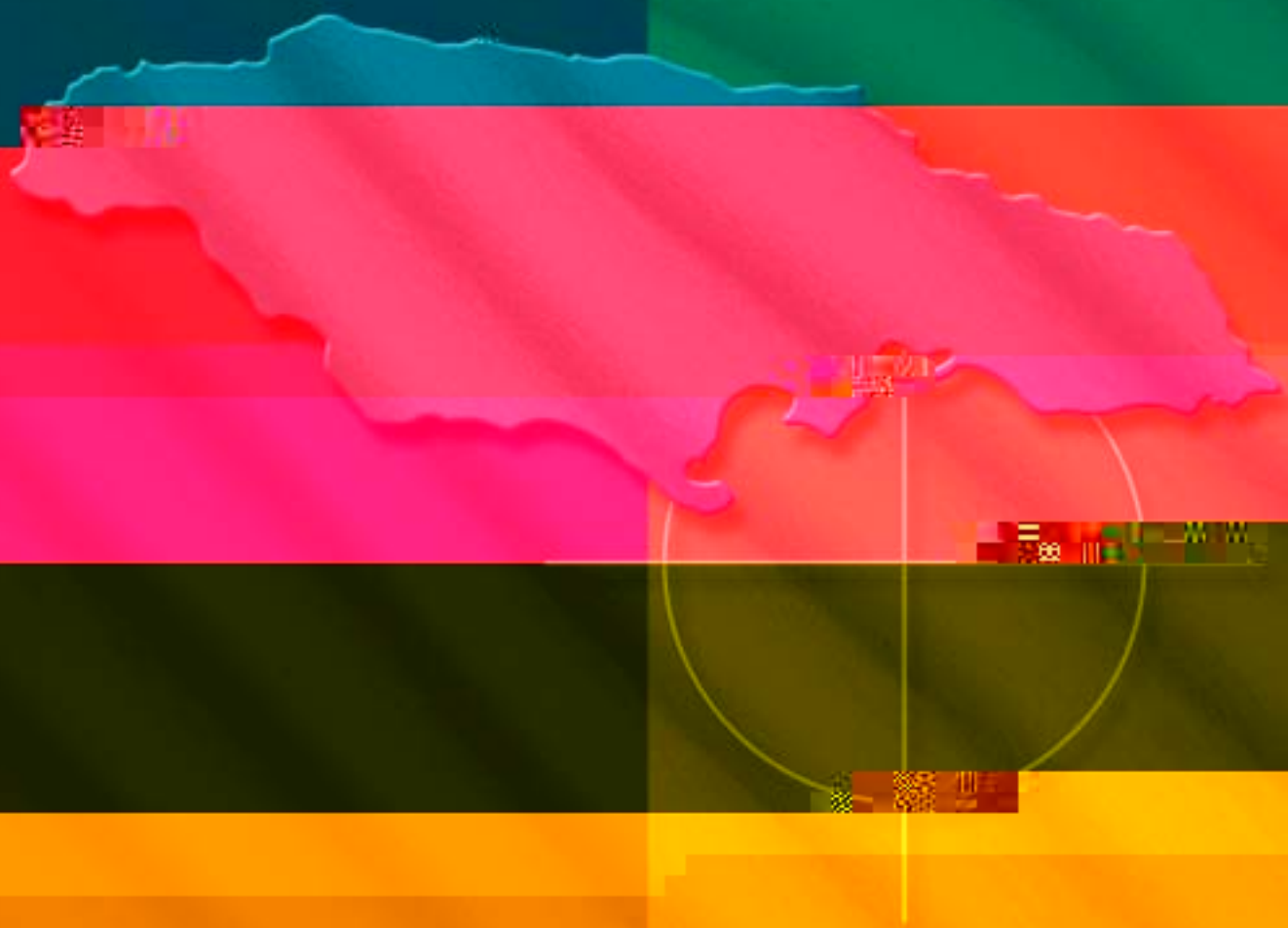


# FOSTERING TRANSPARENCY AND PREVENTING CORRUPTION IN JAMAICA



Edited by Laura Neuman  
The Carter Center





**Foreword** . . . . . 5  
*President Jimmy Carter*

**Introduction.** . . . . . 7  
*Laura Neuman*

**Acknowledgments** *Laura Neuman* **Acknowledgments**

**Introduction** . . . . . 7  
*Laura Neuman*

**Acknowledgments** *Laura Neuman* **Acknowledgments**



Foreword  
*By Jimmy Carter*

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***It was this blueprint of sustained public pressure and sensitive private diplomacy . . . that allowed the Corruption Prevention Act to advance to this point.***

