Fostering Transparency and Preventing Corruption in Jamaica

Edited by Laura Neuman
The Carter Center

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President Jimmy Carter

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Laura Neuman

AcknowledgmentsLaura Neuman Acknowle

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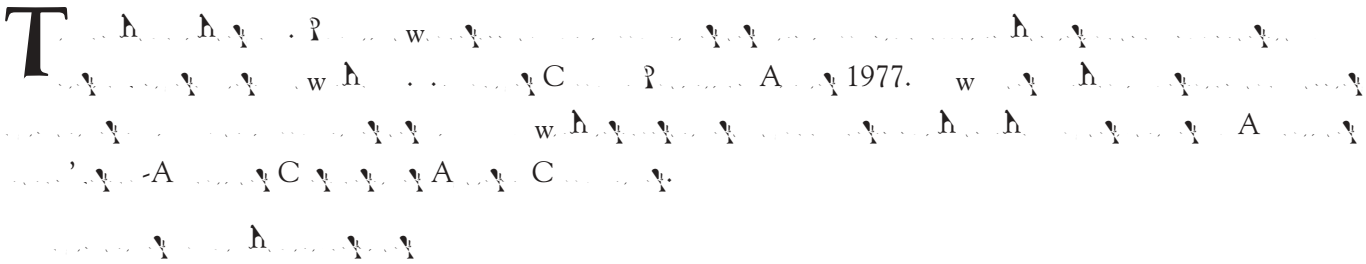
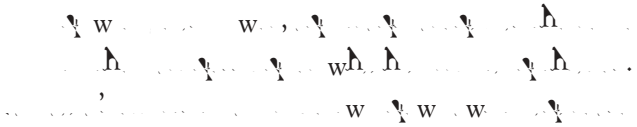
Foreword

By Jimmy Carter





Laura Neuman, J.D., is the Senior Program Associate of The Americas Program, The Carter Center.

Ethics in Government and The Issues of Conflicts of Interest,

Acknowledgments

Overview

Jamaican Democracy In Context

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A major precondition for strengthening democratic renewal in Jamaica is, therefore, substantial reduction in levels of corruption.

The Changing Environment - The Rise of Non-Conventional Participation

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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

Scope of Corruption

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

Relevant Human Rights Principles

Derogation From Human Rights Principles

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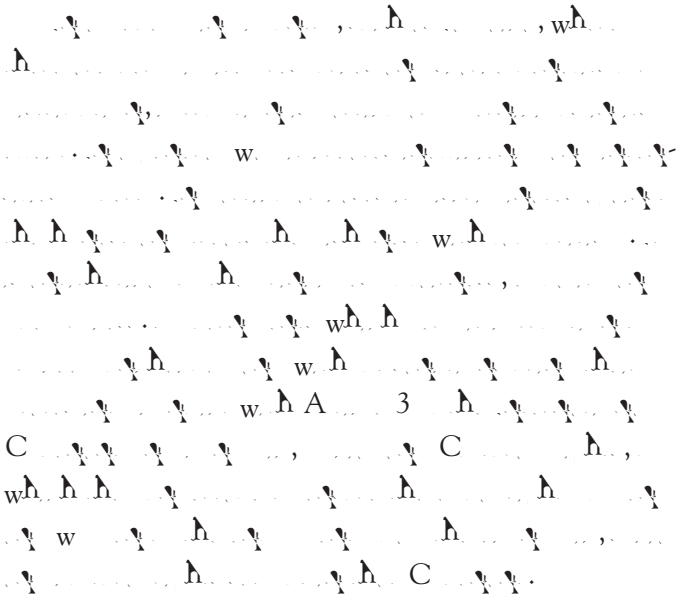

