



Grace, Kennedy Foundation Lecture 1997

WESTMINSTER
STYLE
DEMOCRACY

**THE
JAMAICAN
EXPERIENCE**

Gladstone E. Mills

Preface

This is the ninth year since the institution of the Grace, Kennedy Foundation Lecture. The range of subjects treated so far has been widely varied as we have explored out developing society, analysing its challenges and searching for solutions.

The members of the Lecture Committee have usually sought outside themselves for the persons who would be invited to present the lecture each year. The subject for this year, *Democracy Westminster Style: The Jamaican Experience*, called for a special set of qualifications; and we felt that to go outside of our number would be to do an injustice to the purpose we seek to serve. For in Professor Gladstone Mills, the Chairman of the Grace, Kennedy Foundation, we have a Jamaican uniquely qualified both by his academic work in the area of Government and in his practical involvement in critical areas of our nation's life at very crucial moments over the last forty years.

The Professor has shared his wealth with us and this printed booklet of the lecture is going to be required reading for those who would understand Jamaica's political and constitutional odyssey this century and be helped to an appreciation of what a wholesome, well-governed nation might look like.

He has given us an introduction to our Constitution as a working system and how it has fared in our hands; an insight into attempts to defend the electoral system against the corruption of dishonest power-seekers; a critique of Local Government and the possibilities of reform; the role of the Civil Service and the general issues of maintaining integrity in the different sectors of civil society; the need for constitutional, electoral and administrative reform; and possible roads ahead.

All the matters discussed, from Constitutional Reform to Corruption, are items in hot debate throughout the society. Professor Mills has relevant and insightful comment on each issue raised.

This Lecture is especially welcome at this moment.

C. Samuel Reid

Chairman

Grace, Kennedy Foundation Lecture Committee



The Hon. Gladstone E. M. Mills, O. J.

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In the 1988 proposal for the Grace, Kennedy Lecture Series, the second topic on the list of subjects to be considered for the series was "The pervasiveness of Partisan Politics and its Implications". Only now, in 1997, is that topic being addressed.

The Foundation Lecture Committee deliberated long and hard on the topic but for the lecturer there was only one choice, even though that choice was 'one of our own'. The Hon. Gladstone 'Charles' Mills, O.J, Professor Emeritus of the Department of Government of the University of the West Indies, has spent his life in the service of his country, as a civil servant and educator par excellence in Public Administration and Government.

Professor Mills has served the University of the West Indies continuously since 1960. Over the past three decades he has also been involved in most of the reviews and reforms of Public Administration that have taken place in the Caribbean. His writings on this topic have been widely used, both inside the region and

beyond. It is, therefore, true to say that his influence on Public Administration and Government in the Caribbean is monumental.

It is, however, in his work with the Electoral Commission and, to a lesser extent, the Public Services Commission that he has had his mettle most tested. Those years, 1974 to 1993, will no doubt be recorded in our history as a time when our nation went into turbulence. From this we are still to emerge.

A product of Jamaica College, the London School of Economics and Harvard, this son of Manchester has been the epitome of service to one's country. He has written many papers and articles, but his memoirs, *Grist for the Mills*, spoke to the reverence he has for his childhood experiences and his belief in and love of Jamaica.

Professor Mills has been Chairman of the Issa Scholarship Committee since 1965, Chairman of the Grace, Kennedy Foundation Scholarship Committee from its inception in 1980 and Chairman of the Grace, Kennedy Foundation since 1989. His most recent assignment has been to take up the Chairmanship of the Advisory Council on Local Government Reform.

His other interests include the theatre, music and sport, but his passion is cricket. He has, through his service to the Jamaica Cricket Board of Control, contributed to the well being of the game.

The Government of Jamaica awarded him the Honour of Commander of Distinction in 1975 and that of the Order of Jamaica in 1989. However, he is most proud of having received the Carlton Alexander Memorial Award from Jamaica College in 1991

Introduction

In 1988, when the Grace, Kennedy Foundation conceived the idea of mounting an annual public lecture series, the Directors compiled a short list of topics which seemed, at the time, to be relevant for discussion. High on that list was the topic. 'The Pervasiveness of Partisan Politics and its Implications'. By that year, Jamaica had experienced a period spanning almost a generation of tribal warfare - the fight for scarce benefits and for the spoils of victory at the polls. This condition was also expressed in the analysis by the Reverend Sam Reid (a Senator at the time) as:

A veritable institution of victimization where rewards are definitely being handed out daily - but not on the basis of achievement - rather on the basis of political compliance.

This scenario was distinguished by the unprecedented incidence of murders during the run-up to the General Elections of October 1980, the majority, it seems, motivated by partisan politics. Significantly, those elections, conducted by the then one-year-old Electoral Advisory Committee (EAC), took place in a context characterized by the widest political polarization Jamaicans had ever experienced - a situation also reflected among the political nominees on the Committee.

By the mid-1980s the gaps had narrowed, at least within the EAC. In the wider society, glimmers of optimism appeared in the signing of the bi-partisan Peace Accord in August 1988 by leaders of the warring factions. Incidentally, shortly before this event, Dr. Paul Robertson paid tribute publicly to the EAC for its contribution in bringing together representatives of the two major parties. However, in response to my expression of disappointment that no member of the Committee was invited to the signing ceremony in the capacity of a representative of that institution, Dawn Ritch commented in her column in the Sunday Gleaner:

I think the failure to invite gang members was deliberate and a serious omission in the way that Professor Mills' [non-invitation] was not.

During the intervening decade, significant changes have occurred: the incidence of crime and violence has escalated but while the partisan political element continues to be significant, the authority and power of the political 'dons' appear to have declined, dethroned by drug overlords possessing superior financial resources and commanding technological weapon power unequalled by the State's security forces. Moreover, the limited economic and financial base of Jamaican and other Caribbean Governments handicaps them severely in their efforts to ensure that public officials will not succumb to the blandishments of drug barons who might approach them with tempting 'offers'.

In Jamaica, a declining economy incapable of providing a livelihood and adequate public services for large segments of the population, the growth of inner-city slum areas, and the widening chasm between the few who have an overwhelming share of the resources and the majority of the population - these factors threaten the stability of the State and the Society.

Indeed, it is pertinent to reflect on the civil disturbances and riots, which occurred throughout the British West Indies during the 1930s, provoked by deplorable social and economic conditions, and the constraints imposed by the colonial constitutional, political and administrative systems. It is salutary to recognize that a fundamental source of these events was the absence of open and clear channels to facilitate easy communication of the people's grievances, needs and aspirations to the authoritative centres for policy decisions and the return flow of implementation.

Frustrations ultimately led to shocks to the system and an explosion.

I suggest that we should consider the questions: In light of current social, economic and political conditions in Jamaica, why has a similar blow-up not occurred? Are stabilizing forces in place, which provide a cushion for the society, and if so, what are these? It should, of course, be recognized that some current conditions differ fundamentally from those of the 1930s, especially in the proliferation of media institutions, which have widened significantly the channels of communication available to the ordinary citizen. This is exemplified particularly in the development of radio 'talk-shows'. The phenomenal growth in the number and influence of non-governmental organizations (NGOs) has also played an important role. Yet frustrations remain and these are vented and partly relieved through the medium of roadblocks.

Since the 1980s the evidence of a breakdown in Jamaica's social system and of certain changes in the values and attitudes of the Jamaican population has become even more manifest. Emphasis on the market economy has been accompanied by an increasing tendency to sacrifice wider community and non-material goals on the altar of self-interest and short-term economic ends. These behavioural patterns are clearly illustrated in the Foundation's 1995 and 1996 Lectures: *The Crisis in Jamaican Society*, presented by Dr. Lucien Jones and *The Environmental Dilemma* by Professor Elizabeth Thomas-Hope.

Before this, Dr. Burchel Taylor (1992) had observed that diminished moral commitment and purpose seemed to be evident on a wide scale. He concluded that moral concerns, as they relate to community and the public sphere, have been almost totally dismissed. Professor Elsa Leo-Rhynie (1993) drew attention to the consequences for the family and nation of an inadequate

educational system in perpetuating low self-esteem, the psychological damage resulting from a syndrome of violence and the culmination of all these conditions in a crisis of human relationships. Dr. Keith Panton (1994) portrayed a current picture of widespread cynicism, pessimism and negativism among Jamaican citizens and disenchantment with existing institutions. He emphasized the significant role for leadership in shaping moral principles and motivating the citizenry towards the achievement of desired societal goals founded on appropriate values.

An escalating level and a widening concern for the state of the society and nation have stirred a search for the causes of, and solutions to, these problems. This search has been led by the Government, the major political parties, including the young National Democratic Movement (NDM), and non-governmental organizations such as the churches, the University of the West Indies and the media through discussion programmes. Among the causes indicted are the nature of the Constitution and, particularly, the Westminster-Whitehall heritage: the political system and the appurtenances such as the tribal and garrison features; the breakdown of the electoral system; emasculation of Local Government; and the decline in quality of the Civil Service.

Coincidentally, during the past decade, significant conversations have occurred on the 'Road to Damascus' - all involving fundamental policy changes on the part of the respective political parties. Within eighteen months of returning to office in 1989, the People's National Party (PNP) leaders, who had been ardent advocates of the State's role as the engine of growth, clearly underwent a complete turn-around. The new disciples of the gospel of deregulation, privatization and divestment, now presented the State's role as that of 'enabler' and 'facilitator' while 'the private sector is recognized as the principal engine of economic growth' - a metamorphosis impelled by the new context of a global economy. Meanwhile, a leader of the Jamaica Labour Party (JLP) which had

emasculated the system during the 1980s has declared the party's strong advocacy and support for Local Government. More recently, the leader of the NDM, adopting a commendably Pauline posture, approached the chairman of the Committee on Tribal Warfare and volunteered his 'garrison constituency' as a guinea-pig in the quest for the means of eliminating such constituencies. These experiences validate the view that even the most strongly held positions are not set in stone. In addition, we have witnessed the confusion in commitment and loyalties expressed in the crossing and re-crossing of the political floor by a Member of Parliament. In light of this background, the Grace, Kennedy Foundation concluded that the time was appropriate for a Lecture, which would provide a perspective on the political scene.