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## Corruption Challenges to Human Rights, Citizens' Security and Good Governance

*The Honourable Lloyd Barnett*

### Introduction

Corruption is a global phenomenon that has become a major challenge to human rights, citizens' security and good governance. The World Bank estimates that corruption costs the global economy over \$1 trillion annually. In Jamaica, corruption is a significant barrier to economic growth and social development. The government has taken steps to address corruption, but more needs to be done to ensure transparency and accountability in public administration.

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### Scope of Corruption

Corruption is a global phenomenon that has become a major challenge to human rights, citizens' security and good governance. The World Bank estimates that corruption costs the global economy over \$1 trillion annually. In Jamaica, corruption is a significant barrier to economic growth and social development. The government has taken steps to address corruption, but more needs to be done to ensure transparency and accountability in public administration.

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*The Honourable Lloyd Barnett is a Jamaican barrister and holds the highest honour, the Order of Jamaica.*

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## Relevant Human Rights Principles

# Derogation From Human Rights Principles

The present human rights situation in Jamaica is a cause for concern. The Commission on Human Rights, in its 1996 report, expressed its concern over the human rights situation in Jamaica. The Commission noted that the Jamaican government had not taken any effective steps to address the human rights concerns raised in its 1996 report.

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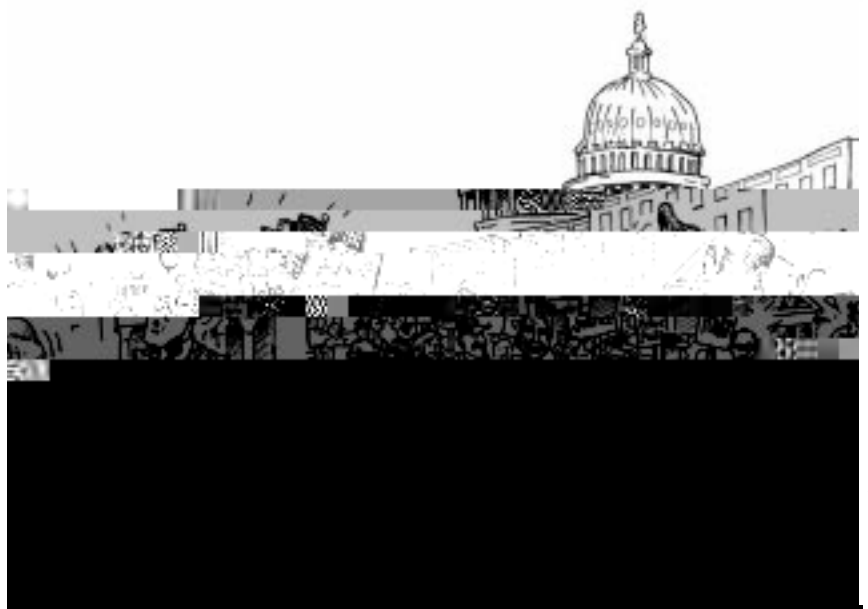
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## Electoral Corruption and The Rise of Garrison Communities



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## Seven Essential Conditions for Combating Corruption

The following are the seven essential conditions for combating corruption:

1. **Leadership:** The leadership of the government and the private sector must be committed to the fight against corruption.
2. **Legal Framework:** The legal framework must be robust and enforceable, covering all areas of public and private life.
3. **Accountability:** All public officials and private sector leaders must be held accountable for their actions.
4. **Transparency:** The government and the private sector must be transparent in their operations.
5. **Integrity:** Public officials and private sector leaders must be of high integrity.
6. **Participation:** The public must be encouraged to participate in the fight against corruption.
7. **Trust:** The public must have confidence in the government and the private sector.

