches have thus far not played an active enough role to define and condemn corruption. It is essential that religious leaders play a far more active role in this effort.

Educational Reform—Opportunities and Pitfalls. Within the formal educational system itself, two years ago, the MOE created several implementation teams composed of a broad range of education leaders. The ‘behavior modification’ group is now piloting a civics education program in approximately 10% of Jamaica’s high schools. Two not-for-profit organizations – the University of the West Indies Department of Education’s *Change from Within* program for adolescents, and a proposed *Counting on Character* curriculum developed for elementary school students by USAID’s *Expanding Educational Horizons* project – have already developed thoughtful responses to this effort. Yet there is little coordination between the MOE and many other educational associations toward a common goal. While passionate, motivated and intelligent educators have clearly thought about how to do this, the efforts appear disjointed. USAID/Jamaica could greatly assist such efforts by convening government, academia, and nonprofit leaders together to examine jointly what has been accomplished in these pilot and proposed effort, bringing into the discussion more active involvement by religious leaders as one way to bring civil society more into organized discussions of educational reform. Such research could also include tapping into other existing country programs in the region, such as the OAS’s *Creating a Culture of Lawfulness*. The goal should be to assemble ideas that can work and develop them into value-for-money curricula that can be implemented by teachers in ways that do not become burdens themselves and can be duplicated by the country’s moral and ethical leaders outside the schools. While there is no need to reinvent the Ministry of Education’s civic education curriculum project, there is a clear and strong need for greater participation by civil society and youth groups, religious leaders and the media, to help promote the values, character and ethics necessary for education reform to succeed.

Societal Engagement Around Corruption. Aside from school reform, as previously noted, Jamaicans define corruption in political terms, not in the day-to-day terms to obtain driver’s licenses, get birth certificates, avoid a traffic ticket, arrange for favorable treatment for their children in school, and get quicker and better medical care. A public engagement program focusing on corruption must first make a missing link between this behavior and the negative outcomes the country is grappling with. To do that, it cannot simply be the product of a top-down ministerial directive, but must be the result of community-based efforts. A successful program focused around corruption might emphasize 4 mutually reinforcing elements:

- it must describe *what corruption looks like* in daily life;

- it must show people *why corruption makes people poor*;
- it must show *who gains and who loses when corruption goes unchallenged*;
- it must show people positively *what they can do about it and how to live without it*.

The latter may be the most important element. An awareness program can easily become counter-productive and dangerous if all it does is give people more information about the system they have no power to change. But enlisting communities to help define *what they can change* is an act both empowering and contagious. A substantive guide for such engagement already exists in the form of the *Draft Issue Book on Corruption* released by the Dispute Resolution Foundation in 2008. With such a guide for discussion, a model for how such community groups might initially get together and propose responses could be charted.

Without this, a campaign can become an expensive, government-ordered ‘eat your peas – they’re good for you’ effort that produces more snickers than cooperation, and only justifies counter-productive behavior (‘why should only the government be able to be able to steal with impunity?’).³⁶ Highlights of a successful campaign include the participation of sports, music and figures from popular culture. Several Latin American countries have engaged in campaigns with anti-corruption messages, but the experience is recent and the results not yet measured.³⁷ Anti-corruption campaigns also carry dangers—they are often expensive, siphoning funds from other worthy efforts and have a disappointing way of disappearing without a trace, after a few months of exposure. The Youth Concept paper previously mentioned can help minimize the dangers by utilizing and including:

- information technology, art, music and ‘street theater’ to educate youth on social responsibility;
 - positive messages from the entertainment industry and the identification of artistes and athletes (the spectacular recent performance of Usain Bolt at the Beijing Olympics comes immediately to mind) who could serve as role models and ‘ethics ambassadors’ for new ways of thinking and living;
 - publicized debates about issues important to youth, such as corruption and violence;
 - mock trials incorporated into the school curriculum to increase respect for rule of law;
 - supporting parallel efforts of media, PTAs and churches to generate pamphlets on issues such as voting, policing, community participation and ethical conduct.

In summary, anti-corruption funding and programs is relatively new and untested, particularly when it comes to citizen education efforts. Donors must be clear that they can support—but not initiate or direct—efforts from below. Short-term efforts cannot substitute for a longer-term vision that civil society, media and religious organizations must ‘claim and frame’ for themselves. This is a daunting task for a society already distracted by violence, yet it must be said that Jamaica’s history includes numerous examples of injustices righted by community action against seemingly impossible odds. Grassroots efforts do resonate in Jamaica. In the 1800s, Baptist preachers led an island-wide movement to grant land to thousands of smallholders at a time when planters tenaciously held title to nearly all land. The odds of

³⁶ This is captured brilliantly in an on-going campaign against ‘left’ electricity (running private, illegal and dangerous wires to tap public utility lines) when a parent admonishes her child not to steal and the child responds: “but you steal electricity, mama!”