In this Lecture it is proposed to broaden the canvas by viewing the scene in its widest sense, that is, not only its partisan dimension but also in terms of its Westminster parentage and that influence on Jamaica's political as well as its public administrative system. I intend to note the behavioural differences between parent and child; and to reflect on the structure, functioning and behaviour of these component and interrelated parts. In doing so, I shall consider critically the reform efforts and agendas in respect of the Constitution, the Westminster-Whitehall derivative and the Public Administration, Local Government and Electoral systems.

Westminster-Whitehall Model and Derivative

Whatever doubts may be felt or expressed about the extent of the rooted and pervasive influence of British culture and institutions on all strata of West Indian societies, that connection has certainly left a significant heritage and deep impressions on their social, political and cultural life. Apart from their legal systems, two institutions spring to mind with a paternity or, perhaps more appropriately, material source which is incontrovertible.

One is the Westminster-Whitehall system of government and public administration; the other is cricket. Yet, whatever the similarities to their parent institutions in form of constitutional-legal framework, in practice these two imported local counterparts behave differently from their parents: the transplanted institutions influenced by exposure to the Caribbean environment, in which tradition and convention play significant roles. To anyone who has seen both teams play Test Cricket, there are clear differences in style and approach to the game (and also in spectator behaviour). These differences have, however, been 'muddied' within recent years by the recruitment to the England Eleven of, at times, highly significant proportions of non-English players, including West Indians, and the infectious extrovert behavior of the resident West Indian section of the crowds during an England home match.

The Home Mode

Essentially, as Edwin Jones observed in his inaugural professorial lecture, the Westminster-Whitehall or Cabinet-Parliamentary system is based on a strong liberal-democratic. This competitive parliamentary political system, in which major political groups share broadly similar ideological positions, recognizes Her Majesty's Loyal Opposition, assigning an official role to the Leader of the Opposition. Implied also, and in fact a reality, is the

consideration extended by the executive to backbenchers and to minority views.

These attributes assume a foundation and context reflecting a "broadly homogenous society, the absence of major subcultural cleavages.... And of the institution of violent opposed partisan tribes". It functions on the premise that the decision-making process is based on the existence of a bargaining culture and strong public opinion, with an emphasis on consensus evolved over centuries. Intrinsic also to the system are the tenets of individual ministerial and collective Cabinet responsibility, requiring the members to 'hang-together' or suffer the penalty of 'hanging separately'.

While the organs of government reflect, to some extent, a separation of powers especially in the long tradition of an independent, non-political judiciary, these arrangements do not, of course, attain the same extent of separation of powers (or personnel) as in the Presidential-Congressional system, exemplified by the USA. This is illustrated in the contrast seen in the selection of members of the executive branch (the Cabinet). In the UK, they are required to be recruited from the legislature (Parliament); whereas in the US, the President is precluded from drawing members of the Cabinet from Congress. Hence, in the United Kingdom, the dominance of the Executive vis-à-vis the Legislature in a system involving the 'supremacy' of Parliament and based on an unwritten Constitution legitimized primarily by convention.

The founding fathers of the American Constitution, reacting to the former colonies' recent experience of tyranny on the part of the British monarch, recognized the need for placing curbs on the exercise of power. So, turning for inspiration to French philosopher Montesquieu's concept of the 'Separation des Pouvoirs'

in his *Esprit des Lois (The Spirit of the Laws)*, the constitution drafters introduced an arrangement of checks and balances.

The British arrangement by which the Prime Minister and his or her Cabinet serve also as Members of Parliament facilitates the passage and enactment of legislation and, for the most part, determines the outcome of policy initiatives presented by Ministers. Thus, the problems of 'gridlock', which brought the operations of the US Congress to a standstill on two recent occasions during 1995 and 1996, are avoided. On the other hand, critics have expressed strong concern as long ago as the mid-1940s, about the overriding power of the executive, in a system designated as Cabinet and, more recently, Prime Ministerial 'dictatorship'.

One other important feature of the system concerns the central position occupied by the Civil Service as, until recently, the primary support and source of policy advice for Ministers. This is a merit-based service, recruited on the basis of objective criteria and designed, by the use of open competition, to exclude the intrusion of patronage appointments. Its composition at the senior levels, originally oriented towards the 'gifted amateurs' recruited mainly from Oxbridge, has now graduated to comprise a class of professional executive managers. Critical to the functioning of the Westminster-Whitehall model for 150 years has been the foundation of a depoliticized Service structured on a triad of principles, namely neutrality, anonymity and impartiality. Gerald Caiden suggests that the civil servant's 'vow' of political abstinence, being derived of certain rights normally enjoyed by citizens, such as speaking on party platforms and canvassing on behalf of election candidates, represents a *quid pro quo* in exchange for the protection enjoyed from the anonymity. Thus, it is the Minister (not the civil servant) who is held responsible to Parliament and the public for the success or failure of policies and programmes.

We should note, however, two trends developing since the 1970s, which have altered the monopolistic role of the Civil Service as policy adviser and, more recently, this traditional and hitherto sacrosanct triad of principles. The first concerns the emergence of extra-bureaucratic policy advisory institutions and individuals in the form of in-house 'think tanks' and 'political advisers', normally consisting of experts who have a strong political commitment to the governing party. The expressed rationale for their use is the need to extend the range of policy options available to the government beyond the ambit of advice provided by the Civil Service.

A former British Prime Minister, Harold Wilson, justified the introduction of political advisers as:

.... an extra pair of hands, ears and eyes and a mind more politically committed and more politically aware than would be available to a Minister from the political neutrals in the established Civil Service. This is particularly true for a radical reforming party in government, since 'neutralism' may easily slip into conservatism with a small 'c'.

Wilson adds:

"For policies without politics are of no more use than politics without policies".

The other trend reflects the fact that, as Metcalf and Richards put it: Civil Servants have also been forced to realize that their constitutional position is ill defined, anomalous and vulnerable. The administrative responsibility for large organizations delivering services in important fields contrasts with the constitutional fiction of an anonymous, politically neutral service, totally subordinate to

the political will of Ministers. The gap between constitutional convention and governmental practice has widened considerably.

Indeed, during Mrs. Thatcher's regime, there was some deviation from the hitherto strict adherence to the neutrality tenet, when a number of private sector personnel, who were clearly sympathetic to the Government, were recruited to the higher reaches of the service.

The Derivative Export

Let me turn now to look at the derivative export model, Jamaican style, and examine its similarities to, and differences from its parent. Some of these differences are reflected in degree rather than in substance. Although by 1944, the British nexus with Jamaica was almost three hundred years old, significant elements of Westminster democracy had not emerged until that year with the introduction of universal adult suffrage and an Executive Council which included elected members from the legislature = the 'ministers in embryo'. The evolutionary process of constitutional changes passing through the stages of full ministerial and cabinet systems, internal self-government and culminating in Independence reflected a gradual whittling away of the presence and power of the Colonial Governor and ex-officio and nominated members of the Executive and Legislative Councils. These developments followed a pattern, which would be institutionalized throughout the British Empire. In essence, the arrangements were based on the model, which had evolved in Britain through a gradual erosion, by Parliament, of the power of the Crown with Parliament eventually attaining its position of supremacy.

Anthony Payne, a political scientist specialist on this region, has observed the Commonwealth Caribbean's legacy of liberal, representative institutions as a "political order based on the working of practices and commitments that have as their

inspiration the Westminster system". According to Payne, this legacy includes, among its core elements, the convention of constitutionalism, the doctrine of civilian supremacy, the custom of competitive elections, the practice of pluralist representation and the 'presumption' of bureaucratic and police neutrality. It is clear, however, that in practice the components of this heritage do not all conform to the doctrine of the parent model. Note, for instance, the last of the elements mentioned: the presumption of neutrality of those in authority. Here we have an illustration of the concept designated 'formalism' by the American public administration scholar, Fred Rigs, that is, the divergence between formal statements which appear in constitutions, statutes, regulations and their translation into actual practice. A classic example of this is the notion of police neutrality in Jamaica.

Separation of Powers

There are defects in the working of Jamaica's governmental system, which have been issues of concern for more than two decades. They include the interrelated factors of the syndrome of secrecy and weakness in accountability and transparency; the incidence of corruption; excessive centralization; the issue of politicization of the Civil Service. Perhaps the most contentious centre of controversy in the long discussions and arguments about constitutional reform has been the issue of the separation of powers. Indeed, for some analysts and commentators, this aspect of the Jamaican Constitution is considered the primary source of most of the social, political and economic ills plaguing our society. Thus, in its General Policy Document No. 1, the National Democratic Movement sees "the excessive concentration of power in the hands of the Prime Minister" - with Parliament being reduced to a rubber stamp for laws which the Prime Minister "wishes to have passed" as "a major factor in the creation and entrenchment of tribalism and corruption." It is also regarded by the NDM as the source of the garrison system, which explains

much of the political violence. Further, the NDM argues, Cabinet members find little time to attend to the needs of their constituents. It is partly for this reason that the proposal is made that, as in the presidential system, members of Parliament should not be eligible for Cabinet appointment. In the party's view, a fundamental change of this nature would ensure the "deepening of democracy". A similar recommendation was included in the Stone Committee Report of February 01, 1991. The NDM presses the view that the constitutional system should be radically changed and "replaced by a democratic system, which is more accountable and responsive to the needs of the Jamaican people."