## A Strategy For Jamaica

A strategy for Jamaica to combat corruption should focus on the following areas:

- 1. **Strengthening the legal framework:** Review and update the legal framework to ensure it is robust and enforceable.
- 2. **Improving the enforcement of the law:** Strengthen the capacity of the enforcement agencies to investigate and prosecute corruption cases.
- 3. **Enhancing transparency and accountability:** Implement measures to increase transparency in government and private sector operations.
- 4. **Promoting integrity and ethical standards:** Establish and enforce codes of conduct for public officials and private sector leaders.
- 5. **Encouraging public participation:** Create mechanisms for the public to report corruption and participate in the fight against it.
- 6. **Building trust:** Foster a culture of trust between the public and the government and the private sector.

## Asset Declarations

Asset declarations are a key tool for combating corruption. They require public officials and private sector leaders to disclose their assets and liabilities. This helps to identify potential conflicts of interest and ensure that public officials and private sector leaders are acting in the best interests of the public.

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**Key Issues in Asset Declarations**

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### Objectives of Asset Declarations

The primary objective of asset declarations is to ensure transparency and accountability in public life. It aims to prevent conflicts of interest and the misuse of public office for private gain. By disclosing their assets, public officials allow citizens to monitor potential biases and ensure that decisions are made in the public interest. This practice also serves as a deterrent against corruption and helps in building trust in the government.

Furthermore, asset declarations help in identifying and managing potential conflicts of interest. They provide a clear record of an official's financial and professional interests, which can be used to assess whether these interests might influence their official duties. This is particularly important in areas like procurement, contract awards, and policy-making, where conflicts of interest are common. Regular updates to these declarations ensure that any new interests are promptly disclosed and managed.

The effectiveness of asset declarations is largely dependent on the robustness of the legal and regulatory framework. A strong legal basis is essential to mandate the disclosure and to provide clear guidelines on what should be declared and how. Additionally, there must be a clear and accessible process for submitting and updating declarations. The role of oversight bodies, such as ethics commissions or anti-corruption agencies, is crucial in monitoring compliance and investigating any breaches. Without these elements, the system is likely to be ineffective.

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### Principles of Government Ethics Regulation

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### The First Pillar: A Clear and Comprehensive Code of Ethics

The code of ethics must be clear, comprehensive, and enforceable. It should be written in plain language that is understandable by all government employees. The code should cover all areas of potential conflict of interest, including financial interests, outside employment, and gifts. It should also provide clear guidance on how to handle potential conflicts and what the consequences of a violation will be.

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**Simple, sensible, straightforward,  
and short, the code of ethics must be  
understandable by every official and  
employee - without a lawyer.**

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The code of ethics should be a living document that can be updated as needed. It should be reviewed regularly to ensure it remains relevant and effective. The code should also be widely disseminated and regularly reinforced through training and communication.

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### The Three Pillars of an Effective Government Ethics Law

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**General prohibition:** ... w... h... w... h...

**Th...** ... w... h... w... h... w... h...

**Prohibited positions or ownership interests:** ... w... h... w... h...

**Gifts:** ... w... h... w... h... w... h...

**Confidential government information:** ... w... h... w... h... w... h...

**Appearances and representation:** ... w... h... w... h... w... h...

**Private compensation:** ... w... h... w... h... w... h...

**Inducement of others:** ... w... h... w... h... w... h...

**Superior-subordinate relationship:** ... w... h... w... h... w... h...

**Political solicitation:** ... w... h... w... h... w... h...



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## Annual Disclosure

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### Duties

#### 1. The Duty to Train and Educate.

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***Perhaps the most important duty of an ethics commission or ethics office is to teach government officials what the code of ethics requires - and what the penalties are for violating it.***

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**4. The Duty to Regulate Disclosure. Th... .. h**