³⁷ Several examples from these campaigns, including descriptions of the process, video and audio clips can be found on Transparency International’s website, www.transparency.org. Other media campaigns have been conducted in Cambodia and other Asian countries using street theater, art and children’s messages.

success no doubt appeared small and difficult then as well. And there is a clear role for foreign support here--slavery was abolished in the Caribbean with significant assistance from the 'first generation' of foreign NGOs—the abolitionist movement. Grassroots responses to injustice and malfeasance thus forms an integral part of the country's history and it is important for donors not to overlook this by focusing exclusively on formal justice institutions.

6. CONCLUSION

Throughout the course of its work and toward the conclusion of its assessment, the Team members came to share an over-powering sense that Jamaica stood at a crossroads in its anti-corruption endeavors. On the one hand, a fortuitous combination of circumstances have at last come together to present a real opportunity for decisive action and strong leadership to lift the ‘blanket of corruption’ which has developed over the island. This could open the way to rapid strengthening of the country’s system of national integrity. The Team believes that despite the warnings against overly rapid change that a Type IIA corruption syndrome seems to indicate, the dangers of continuing with the *status quo* are simply outweighed by the need for structured, supported institutional and political reform.

Notwithstanding, the Team recognizes that past inaction, even collusion in corruption on the part of public authorities and their own deep-seated fear of real danger in confronting the ‘cancer,’ and widespread public cynicism about the possibility of dislodging corruption especially in the context of a weak criminal justice system particularly from high places – all raise the prospect that real opportunities for change can be missed. There is no internationally accepted yardstick for determining precisely when political will for reform cannot be reversed, or when momentum for change becomes irreversible. But a more common situation is one when partial reforms have been instituted, but are allowed to fail almost by default, whether by lack of carry-through or proper budgeting, the failure to articulate a politically supported vision for long-term change, or the appointment of ‘lonely reformers’ who face internal bureaucracies that ultimately overpower them.

Because of these dangers and the very real opportunities for movement that appear to be manifesting politically, the Team focused strongly on ways donors might support those ‘lonely reformers’ as well as communicating its findings straightforwardly and honestly to all concerned. In that vein, toward the end of its stay, the Team was invited to share its informal and formal findings with Prime Minister Golding and came away impressed by the Prime Minister’s grasp of the situation and heartened by his resolve to overcome obstacles in the fight against corruption. This viewpoint is similarly corroborated by recent poll findings that have given the Government high marks for its initial achievements.³⁸ It is the Team’s hope that this early resolve be continued by both state and society, which will need assistance and determination to realize their visions.

³⁸ “Observer/Don Anderson Poll: Bruce Favored to Lead,” *Daily Observer*, July 14, 2008.

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Contractor General Act (1986)
Parliament (Integrity of Members) Act (1973)
The Bail Act (2000)
Corruption Prevention Act (2001)
Access to Information Act (2002)
Child Care and Protection Act (2004) [Anti-Trafficking Provisions]
Proceeds of Crime Act (2007)
[Proposed] Special Prosecutor Act (2008)

LIST OF INTERVIEWEES/MEETINGS

Government of Jamaica and Jamaican Statutory Bodies

Hon. Bruce Golding, Prime Minister
Delroy Alleyne, Joint Board of Teacher Education, JBTE/CCETT
Annamarie Barnes, Ph.D, Chief Technical Director, Ministry of National Security
Hon. Bishop Herro Blair, O.J., Political Ombudsman and Chairman, Peace Management Initiative
Greg Christie, Director, National Contracts Commission
Justin Felice, Assistant Commissioner of Police, Anti-Corruption Branch, JCF
Dirk Harrison, Esq., Deputy Director of Public Prosecutions
Rear Adm. Hardley Lewin, Commissioner of Police, JCF
Hon. Dorothy Lightbourne, Attorney-General and Minister of Justice
Paula Llewelyn, Director of Public Prosecutions
Sen. the Hon. Col. Trevor MacMillan, Minister of National Security
Patricia Sinclair-McCalla, Permanent Secretary, Office of the Prime Minister
Hon. Zaila McCalla, Chief Justice, Supreme Court of Jamaica
Marilyn, McIntosh-Nash, J.P., Executive Director, Flanker Peace and Justice Center
Pamela Monroe-Ellis, Auditor General
Hon. Audley Shaw, Minister of Finance
Danville Walker, Commissioner of Customs
Courtney Williams, Senior Director, Fiscal Policy Management Unit, Ministry of Finance
Douglas Saunders, Cabinet secretary and Head of the Jamaican Civil Service
Carol Palmer, Permanent Secretary, Ministry of Justice