On the other hand, those who support retention of the Westminster-Whitehall system and reject the idea of it being replaced by the US model point particularly to the experience of gridlock which, from time to time, has hindered the effective functioning of government in that country. Thus, for instance, Delroy Chuck, a prominent JLP spokesman, recognizes the positive features of the Presidential-Congressional system such as the checks and balances which serve the purpose of avoiding the abuse of power. However, he emphasizes not only the problem of gridlock but also points out that the "qualities of tolerance, compromise and consensus" demanded by that system, "are not qualities readily found in our people."

Chuck invites attention to the failure rate of the American model when adopted in Asian and Latin American countries. He agrees that "What is required is a Constitution that vests power in the people and in the Parliament (*Gleaner*; November 22, 1995 and November 06, 1996). Fellow Attorney-at-Law, R.B. Manderson-Jones, in his *Case for a Republican Constitution for Jamaica* (1992), insists, "Gridlock between the executive and the legislature is not an essential feature of a presidential system based on a separation of powers." Let me state at this point that I share the view that significant and fundamental reform could be achieved

with the objective of enhancing the democratic ideal by way of radical improvements in the controls exercised by Parliament and extension of the facilities available to members. I believe that this can be achieved without throwing out the Westminster heritage, as I will show later.

Excessive Centralization

The syndrome of excessive centralization is a subject which has absorbed my attention for almost thirty years and one on which I have spoken and written, perhaps ad nauseam.

In Jamaica (and in the wider British Caribbean generally) older generations have been conditioned in a cultural context of non-participatory decision-making. This begins in early years with the parent-child relationship, emphasized in the dictum "children must be seen not heard", continues through the relationship between teacher and pupil in the education system and culminates at the workplace. This syndrome is illustrated in the relationships between central government and local government authorities, between central core and line sectoral agencies, and in the processes of national planning. It is evident, too, in the perennial difficulty experienced in persuading ministries and departments to delegate decision-making areas to their regional and field branches, and senior staff to delegate to middle management and to junior personnel. It is the authoritarian personality in the private sphere manifesting itself in public sector practice and behaviour.

Thus, local authorities have for centuries been held on a tight rein of subordination and control - virtually a colonial relationship - despite the recommendations of several commissions and committees during the past fifty or more years, all emphasizing that the major contributors to the deficiencies and the poor performance of Local Government have been inadequate financing and lack of autonomy. It is perhaps significant (and not

coincidental) that when an institution for social or economic planning was first created it was designated the *Central Planning Unit*. This unwittingly reflected the extent to which the processes of 'national' planning would focus on development from above, from the centre, with scant regard for consultation and participation at the community level. Interestingly, also, some Ministers have been accused of bogging themselves down doing the paperwork, which should be done by civil servants or by behaving as if they were Permanent Secretaries or the Ministry's chief technical expert.

In the areas of human resources and financial management, sectoral managers such as Permanent Secretaries and Heads of Department in the Agriculture, Works and Health fields are held responsible for the performance of their agencies although they have relatively little control over their allocation of personnel and financial resources.

It seems that the Government has recognized the need to ease the reins in the decision taken recently to decentralize the Ministries of Education and of Health. However, it needs to be emphasized that an organization may well include an extensive regional and parish field sub-system, which enjoys allocations of the major complement of the Ministry's personnel and financial resources. Yet such an arrangement does not necessarily reflect a genuinely decentralized system. The question to be answered is: Are any significant areas of decision-making delegated to field personnel?

The almost pathological reluctance to delegate serves as a serious demotivator for Civil Service personnel. The 'alibi' often expressed centres on the vicious circular process of unfitness to cope with the delegated authority. This breeds an erosion of self-confidence. As a result, a premium is placed on over-cautiousness, fostering a set of risk-shy individuals while attributes of creativity, innovativeness and dynamism are stultified. Ultimately, some of these men and

women opt out of the system, either physically or psychologically, moving to the private sector or to statutory bodies or, worse, remaining but inactive. Hence, one of the core elements of the original Administrative Reform Programme (ARP) of 1984-88 involved the extension to sectoral ministries of a greater degree of decentralization and delegation of areas of authority normally exercised by the Ministries of Finance and of the Public Service (MPS) and the Public Service Commission (PSC).

Instead of performing primarily as the agencies of first instance making decisions on personnel management and also position classification at prescribed levels, the MPS and PSC would assume the roles of monitor, supervisor and reviewer in relation to performance by the sectoral ministries on the basis of norms prescribed by the reviewing agencies. Unfortunately, however, this aspect of the ARP did not get off the ground. Anxiety and insecurity about their possible loss of status on the part of some senior officials who would be required to delegate together with leaders of some sectoral ministries being afraid of accepting the new areas of authority required of them presented insuperable problems. The idea of decentralization, however, has not been neglected. Among the principal features of the new Public Sector Modernization Project (PSMP) initiated in mid-1996, is the creation of Executive Agencies - an institution borrowed from recent British reform experience. Their chief executive officers and managers are being vested with authority and 'full control over their human resource and financial management'. More will be said about them later.

Politicization of the Civil Service

From the point of view of the general meaning of the term 'anonymity', a senior civil servant in a very small state, experiences much greater difficulty in remaining unknown and behind the scene than would be the case in a larger society such as the United

Kingdom. In addition, particular officials are closely identified in the public mind with specific policies and programmes and, in the process of decision-making, rumours circulate about participants, identifying views expressed by them in confidence with the policy advice they have given to ministers.

In small, highly personalized societies such as those of the Caribbean, the political sympathies and loyalties of individuals tend to be widely known. Those who hold public office have a 'high visibility quotient' so that anonymity and confidentiality are virtually impossible. Senior civil servants are over-exposed in the political arena. Ministers are virtually continuously breathing down their necks; and tension and conflict between politicians and civil servants are thereby intensified.

Moreover, while this is not a significant practice in Jamaica, in the Leewards and Windwards it was not unusual during the 1960s and 1970s for Chief Ministers and their colleagues to attack and level accusations against individual civil servants in public speeches. In Trinidad-Tobago, the then Prime Minister Dr. Eric Williams accused a group of 'super' Permanent Secretaries (including his own) and the Government's Economic Adviser of conspiring to take over responsibility for governing the country from the elected representatives. "This small and ambitious technocratic elite" he claimed, had exercised initiatives beyond the scope of their authority in relation to certain projects. They were immediately exiled. The allegation about the exercise of initiatives is of particular significance in light of the criticisms traditionally leveled against British Caribbean Civil Servants of lack of initiative. Interestingly, Dennis Solomon, a lecturer at UWI's St. Augustine campus asked: "What could be more suspicious than a politician, particularly one twenty years in power, proclaiming the sanctity of bureaucratic powers?"

This episode also seemed to illustrate a tendency for ministers to be reluctant to accept responsibility for projects which have 'gone sour' and to pass the blame on to civil servants in the search for scapegoats. By any standard, this represents a fundamental departure from the Whitehall tenet of ministerial responsibility and accountability.

In this context, I interpret impartiality to refer to both the treatment of the customers of public service agencies and of the personnel who staff them. In the Caribbean and other developing societies, ascriptive criteria (based on family connections and the like) are not entirely irrelevant in determining the manner in which individuals are served. Thus, for example, seemingly visible indicators of class, colour and status sometimes play significant roles in the decisions taken by clerks at the counters of agencies such as the tax offices and public hospitals on priorities in serving members of a queue of customers or whether selected individuals need to queue at all.

To some extent, resort to the use of such criteria has not been unknown in civil service recruitment and promotion practices. The late Professor Harold Laski, when speaking on the subject of 'Equality' would advise: "If you wish to be a success, to make your way in the world, you must be careful in the choice of your parents!"

The notion of neutrality is reflected in the rationale for a depoliticized bureaucracy in terms of its relationship with contending political parties: This is seen in the restrictions imposed on the civil servant against involvement in partisan political activity and in the emphasis laid on his or her duty to serve each governing party on an equal basis.

In the United Kingdom the regulations prescribing limitations on the political activity of civil servants (based on recommendations

of the Masterman Committee Report of 1949) varied according to the functional levels of the Service, being stringent in relation to officials working close to Ministers and those engaged in policy advisory functions. Thus, the committee attempted to resolve the conflict between the preservation, in the public interest, of a politically neutral Civil Service and the need to allow freedom to exercise ordinary citizen rights to as many State employees as possible. Following the recommendations of the Armitage Committee (1978), the regulations were significantly relaxed, particularly those relating to personnel at lower levels. CARICOM States have tended to apply their heritage of restrictions less liberally to all levels of personnel and, also rigidly, allowing little leeway for discretionary action.

A variety of views has been expressed about the civil servant's role in the Westminster-Whitehall system. At one end, Lord Welby put it succinctly, but crudely: "The business of a civil servant is to do what he is told." This dictum derives from the traditional notion of a dichotomy (enunciated by President Woodrow Wilson and other Public Administration scholars) between policy, the preserve of politicians, and administration - implementation - the business of civil servants. Former Prime Minister Michael Manley, addressing the Jamaica Civil Service Association soon after his accession to office in February 1972, attempted to delineate the respective roles of the two parties:

Politicians at their best, should be conceptualizers; they see their business as the interpretation of the people's dreams. Civil Servants are about practical business. It obviously is the responsibility of the politician to formulate policies - to bring to Government a set of concepts, a set of ideas about what he would like to see happen; thereupon to see the reaction of the person who is the master of the statistics, of the brutal facts.

Welby's view is simplistic. Manley does not fully explain the nuances involved in the working relations between the two parties. One basic difficulty arises from the fact that some illusions about the functioning of political and administrative institutions, which have been largely dispelled in the United Kingdom long ago, continue to survive in the Caribbean. There is generally a long time lag between changes (or the recognition that such changes have occurred) in the original British institutions and corresponding modifications in their Caribbean derivatives. The Caribbean perception of the British model also differs from the reality.