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***A tension inevitably exists between the need to protect government officials against unfounded accusations, particularly by political opponents or disgruntled employees, and the need to reassure the government, complainants, and the public that the ethics commission will address accusations of ethical impropriety quickly, aggressively, and fairly.***

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## Conclusion

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# The Right to Information and Jamaica's Access to Information Act

Alasdair Roberts

The Access to Information Act (ATIA) was enacted in 1997. It was the first of its kind in the Caribbean. The ATIA was a landmark piece of legislation. It gave citizens the right to know what their government was doing. It was a significant step towards transparency and accountability. The ATIA was a response to the need for greater openness in government. It was a result of the efforts of civil society and the media. The ATIA was a victory for the people of Jamaica. It was a sign of progress and reform. The ATIA was a model for other countries in the region. It was a source of inspiration and guidance. The ATIA was a testament to the power of the people. It was a symbol of hope and change. The ATIA was a landmark in the history of Jamaica. It was a defining moment. The ATIA was a source of pride and honor. It was a legacy for future generations. The ATIA was a gift to the people of Jamaica. It was a promise of a better future. The ATIA was a beacon of light. It was a path forward. The ATIA was a source of strength and courage. It was a shield against corruption and abuse. The ATIA was a source of unity and solidarity. It was a bond between citizens and their government. The ATIA was a source of empowerment. It was a tool for change. The ATIA was a source of hope and optimism. It was a sign of a brighter future. The ATIA was a source of inspiration and motivation. It was a call to action. The ATIA was a source of pride and honor. It was a legacy for future generations. The ATIA was a gift to the people of Jamaica. It was a promise of a better future. The ATIA was a beacon of light. It was a path forward. The ATIA was a source of strength and courage. It was a shield against corruption and abuse. The ATIA was a source of unity and solidarity. It was a bond between citizens and their government. The ATIA was a source of empowerment. It was a tool for change. The ATIA was a source of hope and optimism. It was a sign of a brighter future. The ATIA was a source of inspiration and motivation. It was a call to action.

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## Exemptions To The Right To Information

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## Enforcement Mechanisms

The proposed Access to Information Act will provide a framework for the enforcement of the Act.

Chapter 10 of the proposed Act will provide for the enforcement of the Act.

***The effectiveness of the proposed Access to Information Act will hinge largely on its enforcement mechanisms.***

Article 10 of the proposed Act provides for the enforcement of the Act:

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**Generally, the proposed Jamaican Access to Information Act takes an appropriate approach in defining the range of institutions that should be subject to the right to information.**

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### Other Limitations in the Proposed Law

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**Exclusion of security and intelligence services.** A

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## Making Use of the Law

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# Access to Information: How Is It Useful and How Is It Used?

Richard Calland

**T**he right to know is a fundamental principle of democratic governance. It is the right of citizens to know what their government is doing, and to know what their government is thinking. This right is essential for the effective participation of citizens in democratic processes. It is also essential for the accountability of government to the people. The right to know is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy. It is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy.

( ) The right to know is a fundamental principle of democratic governance. It is the right of citizens to know what their government is doing, and to know what their government is thinking. This right is essential for the effective participation of citizens in democratic processes. It is also essential for the accountability of government to the people. The right to know is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy. It is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy.

## Introduction

Meaningful participation in democratic processes requires informed participants. Secrecy reduces the information available to the citizenry, hobbling their ability to participate meaningfully.

The right to know is a fundamental principle of democratic governance. It is the right of citizens to know what their government is doing, and to know what their government is thinking. This right is essential for the effective participation of citizens in democratic processes. It is also essential for the accountability of government to the people. The right to know is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy. It is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy.

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### The Right to Know

The right to know is a fundamental principle of democratic governance. It is the right of citizens to know what their government is doing, and to know what their government is thinking. This right is essential for the effective participation of citizens in democratic processes. It is also essential for the accountability of government to the people. The right to know is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy. It is a right that is often overlooked, but it is one that is essential for the functioning of a democracy. It is a right that is often violated, but it is one that is essential for the functioning of a democracy.