Canadian High Commission and International Development Agency (CIDA)

Hon. Denis Kingsley, High Commissioner
Vivian A. Gray, Jr., Development Officer, CIDA
Jeff Johnston, Royal Canadian Mounted Police Liaison Officer

British High Commission and Department for International Development (DFID)

Hon. Jeremy Cresswell, High Commissioner
Geraldine O’Callaghan, Security and Development Advisor

Research NGOs, Universities and Think Tanks

Dr Balford Lewis, Department of Government, University of West Indies, Corruption Victimization Survey, LAPOP Barometer Project
Professor Errol Miller, Chairman, Jamaican Electoral Commission

Civil Society Organizations, Independent Media and Private Sector Organizations

Byron Buckley, Associate Editor, *The Gleaner*

Hon. Oliver Clarke, O.J., Chairman and Managing Director, *The Gleaner, Ltd*

Fae A. Ellington, Communication Consultant

Dr. J. Carolyn Gomes, Executive Director, Jamaicans for Justice

Elizabeth Hartley, Hon. Treasurer, Jamaica Chamber of Commerce

Francis Kennedy, Kingston City Centre Improvement Company

Desmond Richards, Editor-in-Chief, *Sunday Herald*

President, Jamaica Press Association and Senior Officers of the Jamaica Press Association

US Embassy

Hon. Brenda LaGrange Johnson, Ambassador to Jamaica

James T. Heg, Deputy Chief of Mission

Michael Conway, Officer-in-Charge, Department of Homeland Security

Andrea Lewis, Narcotics Affairs Section

Keith McNichols, Assistant Country Attaché

Lloyd Moss, Political and Economic Officer

USAID and Implementing Partners

Dr Karen Hilliard, USAID/Jamaica Mission Director

Ms Jean Beaumont, Chief of Party, Expanding Educational Horizons

James Burrowes, Business, Development and Economic Growth

Yvonne Coore-Johnson – Caribbean CETT

Ms Maxine Johnson, USAID/Program Office

Ken Lyvers, USAID/OSD

Malden Miller – Agriculture, Environment, Rural Development

Sean Osner, USAID/OSD

Ms Sasha Parke, USAID/DG

MSI Anti-Corruption Focus Group

Professor Herbert Gayle, Department of Psychology and Sociology, University of the West Indies

Donna Parchment-Brown, President, Dispute Resolution Foundation

Desmond Richards, President, Jamaica Press Association

Invited (Father.....)

MSI Community Empowerment and Transformation Project (COMET)

Bertrand Laurent, Director

Sharene McKenzie, Deputy Director

Other Donors

Dr. Badrul Haque, Special Representative, World Bank

Gerard S. Johnson, Representative, Inter-American Development Bank

Judith Wedderburn, Friedrich Ebert Stiftung

ANNEX I. STATEMENT FROM CONTRACTOR-GENERAL THAT DPP WILL PROSECUTE 17 PUBLIC AGENCIES FOR FAILURE TO COMPLY WITH THE NATIONAL CONTRACTS COMMISSION

Kingston, February 19, 2008 – The Office of the Director of Public Prosecutions (DPP) has formally written to the Contractor General to confirm that 17 Public Bodies will be prosecuted for their failure to comply with a lawful requisition of the Office of the Contractor General (OCG).

In the letter, which was dated February 14, 2008, the Office of the DPP advised that the decision was made upon the conclusion of its examination of files which were sent to it by Contractor General, Greg Christie, in respect of certain Public Bodies which had failed to submit their 4th Quarter 2006, 1st Quarter 2007 and 2nd Quarter 2007 Quarterly Contract Award (QCA) Reports, within the prescribed time limits.

A person who without lawful justification or excuse fails to comply with a lawful requisition of a Contractor General, commits a criminal offence under Section 29 of the 1983 Contractor General Act. The offence is punishable upon summary conviction by a fine not exceeding \$5,000, or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment.

Accounting and/or Principal Officers of the affected Public Bodies are liable to be held responsible for the subject violations. The subject Public Bodies, are among more than 180 Public Bodies which were formally warned for prosecution in an October 30, 2006 OCG Communication. The Warning was directed to the Cabinet Secretary, the Financial Secretary, all Permanent Secretaries and all Accounting and/or Principal Officers of Public Bodies. It was also copied to the then Prime Minister, all Ministers of Government, the Auditor General, the Solicitor General and the DPP.