To illustrate: only relatively recently has it been recognized in most Caribbean States that civil servants, especially those at senior levels, are expected to be intimately involved in policy formulation and that the process of implementing decisions provides them with opportunities to interpret policy which has been determined by Ministers. There has been a failure on the part of many of those involved in the debate about the role of the Civil Service and the concept of neutrality to come to terms with the fact that even in the British parent system, civil servants are not automations or, in Brian Chapman's words, faceless, pliable, sexless creatures without fixed ideas, or intellectual eunuchs. This failure stems partly from a reluctance to disengage from fixed and simplistic notions of a 'value-free' Whitehall Civil Service; a reluctance to accept the idea of a 'respectable' senior Civil Service which has a political role and is normally engaged in political (though not partisan) activities. Moreover, we should be reminded that top members of the colonial bureaucracy performed dual political and administrative roles: some Heads of Departments were members of the Executive Committee or Privy Council.

Brian Chapman has succinctly underlined this political role:

*It is clear that some civil servants are engaged in politics.
The word 'policy' is a recognition of this; it is what civil*

servants do when they play a part in determining ends, choosing means and fixing priorities.

Peter Self and Sir John Hoskyns address more directly the problems confronting the civil servant in meeting his 'unquestionable' duty to serve every governing party with the same loyalty, enthusiasm and effectiveness. As Self sees it, the task of the civil servant is not so much to be a eunuch but rather a political chameleon. And Hoskyns:

.... The concept of political neutrality puts senior civil servants in an impossible position.... How can senior officials work wholeheartedly for a Thatcher Government for four or five years and turn about and do the same thing for a (Tony) Benn Government? They can only do so, I suggest by cultivating a passionless detachment....

Jamaica represents the classic case among CARICOM States of the regular alternation in office of a country's two major political parties; and this sequence has continued throughout the period of party government since 1944. Hence, civil servants functioning at the highest level were presented with ideal opportunities to demonstrate the Westminster-Whitehall neutrality principle in practice. During the early stages of this period, there were occasionally cases in which vague allegations and rumours circulated suggesting that a particular Permanent Secretary was biased in favour of or against the JLP or PNP, or that the party in power had victimized an official on partisan grounds. But such cases were rare.

The general ethos was epitomized in the example set by a number of Permanent Secretaries such as Egerton Richardson and Arthur Brown who were models of the appropriate behaviour of the professional civil servant functioning in such a context. In successive JLP and PNP Governments, they served conspicuously

as key advisers to Prime Ministers Bustamante and Shearer, Premier Norman Manley and Ministers of Finance Sangster, Nethersole, Arnett and Seaga.

We should note, however, that for the most part these top-level officials served during a period when a great degree of consensus characterized the policies of the JLP and the PNP when in office, until 1974. The primary differences between these governing parties in practice rested not on ideological positions nor on broad policy goals, but in the personalities and styles of the respective leaders and, to some extent, on the programmes designed to achieve these goals.

Thus G. Arthur Brown, in his address on receiving an honorary degree at the UWI, elaborated on the capacity of the civil servants to serve both political parties successfully:

There is a group of career people who see themselves as working for Jamaica. The career civil servant or public official will have problems if he seeks to substitute his preferences for those of the elected government. It is a matter of bringing professional judgement and expertise to bear on their policies. I see a conflict only if the policies are immoral or illegal or offensive to one's conscience.

The critical change occurred after 1974 with the PNP's declaration of its ideology and policies of Democratic Socialism, particularly following its landslide re-election in December 1976. A few months before that election, Prime Minister Manley, in an address to the Civil Service Association, had commented on the notion of neutrality as follows:

The very word 'neutral' connotes the idea of a car whose gear is in neutral that is 'cautious to commit'. It is a negative concept.... If a third world country is to have a hope of

survival, the first challenge is not that of this loftiness of survival, but the earthly ground-based reality of commitment without ever crossing the line of your professional integrity as a civil servant.

In Manley's concluding sentence lies the rub. The social and economic conditions of Jamaican and other CARICOM States certainly called for a political directorate and a public service, which are committed to national goals of change. However, controversies are inevitable in the determination of the most appropriate ideology and policies for ensuring positive change, particularly in a multi-party milieu; with senior civil servants being expected to assume, chameleon-style, fresh commitments with every new government. Moreover - and this condition emerged during the 1970s - there is a danger of commitment being used as an alibi for sycophancy and timeserving. This is expressed in the assumption of a pliant posture, in the reluctance of some civil servants to question where questioning appears appropriate and to proffer advice and engage in implementation of decisions in a professional manner.

Since the PNP's return to power in 1989, the ideological gap between the parties has narrowed with the new government now embracing the philosophy of the market economy; the private sector as the engine of growth and continuation of its immediate JLP predecessor's accompanying policies of privatization, divestment and de-regulation. As a consequence of the greater degree of ideological consensus between the major political parties, the problems, which confronted some civil servants during the 1970s and 1980s, would now, presumably, have lessened.

As for the wider public sector, concern about the controversial issue of commitment versus competence as one of the selection criteria in appointments to statutory boards and committees was intensified during the latter part of the seventies. Following the

1976 election victory, the PNP created a party Accreditation Committee, 'The Pickersgill Committee of Political Purity' (as it was dubbed) evidently had the task of screening candidates to ensure that appointees were of impeccable political purity. Minister D. K. Duncan of the new Ministry of Mobilization expressed the position without equivocation in relation to civil servants in that organization when he stated in Parliament:

In a Ministry of Mobilization in a socialist Government it is very difficult to employ somebody who is not a socialist. I make no apology. Every single employee in the Ministry of National Mobilization, his (sic) credentials as a democratic socialist are clear and pure.

Nowhere in the Caribbean has the institution of the special (in the UK, the political) adviser developed to the extent of the Jamaican experience following the PNP's return to office in 1972. In his remarks to the Civil Service Association in April of that year (reference to which has already been made), the Prime Minister, attempting to allay the anxieties of the Civil Service arising from the introduction of this new device, explained the rationale as "a deliberate attempt to involve citizens.... to ensure that the Government does not become cut away from access to the citizen's point of view." Thus, the special adviser's role is to assist the Government in maintaining "pipelines into the opinions of the people at large.... They are no threat to you."

It is clear, however, that the real reason for the resort to these 'irregulars' extends beyond the need to widen the choice of policy options available to the political directorate. There is no doubt that their primary purpose is to provide the directorate with the services of a group of persons who bring strong political commitment to, and support for, the governing party's ideology and policy goals.

Apart from being a source of anxiety for civil servants, the pervading presence of special advisers during the Manley regime of the seventies provided a platform for conflict with the executive authority and responsibility of Permanent Secretaries. In cases where such advisers were accorded the role of omniscient experts or assumed an extension of the aura of authority vicariously provided by proximity to the primary source of power, conflict arose in their relationships not only with senior civil servants but even with Ministers.

An additional consequence was the contribution of these alternative or additional sources of policy advice to the declining influence of the higher Civil Service on the decision-making process. This decline had begun earlier, but was accelerated by the influx of special advisers. Early in the 1970s, Dr. Paul Robertson (then a Research Fellow at UWI's Institute of Social and Economic Research [ISER]) and I conducted a study of the attitudes and behaviour of the senior civil service in Jamaica in which we interviewed all the Permanent Secretaries, the officials next in line, and a number of those at third level - a total of one hundred interviewees. One of our questions concerned the level of influence they were allowed to exercise in the policy-making process. A significant percentage expressed strong feelings about their lack of influence. A similar question put to a number of Permanent Secretaries in Barbados, although not via a structured questionnaire, elicited the same response.

In my view, this decline in the influence of the higher Civil Service stems, to a great extent, from the significant trend of governments throughout the British Caribbean towards recruitment to their Cabinets of tertiary-educated graduates, including professionally qualified persons, and especially lawyers. Since 1970 the proportion of such members has increased to approximately 85 per cent in Jamaica and a number of other States. I would suggest that a well-educated political directorate - a much better educated one

than before, particularly in Jamaica, and for the most part with qualifications similar to those held by their senior civil servants - exuding confidence, feels less dependent on these advisers. Accordingly, Ministers relegate their 'advisers' to the less important functions of sorting out the nuts and bolts.

The Political Scene

The Escalation of Crime and Violence

Much of the latter part of the preceding chapter focused on the administrative arm of government, but it is obviously not feasible to delineate clear boundaries between the political and administrative arenas. There is, of course, a symbiotic relationship between them and, inevitably, some of the matters already discussed also concern the political arena.

One of the most significant issues of current concern in Jamaica is the escalation in the incidence of crime and violence, especially the alarming increase in the number of murders in the poorer areas of Kingston and St. Andrew and St. Catherine. Indeed, the total number island-wide in 1996 exceeded the previous record level of 1980, when the motivation was primarily political. There is continuing controversy about the underlying factors, which have brought about this situation. For some analysts and commentators, the responsibility for its genesis, and to some extent for its persistence, lies in the hands of politicians. This is refuted by others who identify social, cultural and economic factors as the root cause of 'ghetto' violence and assert that there is no real evidence to support the indictment of politicians.

However different the views may be about how far politicians played the role of principal agents in activating this escalating violence, it is incontrovertible that at the base have been the deplorable social and economic conditions in which poorer communities subsist. And this is aggravated by their perception and, more, their observation, of the standard of living of others in our society and the wide gulf between the two. What is clear, however, and (despite denials) has been established by objective empirical research, is that some politicians - leading members of the JLP and PNP - played on and took advantage of these

conditions. The fact is that the beginnings of the serious and deep-seated 'tribal' warfare, with its accompanying crime and violence, stemmed from the patron-client relationships, which emerged and began to be significant in the mid-1960s. As Carl Stone and Mark Figueroa have observed, the strategy involved the cordoning off of an area and construction of housing exclusively for party supporters - while opposition adherents living in the area were driven out. This is the genesis of what are now popularly referred to as 'garrison' communities.