Jamaica Survey on Living Conditions 1998 Report

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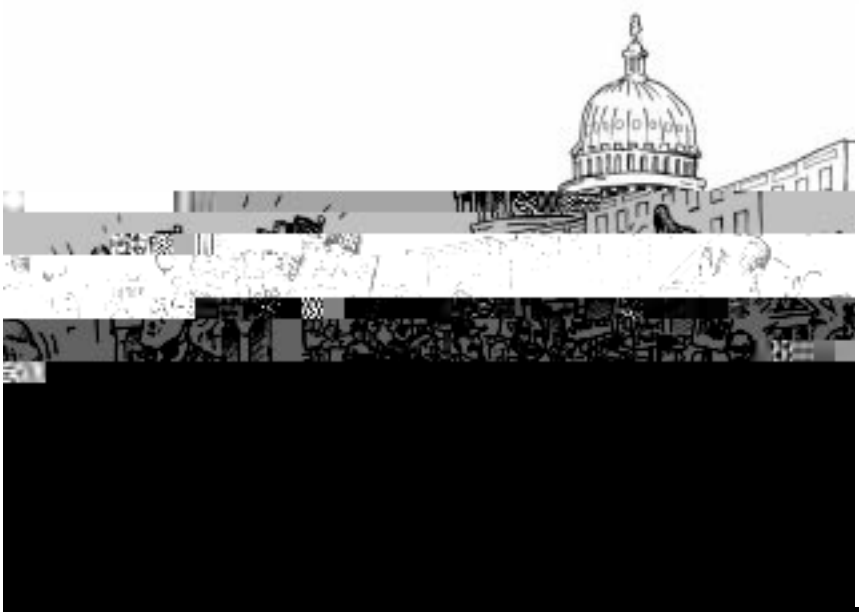

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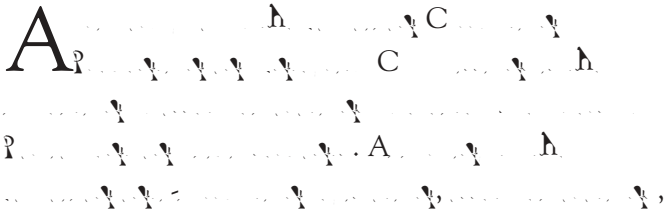

Seven Essential Conditions for Combating Corruption

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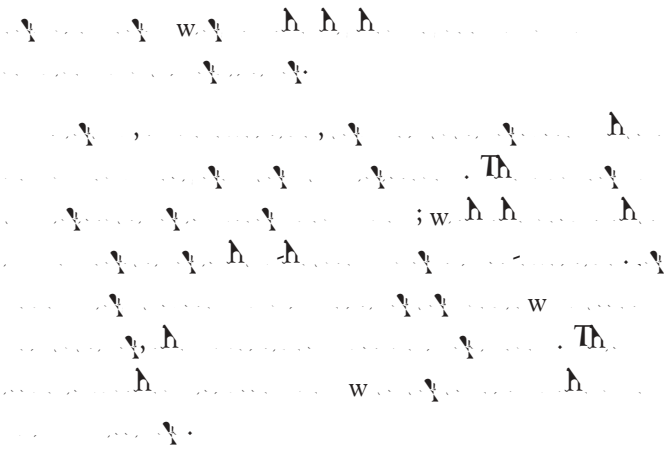
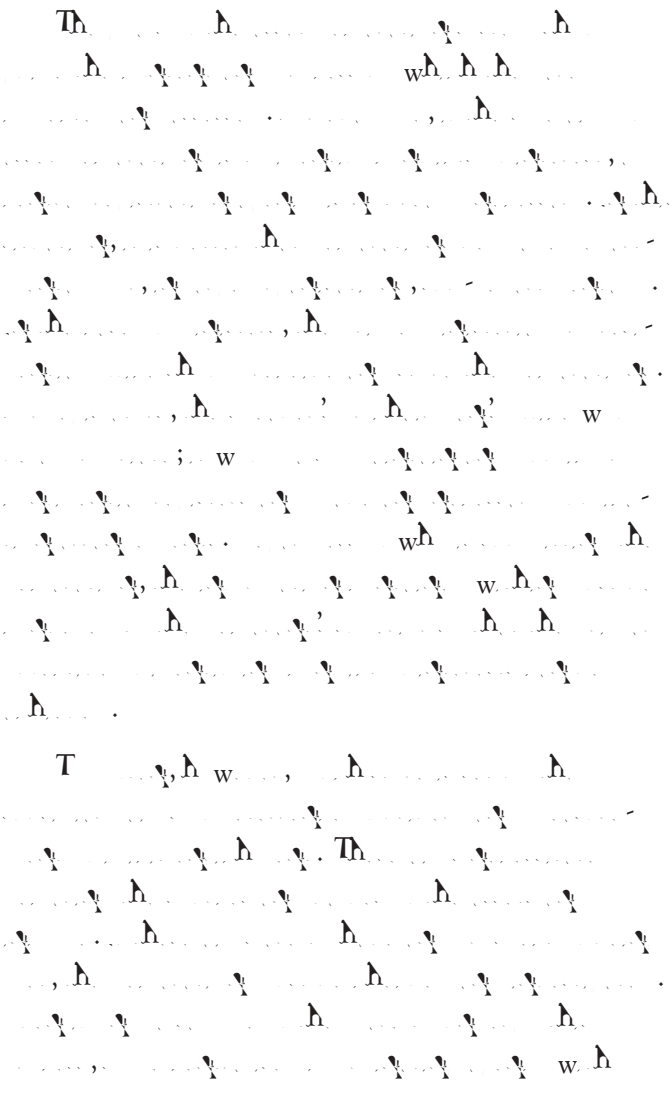
A Strategy For Jamaica