The delinquent Public Bodies which the DPP has advised will be prosecuted are as follows:

1. Bellevue Hospital (2 violations)
2. Clarendon Parish Council
3. Electricity Authority
4. Electricity Division (MITEC)
5. G.C. Foster College of Physical Education (2 violations)
6. Jamaica Business Development Centre
7. Jamaica Racing Commission (2 violations)
8. Jamaica Railway Corporation (2 violations)
9. Ministry of Local Government & Environment
10. National Works Agency (3 violations)
11. Portland Parish Council (2 violations)
12. Portmore Municipal Council
13. Social Development Commission
14. St. Catherine Parish Council (2 violations)
15. St. Elizabeth Parish Council
16. St. Thomas Parish Council
17. Toll Authority of Jamaica (2 violations)

“To the best of our knowledge, these prosecutions will be the first which will be commenced by the DPP under Section 29 of the 1983 Contractor General Act. The DPP’s decision has confirmed our long held view that Public Officers, Public Bodies and even private citizens, who choose to ignore the lawful requisitions of the OCG, or who fail to meet the OCG’s set deadlines for the submission of requested information, commit a criminal offence. We therefore think that it is timely to warn those persons who are still inclined to disregard the lawful demands of the OCG that if they do so, they will be acting at their own peril and at the risk of inheriting a criminal record”, the Contractor General said.

ANNEX 2. ANTICORRUPTION FOCUS GROUP LIST AND QUESTIONS

USAID/Jamaica Anti-Corruption Assessment Focus Group Meeting: MSI/COMET Offices, July 8, 2008

Team Members

Dr. Corbin B. Lyday
Professor Trevor Munroe, University of the West Indies
Ms. Margaret O'Donnell, Esq.

Mr. Sean Osner, USAID/Jamaica, Office of Sustainable Development
Ms. Sasha Parke, USAID/Jamaica, Office of Sustainable Development

Focus Group Members

Monsignor Richard Albert
Dr. Herbert Gayle, Dept of Sociology and Psychology, University of the West Indies
Mrs. Donna Parchment-Brown, Chairman, Dispute Resolution Foundation
Mr. Desmond Richards, Editor-in-Chief, *Sunday Herald*

Questions for Discussion

1. How best should the larger anti-corruption reform process be sustained and accelerated?
2. Where will setbacks and reversals come from? How might they be overcome?
3. If additional funds could be made available for promoting efforts in the state, societal and private sectors, where would you advise spending it?
4. How should the international community prioritize its efforts in the security and governance areas of the country?

ANNEX 3. ANALYSIS AND RECOMMENDATIONS: CORRUPTION PREVENTION ACT OF 2000 AND SPECIAL PROSECUTOR BILL OF 2008

Introduction. Jamaica has a solid basis in anti-corruption legislation at present to effectively investigate, arrest, charge, prosecute, and try the vast majority of corrupt actors now. It has as well a Corruption Prevention Commission (CPC) that, at least on paper, has authority to investigate any act of corruption and to request that the Director of Public Prosecutions (DPP) consider charges. Public servants must report their assets, liabilities, and income every year to the CPS, and the CPS may investigate in cases of suspected illicit enrichment. The DPP may bring charges under existing anti-corruption law as codified in the Act of 2000, and reinforced with the powerful Proceeds of Crime Act.

Why then are these tools nearly unused? The answer is not that the tools are ineffective, but that they can only have effect in the hands of skilled public servants who have the will and the support to use them. Any new anti-corruption legislation and new government offices are subject to the same taint of failure that marks the CPC if they are ignored to the extent the CPC has been by parliamentarians.

This is not an argument against a Special Prosecutor's Office as much as an imperative to close look at existing legislation and anti-corruption mechanisms, as well as the CPC, to learn from the past as Jamaica designs its fight against corruption. The much more specific, clear, and detailed language criminalizing corrupt behavior in Part II of the Bill reflects a subtle and refined understanding of corruption, and should pass into law. The definitions of criminal behavior in the Act of 2000, while providing a solid basis for prosecution, are not sufficient for the realities of present-day corruption. However, Jamaica should weigh the risks carefully in seeking to create a Special Prosecutor (Part III of the Bill); there is a danger that the new Office will fail in the same ways that the CPC has failed: underfunded, ignored, and powerless.