In *Violence and Politics in Jamaica: 1960-70*, originally his doctoral thesis, Terry Lacey commented:

The Jamaican style of politics grew out of a vicious unjust economic, system and the social deprivation and bitterness which flowed from it. The exercise of political power in the context of scarcity, poverty and vast unemployment could only mean that the style of politics and the fact of political victimization had to be intimately linked.... These facts of political life combined with the pervasiveness of personalism help to explain the occurrence of political violence.

At about the same time, as part of the scenario of tribal political warfare, a few leading politicians on both sides were identified by Lacey in an expurgated version of his study. The author also commented that "the Jamaican political system superficially seemed very similar to the Westminster system it imitated."

It seems that while the Westminster model with its emphasis on a competitive party system would appear to be responsible, to some extent, for these problems. The reality is that unscrupulous politicians on both sides of the divide have taken advantage of a platform conveniently provided by the model. At the heart of the matter lie significant differences between the social and political

history and political culture of the parent country and the history and culture of Jamaica.

While the social and economic problems which are the basic conditions underlying widespread crime and violence have remained and perhaps worsened, a new element - narcotic based - has, of course, appeared on the stage during the past five to ten years. Although the war for drug turf seems to dominate the scene at this time, the political presence as a significant factor has not entirely disappeared.

Two columnists writing for the *Gleaner* have commented on and condemned the protestations of innocence on the part of those politicians who "have collectively and individually denied that there has been a connection between guns and politics." Peter Espeut (August 21, 1996) asserts that, apart from the instigators and those who actually perpetrate violence, "individuals cannot be clean when the (their) party is involved in garrisons and gunmen." Geof Brown (November 1996) congratulates Paul Burke, D.K. Duncan and Bruce Golding for their confessions (though not directly guilty of involvement in any criminal activity); while there are those politicians who "sanctimoniously assert the innocence of their parties and themselves." I share the view that all those who are aware of the 'sins' which were, or still are, being committed by colleagues and yet, Pilate-like, wash their hands share a moral responsibility with the perpetrators. While the suggestion of a local 'Truth Commission' such as the present South African experiment seems a good idea, I doubt its feasibility in our small society.

It is unfortunate that the initiative launched by the President of the Jamaica Chamber of Commerce in September 1996, in the fight against politically motivated violence has not received as strong support as it deserves. An initiative of this nature should be welcomed not only by individuals but also by institutions such as the churches and community organizations. However, while such

support has been given by the Roman Catholic Church and by the Reverend Sam Reid of the Baptist Church, this has been disappointingly withheld by the Jamaica Council of Churches (JCC) on the grounds that "the causation of violence is multi-faceted" thereby adopting "a holistic approach." The Council is, of course, correct in asserting that the causes are complex. Yet why should its participation in the Chamber's effort which focused on part of the problem - the involvement of some politicians - "compromise the JCC's wider perspective"? Incidentally, it is not true, as columnists in one newspaper states, that the JCC "attempted to blame it all (crime and violence) on politicians".

I am however, skeptical about the possible effectiveness of the Chamber's proposed 'Citizen's Bill' - the legislation intended as a code of behaviour for politicians. Reference to the Integrity Act as a precedent, which has perennially been more, honoured in the breach than in the observance, does not inspire confidence.

Allegations whether emanating from foreign or local sources or direct or indirect links between politicians and drug dealers need to be substantiated and pursued, if supported by evidence. In the meantime, the Kerr Committee (with its widely representative membership) on the 'primary causes' of political tribalism has been seeking views on the problem, observing the phenomenon of the garrison communities and considering practical ways of excising these excrescencies from the body social and politic.

Unfortunately, its activities and enquiries have not so far attracted sufficient public support.

Incidence of Corruption

More than a decade ago, in November 1984, I concluded: "there is no doubt whatsoever, that the incidence of unethical behaviour and corrupt practices has risen significantly over the past decade and a half, and this is an understatement. Indeed, the practice has become

so prevalent that it has become almost the norm; we now take it almost for granted."

At the time, I also observed, in attempting to recall my early years in the Civil Service - though my memory might have been defective since I was referring to a period from the end of the 1930s to the 1950s - that public service corruption was negligible. When cases came to light we were horrified. Perhaps this retrospective view was coloured by rose-tinted spectacles. Or perhaps such incidents were swept under the carpet with Victorian hypocrisy.

There is a tendency to treat corruption as if the virus is restricted to the public sector. Indeed, the Dictionary of the Social Sciences focuses its definition entirely on corruption in public life in terms of "the use of public power for private profit, preferment, or prestige or for the benefit of a group or class". More generally, however, corruption refers to breaches of standards of moral conduct by persons in authority for obtaining personal advantage. Thus, there are circumstances in which private sector businessmen might be considered to have engaged in corrupt activity when, for example, they exploit consumers for financial gain. Similarly, professionals such as lawyers or engineers in private practice would be deemed corrupt if they were to take undue advantage of clients for personal gain.

It should also be recognized that some forms of corruption, for example bribery, involve a two-way transaction in which both public and private sector individuals tend to be participants. Some nine years ago, the Council of the Jamaican Bar Association issued a strong statement of condemnation of the prevalence and widespread incidence of corruption in public offices (especially government departments), calling for strong disciplinary action against perpetrators via the Corruption Prevention Act. Interestingly, the Council's condemnation focused exclusively on

the sins of public officials without any reference to the private business and professional sectors.

In light of the subject of this lecture, our focus will also be on public sector corruption. We should note, however, that some Jamaican professional groups such as medical practitioners and public relations personnel are governed by codes of ethics. Over the past three to four years a number of private sector leaders have been calling for "a heightened awareness of the importance and essence of business ethics." Among these are Dunbar McFarlane, Group Managing Director of the National Commercial Bank and William Clarke, Managing Director of the Bank of Nova Scotia. In February 1996, in an address at a graduation ceremony for participants in a Securities course, Mr. McFarlane pointed to data on "outright fraud" in the banking system amounting to \$194 million in 1993, a figure exceeded in the first three months of 1994, and he emphasized that "ethics and integrity are absolutely critical components of any drive for national development." Later that year, Dr. Omar Davies, Minister of Finance, addressing a seminar on credit rating agencies, spoke disparagingly of professionals who are establishing 'their own unique standards of honesty and integrity'.

Corruption occurs, of course, in a range and variety of forms, including, at one end of the spectrum, the selling of services, as in expediting the provision of birth certificate, passports, driver's licences, motor vehicle certificates of fitness - the last two sometimes without the buyer submitting to an examination or being able to read - and facilitating the avoidance of duties and taxes. At the other end, are the disposal by politicians or administrative personnel of publicly-owned assets such as land or financial resources (or other scarce benefits) to relatives, friends or party supporters; the siphoning off for themselves public resources to which they are not entitled; discrimination in the award of contracts and accepting 'kick-backs' from them; nepotism in the

appointment to, or promotion within, the Civil Service of 'favoured' individuals in preference to other qualified candidates; Ministers of Government engaging in business activities which represent a conflict of interest. At the extreme is the involvement of politicians (especially Ministers or other members of Parliament) or civil servants in the illicit drug and gun distribution trade or in their import/export trafficking. (A recent report indicates that the Constabulary Force is currently probing one thousand cases of alleged police corruption.)

In a paper aptly titled 'The Internationalization of Corruption' presented at the World Peace Conference in January 1990. Professor Anthony Maingot (of Trinidad and Florida International University) observes the British Caribbean leaders and public did not really become aware of the international criminal threat posed by drug dons until the end of 1980s. He cites former Prime Minister Michael Manley who, addressing the United Nations General Assembly in June 1989, referred to "a level of international criminal organization.... without precedent operating in a global framework." Manley also raised the dreadful possibility of Jamaican politics and society becoming "massively corrupted by drugs and drug trafficking." Interestingly, Dr. Trevor Munroe of the Department of Government, UWI, is currently undertaking research on the influence and impact of drugs on democracy in Jamaica.

Concern about these problems climaxed during the latter part of 1996 in the context of two developments. The first was the controversy about the introduction of the Money Laundering Bill. The other was the refusal of the Jamaican Government to sign a Ship Rider Protocol proposed by the United States to allow that country unrestricted right to pursue suspected drug traders into Jamaica's traditional waters. This was followed by what seemed to be a 'veiled' threat of decertification in respect of international aid. Along the way were unverified allegations about an "elected

Jamaican representative" consorting with drug traffickers. A number of significant issues emerged from these incidents. First, there is the critical question of the sovereignty of small states in face of the hegemonic wielding of the 'big stick' by the sole superpower. The second, the belated reference of the problem to a special CARICOM Heads of Government meeting. The failure to decide on a regional approach from the outset facilitated the US Government's bilateral strategy in 'picking off the constituent states' one by one. This illustrates the failure to implement decisions; on this occasion, the CARICOM Heads of Government agreement on the coordination of foreign policy.

Cases of conflict of interest on the part of Ministers are by no means rare in CARICOM States, including Jamaica. Let me illustrate by citing two examples where, to put it euphemistically, political executives performed simultaneously the dual roles of Cabinet Ministers and businessmen. During the regime of the 'Bay Street Boys' in the Bahamas, the Cabinet was recruited mainly from wealthy professionals and merchant groups who continued to practice their private professions and drew no ministerial salaries. Of crucial significance in the Government's negotiations with foreign investors for the introduction and operation of casinos in Freeport and Nassau, was the representation of the principal investor by a local lawyer who 'coincidentally' happened to be the Minister of Finance!