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Richard Calland is the Executive Chair of the Open Democracy Advice Center, Cape Town, South Africa.

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**The Global Trend Towards Greater Transparency**

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**Information, Democracy and Accountability**

*the result of a messiah complex which imbues political leaders with a feeling that only they know what is best for the people and that citizens cannot be trusted to make important decisions on issues that affect their lives or how they want to be governed.*

Adapted from *The African Renaissance* by Kwame Ninsin, 2000.

## The Case of South Africa

South Africa is a country with a rich history and a diverse population. The country has a long history of struggle against apartheid, which was a system of racial segregation and discrimination. The end of apartheid in 1994 marked a significant turning point in the country's history. Since then, South Africa has made significant progress in terms of economic growth and social development. However, the country still faces many challenges, including high unemployment, inequality, and corruption. The government has implemented various policies to address these issues, but more needs to be done to ensure a bright future for all South Africans.



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### A System for Accessing Information

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***There is no point in having a law that provides for the right to access to information, if there is not at the same time a clear and workable system of mechanisms to enable citizens to use the law.***

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A... Th... h... h... w...  
w... w... h...  
h...  
w... h... 90... , h... h... h...  
AC'... w... h...  
h... h...  
h... w... w...  
h... h...  
h... h... A... h... h...  
h...  
h... w... h... ;  
w...  
h... h... h...  
h... h... C... A... h... h...  
h... h... h... h... h... w...  
h... h... h... w... h...  
h... h...

## New Access to Information Act is Attracting Much Use: Bulgaria

A... h... h... B... A... P...



## **A Culture of Openness and Duty to be Proactive**

**In general, blanket exemptions are unattractive . . . The better course is to have clearly drafted exemption sections for the type of record, rather than broad blanket exemptions for the holding department or entity.**

... , h  
A  
... h w  
P h ... w ... ,  
11(1)( ), wh h  
h ... h  
... h  
... h h  
Th w  
h

Th , h  
h h  
h w h h  
h A  
w h  
h w , h , h h A  
w A w h h  
h A w h  
h h w  
h h

#### Exemptions

Th w h 10(1)( ),  
wh h  
w h  
h h  
Th h (2)  
wh h  
Th h  
wh  
h h Th h

h h  
A  
h w  
P h ... w ... ,  
11(1)( ), wh h  
h ... h  
... h  
... h  
... h  
... h  
Th  
h : h  
w h  
h  
h h  
11(1)( ), h  
h

C 18, h  
h w A  
w h  
h  
h h A  
h h  
h w h  
w h  
h  
h h h  
h w h h  
w h

Th ( 19), wh h  
h  
/  
w  
h

... h ... h ... h ... wh ... h  
... h ... h A ... w, h ...  
h ... ; h ...  
h ... h ...  
... h ...  
... w, h ... h ...  
h ... h ... Th ...  
...  
... h ...  
... h ... A ...  
... , h ...  
... w ...

... w ... h ...  
h ... h ...  
... w ... h w ... h ...  
h ... h ...  
... wh ...

**The System**

... wh h h ...  
h ... h w, w ... h ...  
... h ...  
... h w ... h ...  
... , h ... h ...  
... h ...  
... w h h ... h ... w h ...

w ...  
... w ...  
h ... h ...  
h w ... h A ... h ...  
... h A ...  
... h ... wh ... h ...  
/ ... w ...

**A Culture of Openness**

... (14), ...  
... (15) ...  
... (18). ...  
...  
...  
... w.

### **The Duty To Be Proactive - Adopting a Right to Know Approach**

... w ...  
... w ...  
... w ...  
... w ...

### **Conclusion**

**T**h ... A ...  
... A, 2001, ...  
... A ...  
... w ...  
... h.





**T**h A ..... A, 2001 .....  
..... B h w ..... h h .....  
..... h ..... h .....  
..... h ..... /



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T ..... w ..... 24 ..... h  
..... h ..... w ..... h .....  
19.