The CPC has the same tools available to it under the Act of 2000 as the proposed Special Prosecutor will have, with several exceptions. Two are most important: the Special Prosecutor will have prosecutorial authority, as long as the DPP gives its fiat; and the expanded definitions of and sanctions against corrupt behavior.

Comparison of the Corruption Prevention Act of 2000 (the Act) and the Special Prosecutor Bill of 2008 (the Bill).

The Act:

- Establishes the CPC with the primary duty of receiving and reviewing statutory declarations from public servants, investigating suspected corruption, and referring cases of suspected corruption to the DPP;
- Provides that the CPC may investigate ANY act of suspected corruption;
- Mandates statutory declarations by public servants annually of assets, liabilities, and income; and
- Sanctions corrupt behavior, as defined –
 - Bribery of a public official
 - Bribery of a public official of another state
 - Illicit enrichment of a public servant
 - Aiding, abetting, or concealing an act of corruption
 - Obtaining a public benefit illicitly

The Bill repeals the Act of 2000:

- Maintains the existing sanctions against corruption, and adds
 - More comprehensive definitions of bribery as undue advantage
 - the offenses of trading in influence, abuse of function, and influencing the withdrawal of tenders for personal benefit
 - the offenses of obstruction of justice, making false statements, interfering with the duty to report corruption, and off-the-book dealings; and
 - the duty to report corruption.
- Establishes the Office of the Special Prosecutor to
 - Investigate suspected acts of corruption, and prosecute cases of size and significance
 - Review statutory declarations and investigate suspected corruption
 - Develop and implement a national plan to prevent and combat corruption; and
 - Provide advice to any public official or body on preventing corrupt conduct.
- Establishes a 7-member Corruption Tribunal to
 - Hold hearings to inquire regarding suspected corruption
 - Obtain production and inspection orders from a judge, as well as restraint and monitoring orders, and search warrants.

Analysis and Recommendations. The Bill presents more sophisticated understanding of corruption than the Act, and sets forth this understanding in an improved statutory scheme against corrupt behavior. This scheme tracks the Interamerican Convention Against Corruption, to which Jamaica is a signatory. There is every reason to adopt these provisions of the Bill, contained in Part II.

However, Jamaica should be careful about giving prosecutorial authority to an office that is not the Director of Public Prosecutions. The DPP must approve any prosecutions, adding at best a cumbersome, and at worst an obstructive, layer of bureaucracy to anti-corruption enforcement. It may be better to improve the ability of the DPP to prosecute corruption through its existing anti-corruption unit. This may be done by elevating the unit's profile and significance by assigning highly-qualified prosecutors, training them as an elite team, and increasing resources and staffing to the unit. This is a much lower-cost alternative to establishing a new office, and may be more effective more quickly.

Jamaica should examine the causes of the failure of the CPC before establishing another body to review statutory declarations. Can the CPC be salvaged? Will new leadership and increased staffing and resources make its duty of reviewing declarations and investigating suspected corruption more feasible and more effective? At present, the DPP does not give priority to investigating files referred by the CPC. Can it do so?

The Office of the Special Prosecutor is also charged with the duty of developing a national plan to prevent and combat corruption. This is the one duty not already part of Jamaica's law. Many other countries' anti-corruption offices have developed comprehensive and thoughtful anti-corruption plans, and they nearly always remain just that: plans. Experience has shown that one office, no matter if it is called the anti-corruption office, cannot make plans for other public offices and constitutionally-mandated bodies.

However, each public entity may be required by Parliament to develop their own anti-corruption plans, and show progress or face sanctions (such as lowered budgets). This has a better chance of succeeding in changing a culture of corruption. Government can offer public bodies and ministries training and support to develop their own plans, and to implement them.

It is laudable that the authors of the Bill seek to raise the country's anti-corruption efforts to a new level. There is much about the Bill that should pass into law; most particularly, the sanctions against well-defined corrupt conduct. The Bill's emphasis on a national anti-corruption plan might more effectively be channeled to national support for ministries, agencies, and public bodies that are required to produce and administer anti-corruption plans of their own.

However, it seems unlikely that Jamaica needs to establish a new office to prosecute corruption when a constitutionally-mandated office, the DPP, already exists. The DPP anti-corruption unit should be strengthened so that it can work effectively with the police to prosecute major cases of corruption. The Supreme Court should establish a fast-track court to try anti-corruption cases which now are of major national importance. Unlike Singapore, Jamaica does not have large new resources to spend on anti-corruption. Rather, the resources it already has must be, and should be sufficient. What is needed now is not a new office but a new will to investigate, arrest, charge, prosecute, and try major corrupt actors.