A Commission of Enquiry appointed by the Pindling Government shortly after assuming office, commented thus about one of the payments to the Minister, amounting to US\$ 1.8 million, as 'legal and consultancy fees':

The enormity of the fee demanded and the speed and manner with which payment was effected coupled with every circumstance of his handling of this application, leave us in no doubt that he was selling his services primarily as an

influential Member of the Executive Council and not as a lawyer. The acquiescence of his clients to the enormous financial demands which he made upon them was, in our view, solely because they were anxious to acquire and keep the benefit of his services in that governmental capacity. (My emphasis).

Another interesting case concerned the "wearing of three hats" by the Minister of Aviation in Antigua. A few years ago, he awarded one of the contracts for the airport rehabilitation project to a company, which he served as Chairman and Lawyer. A Commission of Enquiry found no evidence of criminal wrongdoing but that "as the official overseeing the US\$ 11 million project, the Minister had conducted himself in a manner unbecoming of a Minister of Government." The Government's legal adviser criticized the basis of the Commission's stricture as being "orbital in law"; while the Prime Minister (incidentally the Minister's father) dismissed the stricture on the "wearing of three hats" as "imperialist propaganda intended for the colonies"! Thus, both of these leading officials entirely ignored the important ethical aspect of the case.

Apart from this incredible excuse from the Prime Minister, corrupt acts are glossed over by some on the grounds that this is a universal practice. In justification they cite cases in the USA, Japan, Britain and Italy, among other advanced societies. Others suggest that relatively minor types of corruption such as baksheesh (a bribe) paid to an official to facilitate expeditious clearing of imported goods or the granting of a license should not be regarded as serious offences. Neither of these considerations provides causes for comfort or complacency. The difference is that in Britain and the USA there are several cases in which legal action has been taken against high-ranking political, administrative and private sector figures including Presidents, Attorneys General, Members of Parliament and of Congress - some of whom have

served prison terms. Richard Nixon benefited from a presidential pardon. Recently, Speaker of the US House of Representatives, Newt Gingrich, on the findings of its Ethics Committee, was reprimanded and a penalty of US \$300,000 imposed, "for conduct, which brought discredit on this House." In Jamaica, four serving Ministers have been imprisoned for corrupt acts over the past forty-five years.

There is a view - a 'theory' - asserted by distinguished US scholars, notably Samuel Huntington, that some forms of corruption are positively beneficial, for example, bribery (the Trinidadian 'bobol' or the Jamaican 10%) which has enabled entrepreneurs to cut through bureaucratic red tape, thereby promoting the economic advancement of poor nations. At a less exalted level, reference is also made to "the 'small' baksheesh (acceleration fee) which helps certain administrative procedures along." I do not support this ends-and-means justification.

I am reminded of a visit to an African country a few years ago, when, because of the reputation of its Immigration officials for delaying incoming passengers until the 'acceleration fee' has been paid, I sought assistance from our Ambassador in having a staff member meet me. (Incidentally, I was met by one of my former Public Administration students). All went well since he took over, leaving me to sit elsewhere. On my departure, my former student again accompanied me, dealt with all the chores until the last when I was asked by the Immigration official to pay a departure tax. When I pointed out that I was exempt from the tax, he quietly asked: "So what is there in it for me, then?"

The high incidence of corruption and the continuing escalation of this evil are not, as some commentators suggest, a reflection of low levels of salaries and perquisites. There is, however, a relationship between some forms which corruption takes and conditions of scarcity of public goods, services and jobs. Nonetheless, the

problem derives primarily from the fundamental changes in values, which we have noted. Among these changes is the increasing emphasis on materialism, which tends to erode social and moral standards. There has been, over the past two decades, a tendency to subordinate and sacrifice other less tangible values such as integrity, dignity and self-respect in the pursuit of short-term economic goals. This trend is accompanied by an overriding emphasis on ends as justifying means.

Shortly after former President Reagan's visit to Jamaica in the 1989s, I expressed to a distinguished University colleague, my disgust about the treatment meted out to members of the local media in contrast to the favoured position allocated to the foreign media representatives. In response to my remark that we were in danger of selling our self-respect for a mess of pottage, he retorted. "Self-respect can't buy bread!"

This trend was portrayed in the paeans of praise expressed in a series of articles on the Bahamas written by Gleaner columnist 'Thomas Wright', comparing unfavourably Jamaica's lack of development. Here is an extract:

The Golden Age

Except for one island where some agriculture is possible, the Bahamian islands would return to sandy wastes without their hotels and financial institutions.

What is corruption?

In this largely artificial situation it is difficult to define, except in terms of non-conformist sentiment, what is meant by corruption in government circles. It has been said, ad nauseum, that the Bay Street Boys were corrupt. But from one point of view, rum running was a corrupt activity, yet it founded the fortunes of the Bahamas. It is true that the Bay Street Boys creamed a generous bit off the

top on every deal they did; but the deals brought millions upon millions to The Bahamas. An orthodox and dead honest government would doubtless have shunned gambling and Mafia money, imposed taxes, and turned its back in horror upon tax avoidance. But the islands would have been quite unable, in such a case, to support even a fourth of its (*sic*) present population, and those it (*sic*) supported would have been as poor as church mice, grubbing in the sea for conch and groupers.

Former President Nyerere of Tanzania has expressed aptly this distortion in values:

There are third world countries, which accept their neocolonial status and even glory in it. They point to the statistics of their gross national product as an example of what can be gained from it - rather in the manner of a high class prostitute glorying in her furs and jewels.

Prevention, Containment, Control, Cure

It seems to me that the provision of remedies to reduce the incidence of corruption requires a two-fold approach. As in the case of regaining health, this disease needs to be treated both from a curative and a preventive perspective. It is also an endemic condition, but in this case, endemic to the value system.

Among the Jamaican public sector agencies, which oversee ethical behaviour in the business world, two regulatory statutory bodies have been significantly active: the new Fair Trading Commission and the Bureau of Standards. As for ethics in the public service, several CARICOM States, including Jamaica and Trinidad-Tobago, have followed more advanced countries in Europe and North America in introducing rules of conduct and integrity legislation to govern the behaviour of members of the legislature and public officials. For example, in Jamaica, in addition to the

constitutional restrictions imposed on parliamentarians in respect of their involvement in specified private business activities, a Parliament (Integrity of Members) Act was introduced almost twenty-five years ago. This law requires every Senator and Member of the House to furnish to the Integrity Commission a statutory declaration of his or her assets, liabilities and income shortly after election or appointment and subsequently on an annual basis.

The conduct of civil servants is governed by Staff Orders, which require disclosure of the appointee's investments, shareholding and "any other direct or indirect interest." In relation to both categories (parliamentarians and officials) the principal objective is to ensure that "no conflict arises between their private interest and their public duties."

However, the fact is that, as I have stated, these conditions are more honoured in the breach than in the observance. Several parliamentarians (including Ministers) have been dilatory in fulfilling their obligations; a few others have never submitted the stipulated statements. The sanctions provided for such offences have not generally been implemented.

Two interesting initiatives have provided glimmers of optimism have not been expeditiously followed up. A committee under the chairmanship of Aaron Matalon was appointed in September 1987 to recommend "guidelines to be observed by public officials elected and non-elected in any instance of private investment by such officials." The committee made recommendations, which included:

1. *broadening the purview of the Integrity Commission in Relation to the disclosure by the Prime Minister and other Ministers of their investments, the divestment or placing in a blind trust, of asset holdings which could*

involve a conflict of interest, resignation from any private directorship or remunerative position of management;

2. *executive and senior management of the Civil Service, Statutory bodies and state companies to be treated under the rules relating to Ministers and fall under the jurisdiction of the Integrity Commission;*
3. *the Staff Orders, appropriately amended, to be Applicable to personnel at middle and junior management levels in the Civil Service, statutory bodies and state companies.*

A Ministry Paper on the Report was presented to the House of Representatives by then Prime Minister Seaga in July 1988, but since then no definitive decisions have been taken, though the recommendations are still being considered by a committee of the House.

The other initiative was promised by former Prime Minister Michael Manley when in his 1991 Budget Speech he asserted that if the existing level of corruption was left unchecked, "it would destroy the social fabric of our country." A strategy to contain and, as far as possible, eliminate corruption had been adopted by the Government. This would involve the creation of a civilian agency with specialist skills of training in the investigation of corruption, examining factors, which create opportunities for corruption, and advising on remedial measures. Legislation would be tabled in Parliament by October 1991 - "the latest". This undertaking has evidently not been followed up.

A committee reporting on Local Government in England fifteen years ago commented:

Rules of conduct cannot create honest behaviour; nor can they prevent deliberate dishonest or corrupt behaviour. Rather, they are frameworks embodying uniform minimum standards.

More fundamental measures are required. I suggest that such measures should be based essentially on the prerequisite of an effective system of public accountability, armed with teeth.

In Jamaica (and CARICOM States in general), concern for the obligations of public accountability tends to be centered almost exclusively on financial considerations: the disbursement of funds and the legality of expenditure. However, extending beyond these traditional boundaries of financial accountability must be concern for effective performance and efficient use of resources in the attainment of goals; and, further, for obligations of social responsibility and responsiveness to citizens.

The award of public contracts has long been a source of considerable controversy, especially since the development of Jamaica's two-party system. Allegations have perennially abounded about partisanship in the grant of contracts to friends, party supporters and relatives.

The office of Contractor General was introduced in 1986 as an impartial institution charged with the role of monitoring the award of contracts by government agencies (ministries, departments and statutory bodies) to ensure that fair and impartial processes and procedures would be followed in the decisions to grant such awards. During the early stages of the life of this institution, it appears that it suffered somewhat from fettering of its operations and freedom in dealing with certain issues which the Contractor General considered fell within the purview of his office. A review of the role, functions and future of the long-standing Contracts Committee foreshadows the abolition of this Committee and the

transfer of consideration of all contract awards to the Contractor General's office. This would be a significant step forward.