C ..... w h h (3) ..... h .....  
B ..... C ..... P .....  
A ..... , C .....  
1982. .... h ..... P .....  
h A ..... A ..... A .....  
T ..... h P ..... A ..... .

**Jimmy Carter** (..... C.....), h ..... h  
..... h ..... , w ..... 1,  
1924, h ..... w ..... P .....  
w ..... h w ..... C ..... h  
..... T h ..... , ..... B. .  
..... h ..... A ..... 1946.  
..... w ..... h .....  
C ..... 1962, C ..... w ..... h .....  
..... h ..... 1966,  
..... w ..... h ..... ' 76 h  
..... 12, 1971. ..... w ..... h .....  
..... C ..... h ..... h 1974  
..... C .....



... h ...  
... C ...  
... h C ... , h ...  
... B ... , h A ... B ... , h ...  
... C ... C ...  
P ... h ...  
P ... , A ... T ...  
Th C ... C ...  
... h ... h h ...  
h ... h C ...  
... C ...

A C ... h CACH w ...  
h ... h ...  
h ... h h ...  
... ..

... w wh ...  
... h ... w ...  
... 1981 ... h ...  
... w ... 1991 ...  
1993, wh h w ... w h ...  
... h ... w ...  
... h ... h ...

**Trevor Munroe**

P ...  
P ... h ... h ...  
C ... h ...  
... B ... h ...  
... h ... h ...  
h ... P ... h ... h ...  
... h ... w ...  
... h C ...

*Renewing Democracy into the Millennium: The Jamaican Experience in Perspective* (1999) w ...  
wh ... h ...

... h ...  
P ...  
C ... w h ... , ...  
...  
...  
h ... h ... w ... h ... w ...  
... ..

**Laura Neuman**

h ... P ... A ...  
h A ... P ... Th C ... C ... h ...  
...  
... , C ... h ...  
... w ... h ...  
... h ... C ... P ...  
... A ... C ... , h ...  
w ... w h h ... , ...

... h ...  
... A ... h w ...  
... , h ... Th C ... C ... C ...  
... h ... B ... P ... , w ...  
A ... h ... h ...  
... h ... h ... w ...

... , P ... h ...  
Ch ... Th C ... C ...  
... h ...  
(2000) ... (1999, 2000). h h ...

*Current History*. ... 2000, h ... h ...  
Ch ... h A ... C ...  
h ... Th C ... C ...  
Th C ... C ... h C ...

P ... Th C ... C ... A ... 1999,  
... w ... w ...

A ... h ...  
w ... 1996, h ...  
w ... A ...  
C ... A ... h ... w ... 1997,  
w ... h ...  
h ... A ... w ...  
h ...  
w ...

h ... 1993 ... h ...  
w ... h ... h B.  
Aw ... h ... h ...  
h ... 1989  
h ...  
w ... w ... h ...  
P ... h, w ... h ...  
h ...

**Alasdair Roberts**

A ... P ... h ...  
w ... h ... C ... h ... P ... A ...  
h ... C ...  
P ... A ...

A ... P ... , ... , C ... , P ...  
h ... B.A. ...  
1979. ... h ...  
T ... w ... 1984, ...  
P ... P ... h ... h ...  
1986, ... P h. ... P ...  
P ... 1994.

1990 ... 2001, P ... h ... h ...  
h ... P ... , C ...  
w ... A ... h ... h ... 1993 ...  
1995. h ... h ...  
w ... P ... P ...  
h ... h ... C ...  
h ... P ... A ... C ... w ...  
h ... h ... C ...  
h ... , C ... 1997-98 ... w ... h ...

w ... C ... h ...  
h ... , C ... 1999-2000.

P ... w ... h ...  
w ... ; ... w ...  
h ... h ... P ... ;  
h ... C ... T ... B ...  
A ... A ... ; ... h ...  
B ... P ... A ... w ...

h ... w ...  
w ... , ...  
w ... h ... w ... h ... h ...  
Aw ... P ...  
A ... w ... 1995 ... h ... Aw ...  
h ... C ... P ...  
A ... 2000.