Asset Declarations

Key Issues in Asset Declarations



Objectives of Asset Declarations



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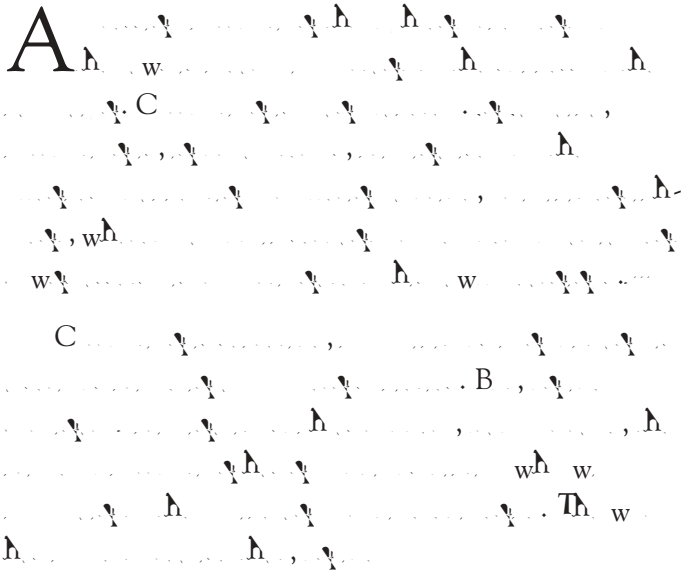
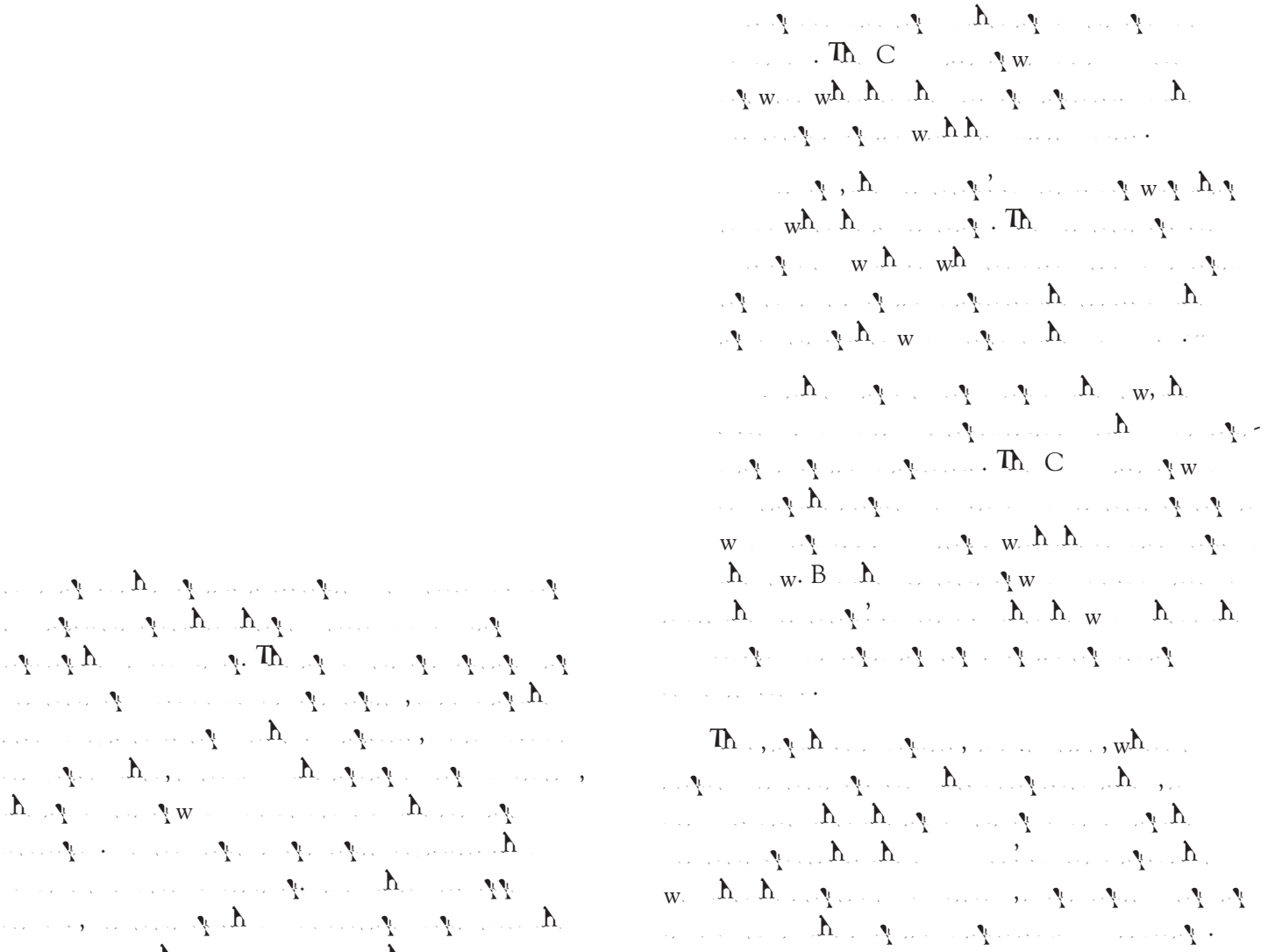