Responsibility for public lands in the ownership of central and local government and statutory bodies should be subjected to the most rigorous principles, especially in respect of the use, sale or lease of such lands.

An optimistic note in the pursuit of more effective steps to improve public accountability was recently sounded by the Public Accounts Committee (PAC) in an attempt to move beyond investigation of the financial accounts of Operation Pride to wider areas of concern. The attempt was, however, frustrated on the ground that the Committee was moving to territory outside its terms of reference. This is not necessarily the end of the issue: another opportunity for conducting an enquiry could arise if the Auditor General finds from his investigation of the qualifications of beneficiaries of Operation Pride that not all of them satisfied the stipulated criteria. Yet it seems that more is required. A mechanism - perhaps in the form of a new standing committee or an extension of the terms of the PAC or of the political Ombudsman - should be available to parliamentarians which would empower them to investigate the sale, lease and award of publicly-owned assets such as land and housing. We will return to the issue of accountability later.

Associated with the need for improvement and extension of the mechanism for ensuring accountability on the part of parliamentarians and public officials - and also an essential requirement - is the need to reduce the degree of privatization of information and of secrecy in the governmental system. More open government, in terms of transparency, greater freedom and public communication of information, is a prerequisite for achieving accountability in any real sense. This openness is an essential characteristic of a democratic system.

Effects of the Official Secrets Act

The cult of secrecy and confidentiality in government is not peculiar to the Jamaican system; it has for long been a characteristic of Westminster-Whitehall and of States to whose governmental systems and procedures the model gave birth. The essence of this feature is the oath, under the Official Secrets Act, signed by Cabinet members and civil servants on appointment.

In the 'Mother' country during the 1970s, the issue of open government and the pressure legislation dealing with freedom of information assumed controversial dimensions. This was stimulated partly by public discussion flowing from the action taken by the Government in its unsuccessful effort to prohibit publication of former Minister Richard Crossman's diaries. (It is worth noting that since then Britain has, in fact, enacted such legislation). The United States practice has for long been more enlightened though at times, perhaps, taken to extremes. The extent of media coverage devoted to the criminal and civil trials of O.J. Simpson conveyed to some outsiders the impression that the American people were prejudicing the issue in the "court of public opinion".

In the small societies of the British Caribbean despite efforts to preserve confidentiality - at times even bordering on the absurd - the actual functioning of the system belies the inherited British principle of administrative secrecy. The late Archie Singham, a former member of UWI's Department of Government, put it this way "... That cardinal virtue extolled by publishers of texts on British administration becomes a myth rather than a reality."

Three incidents in my personal experience emphasize the absurdity of this obsession with secrecy. I needed some information urgently to illustrate a lecture, but could not locate it among my papers.

Telephoning a former civil service colleague who had been a fellow high school student and friend, and had become a senior official in the Ministry concerned, I sensed his concern about divulging confidential information, I remonstrated: "But H... that item has been published in the Jamaica Gazette!"

The Mills Sugar Commission of Enquiry (1987-8) identified a World Bank report on a proposed loan agreement for rehabilitation of the industry as a relevant document for its work. However, repeated efforts to obtain a copy of the work from the Financial Secretary and the Permanent Secretary for Agriculture (the Ministry, which had initiated the appointment of the Commission,) proved fruitless and frustrating. This blank wall remained intact even after, in response to my enquiry, the Bank sent two copies of the report, to the Permanent Secretary for "eventual transmission to Professor Mills, if you are in agreement". In fact, the Financial Secretary eventually asked me to identify "the specific sections in which you are interested" and told me that even if these were made available to the Commissioners "for their eyes only", no reference could be made to the document in our Report. We were not, of course, prepared to give such an undertaking. During the course of this process, I had the distinct impression from his scurrying to and fro and his hesitancy, the Financial Secretary was concerned about the probable reaction of his Minister (The Prime Minister), to disclosure of information contained in the document. We eventually succeeded in obtaining a copy from other sources.

The third and most recent illustration stemmed from an attempt to obtain confirmation of a radio report that Jamaica had voted in favour of a UN Resolution moved by Cuba in response to the Torricelli (Cuban Democracy) Act extending the US trade embargo against that country. I wanted to know, also, how other CARICOM partners had voted. I had noted the significant number of absentations and wondered which of these member states had actually voted in that way and which with their feet, by being

absent when the vote was taken. The official at the Ministry of Foreign Affairs who answered my telephone enquiry said he had to check with his Director. Returning after several minutes, he told me that the Director promised to telephone me at home around a specific time. I emphasized that a vote in the UN showing who voted Yes or No and who abstained is a public not a private, confidential matter. The Director never telephoned. In fact, the voting and the result are registered instantaneously on a board in the UN's conference room for all delegates to see.

It is welcome news that, as foreshadowed in Dr. Paul Robertson's statement about "open government" more than five years ago, and on the foundation laid by the Wells Committee Report, a Freedom of Information Bill will be presented to Parliament during the next legislative year. Let us hope that action will be taken at the same time towards repeal of the Official Secrets Act. We should note, however, the limitations to which Messrs. Martin Henry and Hilaire Sobers have directed attention. In 1992, commenting on the Nettleford Report on the Structure of Government, Mr. Henry underlined the 'right to know' as the intrinsic element in the democratic process. More recently, both he and Mr. Sobers have pointed to the need for the public to have access to information to facilitate their consideration of public issues such as the declaration of the State of Emergency in 1976. But, while the proposed Act will be an important advance, the tradition of secrecy extends well beyond the restrictions of the law and is deeply ingrained in the social-cultural matrix.

On a more positive note, the Prime Minister recently admonished the government's senior information officers and communications consultants about the necessity of their being "as accessible as possible to the news media"; enjoining them to "tell the country the truth at all times, even when it is bad news." Interestingly, Observer columnist Winston Witter has informed us that when these officials returned to their offices, they were reminded by

their senior officers of the Official Secrets Act! There are, of course, some matters, which must be kept confidential.

On the issue of integrity legislation, Solicitor-General Dr. Ken Rattray has commented that the incident of corruption and the question of ethical conduct within the public sector should not be isolated from the society as a whole. In this view, it should be extended to include the conduct of all members of the society in a leadership position whose behaviour and actions have an impact on public life. This is particularly relevant given the increasing trend toward privatization and liberalization of economies. In addition, corrupt practices and breaches of ethical conduct often involve both public officials and private individuals or interests. In mid-February 1997, Transparency International, an organization which attempts to expose and fight against corruption in the public and private sectors, formed a local chapter in Jamaica. The presence of Contractor General Gordon Wells and former Police Commissioner Trevor MacMillan augurs well for this new body and its progress should be followed.

In its first Report on Standards in Public Life (UK 1995), the Nolan Committee has enunciated seven principles of public life which are applicable to all holders of public office: selflessness, integrity, objectivity, accountability, openness, honesty, leadership. The Committee has made separate and detailed recommendations in relation to Members of Parliament, Ministers and Civil Servants, Quangos (executive non-departmental public bodies). These recommendations, in respect of the first three categories, cover disclosure arrangements, conflicts of interest, the improvement of codes of conduct and the appointment of a Parliamentary Commissioner for Standards. This report should be carefully studied by a wide range of bodies in Jamaica and other CARICOM States, including the Government, the political parties and civic groups.

The Managing Director of the Bank of Nova Scotia, Mr. William Clarke stated in a 1996 speech:

There was a time when the concepts of morality and duty were actually taught in school, and reinforced within the family, which still remains the best place for values to be preserved and handed down.

This is true. However, we have to face the realities of the present: the crisis in the family and the threats to family continuity, as expressed by Professor Elsa Leo-Rhynie in her Foundation Lecture, and the breakdown in values in Jamaica. Prime Minister Patterson's 'Values and Attitudes' crusade has not received the support, which it deserves; it should, nevertheless be pursued vigorously. As for the role of the educational system, I strongly support the view that the concept of ethics should be reintroduced into the curriculum at the primary level. But emphasis on such values needs to be inculcated at all levels of the school system. At the University of the West Indies, Mona campus, a module of legal and Ethical Issues has been included in the course Business, Government and Society from the inception of the Executive Master in Business Administration (EMBA) programme. An even greater degree of attention is to be paid to this concept, with the inclusion of a sixty-hour course on Ethics in Business in the 'regular' MBA programme (focusing on the needs of younger managers) which will be introduced in September 1997.

Returning to the issues of accountability, freedom of information and transparency, in the ultimate analysis, even the most appropriate mechanisms will prove ineffectual until public opinion becomes less apathetic and less tolerant.

Perspectives on the Future

Fifty years ago, the final B.Sc. degree examinations at the London School of Economics included among a list of questions for a three-hour essay paper the topic: 'The Meaning of Democracy'. At that time, leaders of the Soviet Union were emphasizing the democratic nature of their system.

We have already noted the Commonwealth' Caribbean's legacy of liberal, representative institutions: the convention of constitutionalism, the doctrine of civilian supremacy, the custom of competitive elections, the practices of pluralist representation and the presumption of bureaucratic and police neutrality.

The British heritage, however, has also made a negative contribution. Centuries of slavery, the plantation system and colonial rule contributed significantly towards the generation and perpetuation of ideas, which emphasized the dominant and the dominated. The ideas and the systems to which they gave expression and form have persisted beyond Emancipation and into the age of Independence. Hence, the creation of a stratified society, with its complex amalgam of class, colour and shades of complexion, and the development of the authoritarian personality. In 1942, Dr. Eric Williams observed (*The Negro in the Caribbean*) in an adaptation of Lincoln's famous aphorism on democracy: "The Caribbean lives under a government of sugar, for sugar, by sugar." Although sugar has declined relatively in strength and significance, the industry with its plantation associations has left a heritage of continuing influence on social, political and economic life. The plantation culture persists.