Public Education

The Role of the Jamaican Commissions

The Jamaica Corruption Prevention Act 2000



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How Can the Commission Investigate and Enforce the Laws?

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What Is The Role of the Commission in Educating the Public?

The Role of Citizens

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Ethics In Government and the Issue of Conflicts of Interest

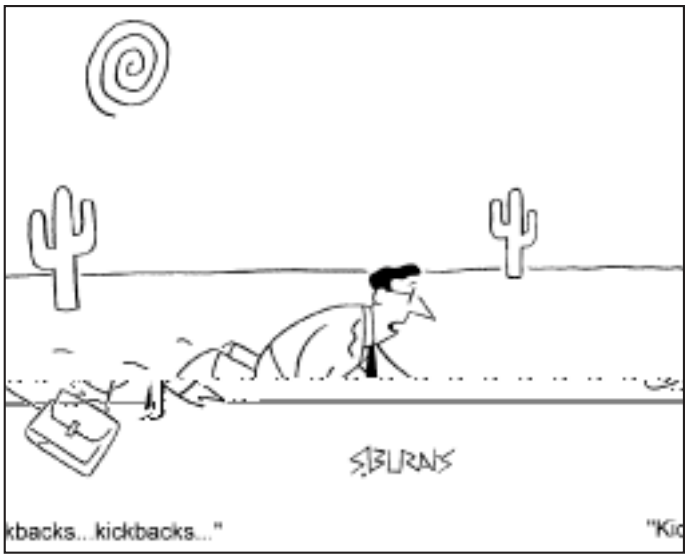
Mark Davies

Introduction: Globalization and Government Ethics Laws

Purpose and Nature of Government Ethics Laws

Mark Davies is the Executive Director of the New York City Conflicts of Interest Board.

This chapter was originally published in the book , edited by Yassin El-Ayouty, Kevin J. Ford and Mark Davies. This chapter was reprinted with permission from Greenwood Publishing Corp. The views expressed in this chapter are those of the author and do not necessarily reflect the views of the New York City Conflicts of Interest Board.



Principles of Government Ethics Regulation

The First Pillar: A Clear and Comprehensive Code of Ethics

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

The Three Pillars of an Effective Government Ethics Law

General prohibition:

Prohibited positions or ownership interests:

Gifts:

Confidential government information:

Appearances and representation:

Private compensation:

Inducement of others:

Superior-subordinate relationship:

Political solicitation:

"Two-hats:"

Revolving door (post-government employment):

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Avoiding conflicts of interest:

Improper conduct generally:

Restrictions on private persons and firms:

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Annual Disclosure

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Duties

1. The Duty to Train and Educate.

> *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.*

2. The Duty to Provide Advice.

3. The Duty to Grant Waivers .

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4. The Duty to Regulate Disclosure. Th h

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.

Conclusion

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

Alasdair Roberts

Professor Alasdair Roberts is the Director of the Campbell Public Affairs Institute at The Maxwell, Syracuse University. Website: http://www.campbellinstitute.org

Exemptions To The Right To Information

Cabinet documents

Internal deliberations

Interstate communications

Breach of confidence

Conclusive Certificates

Enforcement Mechanisms

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

1995,

1.

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3.

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.

that it has determined to be

Other Limitations in the Proposed Law

Exclusion of security and intelligence services.

Exclusion of older documents.

Making Use of the Law

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

Richard Calland

Introduction

eaningful 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

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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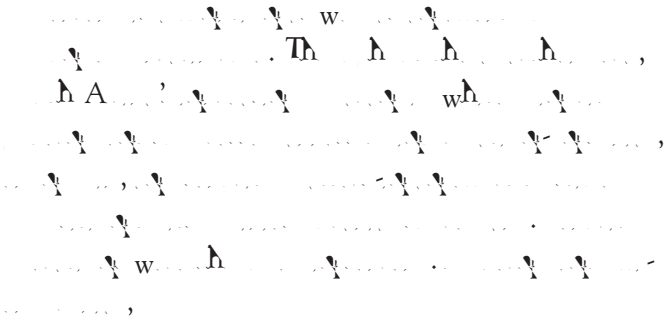
Information, Democracy and Accountability

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.

2000.

The Case of South Africa



The South African Law

The Promotion of Access to Information Bill reaches out towards new horizons. It captures both the spirit and the necessity of the age in which we live. Information is the life-blood of our times; we need it to survive and to prosper, almost as much as we need oxygen to live. This new law does something truly innovative and truly radical. It aspires not only to enhance an information rich society, but also to democratize the use, ownership, application and access to information. If information represents power, then we must ensure that it is not monopolised by the rich and powerful.

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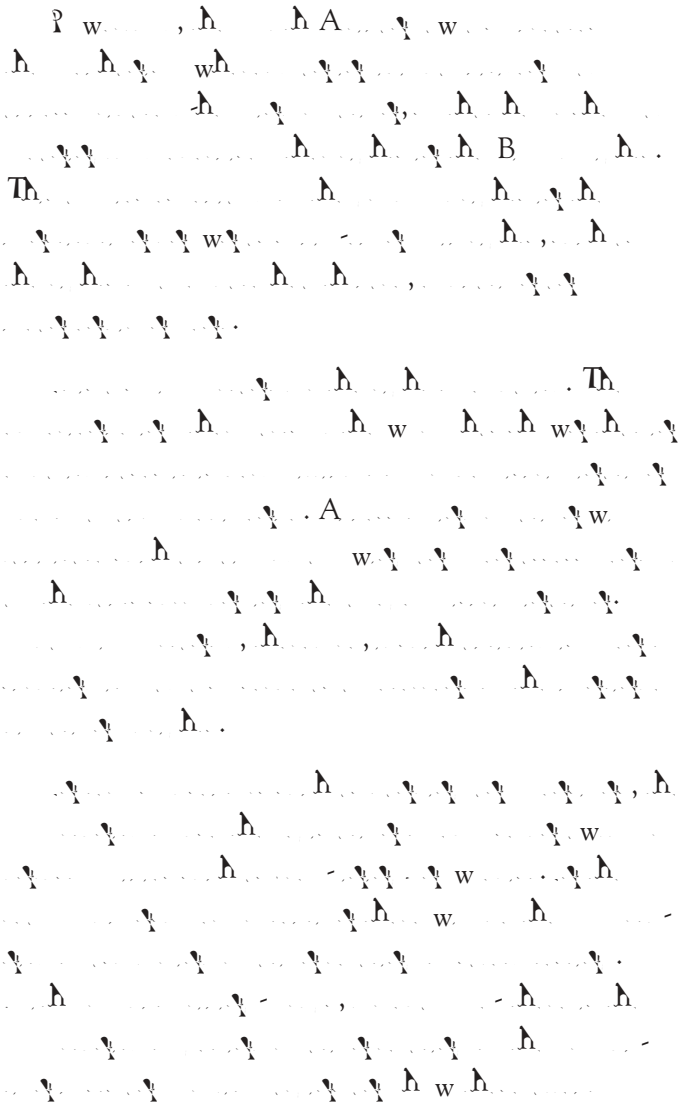
A System for Accessing Information

> *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.*

Private Information:
The “Horizontal” Right to Know



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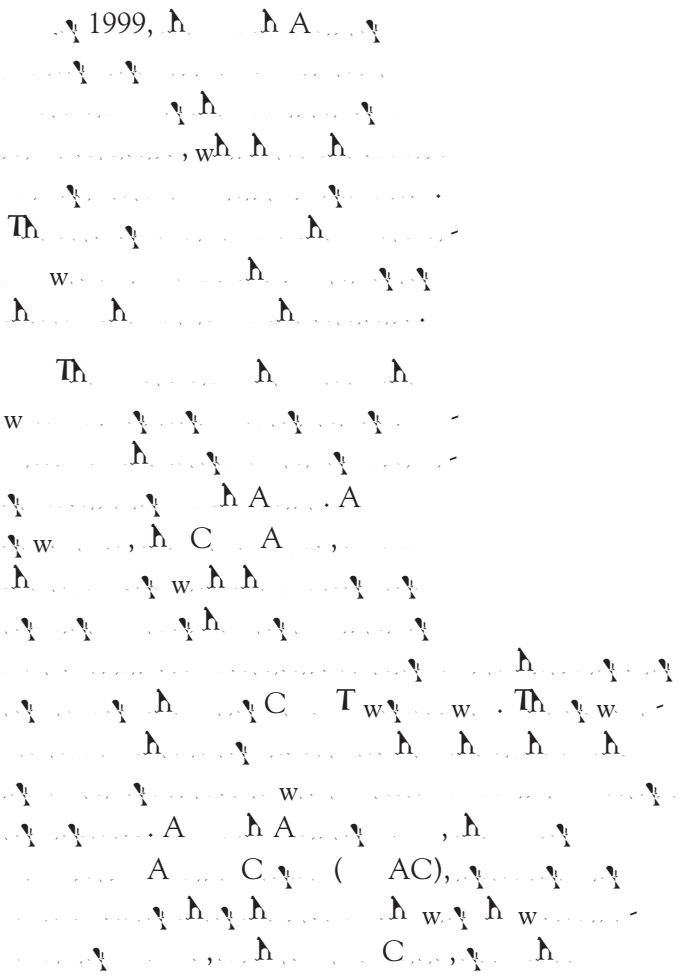
Using Its New Law to Powerful Effect: South Africa: Case One



New Access to Information Act is Attracting Much Use: Bulgaria

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.

Exemptions

The System

A Culture of Openness

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

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Conclusion

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F: (876) 924-9056
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