It is clear that the Jamaican reality falls short of the ideals of Western liberal democracy. Nevertheless, as we have seen, some initiatives are being taken and other mechanisms could be introduced to advance the democratic qualities of Jamaican life.

These include legislation to facilitate more open government through increased freedom of information and transparency in the processes of decision-making and implementation; mechanisms for improving and extending the areas of public accountability and decentralization; measures designed to inculcate ethical values in the society; and proposals for the extension and enhancement of the coverage of integrity legislation. Let us consider other areas, which are also on the reform agenda.

Parliamentary Reform

Constitutional reform, which was on the 'front burner' during the 1970s but receded into the background for almost two decades, has, of course, been revived and currently occupies a prominent position on the public agenda. The debate has intensified and the agenda been extended with the appearance in the arena, of a new political contestant, the National Democratic Movement.

On the controversial issue of the necessity to introduce the USA style of separation of powers, I consider that significant improvements can be achieved in the powers exercised by Parliament without throwing the baby out with the bath water. Writing on the reform of Commonwealth West Indian public administrative systems and institutions almost thirty years ago, I referred to "the tendency to substitute uncritically a new supplier of imports of institutions and systems, for example the United States, for the traditional source of such imports," I added, "The situation calls for a search for solutions which are relevant to West Indian ecological conditions and problems, including the adaptation of elements from other systems where these are appropriate."

Parliament's capability to oversee the actions and performance of the Executive needs to be strengthened to facilitate examination by the legislature of the operations of departments and statutory

bodies beyond the concern for financial accountability. This widening of the traditional notion of public accountability could be achieved by broadening the Public Accounts Committee's terms of reference to enable that Committee to enquire into issues such as partisanship in the implementation of policy. Alternatively, a new committee could be created whose composition should be similar to that of the PAC.

Among the perennial problems voiced about the weaknesses of Parliament's control over the Executive has been the ineffectiveness of Question Time. In 1971 a M.Sc. thesis was submitted by Stephen Yorke at UWI on the theme 'Parliamentary Control of the Executive in a Small Developing Country: Jamaica'. Yorke observed, among other weaknesses, the extent to which questions posed were ignored, in some cases for almost one year and, in others, were removed from the Order Paper following the Parliamentary recess or prorogation. Dr. Lloyd Barnett also commented on the ineffectiveness of Question Time in his *Constitutional Law in Jamaica* (the publication of his 1977 Ph.D. thesis). In October 1996, the Standing Orders were amended to make it mandatory for Ministers to seek the Speaker's approval for any extension of time where a Question is not answered within the 21-day limit. Failure to satisfy this requirement would entail a breach of the Standing Orders. It is to the credit of all parties that the condition has improved significantly since then, with a majority of replies being given within the time limit.

An obvious and long-standing need centres on the provision of support personnel for backbenchers and Chairmen of Committees in undertaking research to improve their command over information and data so as to represent their constituents and the general public more effectively. The recent move by backbenchers towards the formation of coalitions is an interesting idea, which should be encouraged, despite anxieties felt by the Whips and party officials.

We should also consider revisiting two other initiatives: one, the experiment introduced by the JLP Government f 1983-89 in the context of a one-party government, (following the PNP's withdrawal from the General Elections), to invite citizens to make presentations at the Bar of the House of Representatives. I suggest that this experiment was not successful because the procedures involved were excessively formal for the average citizen. The other initiative concerns the proposal by House Minority Leader, Karl Samuda, for opening to the public the last remaining bastion of House Committees, namely the Standing Finance Committee. Dr. Kenneth McNeil has the distinction of pioneering the removal of the bar against admission of the public to other committees. The arguments expressed by some members against such a development appears plausible, but is not valid.

Local Government

Among the essential features, which characterize a democratic system of government, is the presence of opportunities for citizen participation in its decision-making processes and of effective communication between the government agencies and the public. In a research study of the political processes of a Parish Council in Jamaica, Neville Duncan found a lack of communication between the local government body and its community and an absence of public participation in issues coming before the authority and in its decisions. He concluded:

There is weak social relatedness.... A pattern of dominance/submission, and.... a political process devoid of.... Most normal expectations of a functioning local democracy.

For more than fifty years, efforts have continuously been made to reform Jamaica's Local Government, an institution now almost 340 years old. A sequence of commissions and committees from Hill in

1943 to Mills in 1974 expressed the need for a restructured system which would reflect a broadening and deepening of the democratic process by creating mechanisms and channels to facilitate participation by citizens at parish, district and community levels in the management of their own affairs. All the studies undertaken have consistently emphasized and recommended that local authorities should be provided with adequate and independent sources of revenue and granted greater autonomy in the management of local affairs. Unfortunately. However, instead of a progressive advance, Local Government has, to the contrary, suffered the vicissitudes of emasculation and retrogression.

During the past four years, as a consequence of the Government's decisions, a significant turn-around has occurred. The reform measures, which are currently being implemented, include:

- restoration to the authorities, of functions and Responsibilities which had been taken away, e.g. maintenance of parochial roads; and the addition of a supporting role in other areas such as Youth and Community Development.
- new arrangements for financing the authorities, Especially the assignment to and control by them over independent sources of revenue, including property taxes and 66 2/3% of motor vehicle licence fees; and over the raising of fees and rates.
- upgrading of the institutional capacity of the Authorities and the personnel who staff them.

Apart from measures, which are designed to grant greater autonomy to the authorities, a public education programme has been mounted which includes a mass media campaign of information and education and the organization of seminars and workshops. Significantly, too, public participation in the reform process is being facilitated by the establishment of advisory bodies

at two levels: a National Advisory Committee (NAC) consisting of representatives from across the island and a network of Parish Advisory Committees (PACs) - both institutions having a wide range of membership from the public and private sectors, NGOs and the academic community.

In light of previous experience of the treatment suffered by the system and its institutions, strong recommendations have been made that in the current proposals for constitutional reform the Local Government system and the right of each Council to raise its own finances should be deeply entrenched in the new Constitution. Other features proposed include:

- autonomy for the system (subject to prescribed limitations), the democratic nature of elections, the responsibility of each Council for specified core functions to be entrenched;
- the Preamble to include a section providing mechanisms to ensure that citizens and civic organizations can participate in a systematic way in the affairs of their Parish.

All of these initiatives reflect a communitarian or community centred approach which places priority on the needs of the community and represents a significant foundation for citizen empowerment and consensus building at the 'grass roots' level. This can provide a strong base for the development of democratic, egalitarian micro-societies, providing planks for the evolution of genuine self-government at the national level. The Nettleford Committee on Government Structure puts it this way:

Genuine and substantial development will only be realized when ordinary citizens begin to perceive themselves not only as the target of development but more so as the essential

creators of this process. Here it is not so much power for the people, but power to the people.

We are living in an age when, in Jamaica and globally, the dominant values are those of the market economy. The State's role is being more narrowly defined as less proactive and the boundaries of its functions and activities are being pushed back in efforts to provide greater space for the private business sector. In such a situation, important questions and conclusions arise such as those which emerged from a recent symposium on 'The State and the Market Economy'. Though focusing on Eastern Europe, it has relevance for the Caribbean. I quote:

How can one preserve the values of solidarity, in the social sense of equality, in a society where preference is given to individualism and the competitive urge.... The free market system can only exacerbate the differences between the poorest and the richest?

The context of the market economy with its emphasis on individualism and materialism also provides fertile ground for the increasing incidence of corruption.

In the UK, in the process of re-engineering government, efforts are being made to transform the perception of the role of the public, the citizen in relation to government services - to treat members of the society as consumers rather than as clients. Jamaica's 'Citizen's Charter' announced by the Prime Minister to the House of Representatives in December 1994 embodies a similar sentiment and intent. This will be further discussed when we come to Public Administration Reform.

The Electoral System

Until 1979 electoral matters fell under the jurisdiction and control of the incumbent government through a Minister who directed the head of the Electoral Office - the Chief Electoral Officer, a civil servant. Among the most critical ills from which the systems suffered were the deliberate omission of qualified persons from the electoral list, padding of the list, impersonation, multiple and over-voting and blatant gerrymandering of constituency boundaries. The institution was generally perceived as a creature of the government in power, administered by officials under ministerial direction, some of them corrupt. Beginning near the end of the 1960s, the consequence of an evolving tribal party condition involving fanatical supporters were expressed in the growth of 'garrison' strongholds, the increasing incidence of the invasion of polling stations and of the removal and stuffing of ballot boxes.

This was the backdrop to the pressure for electoral reform mounted by the opposition JLP, particularly following the 1976 general elections which, as a result of the recommendation of a bi-partisan Parliamentary Committee, culminated in the creation of the uniquely constructed Electoral Advisory Committee in 1979. Subsequent events in the history of elections are well known: the problems encountered during the Local Government elections in 1986 and the climax reached in the mayhem and the debacle of the General Elections of 1993. These problems flowed partly from the failure of some electoral personnel to use the safeguards provided to protect the integrity of the system which were introduced by the EAC; partly from the actions or non-action of inefficient or partisan enumeration and polling station officials; and partly from administrative weaknesses. However, the most significant factor lying at the root of the ills is the political culture of tribalism and dependent patron-client relationships.

From my more than thirteen years' experience of these activities, a number of recollections remain: one is the Special Gleaner Award made to the EAC following the October 1980 General Elections, "For yeoman service in the establishment of a fair election system in Jamaica". Further commendations of the EAC's work were expressed publicly by Prime Minister Manley and Opposition Leader Edward Seaga in October 1989. Yet, within a few years, this would become, in the words of one of the leaders of a political party, the "most corrupt system". There has been a tendency for some political leaders, including former members of the EAC to attempt, Pilate-like, to wash their hands, in condemnation, disclaiming any responsibility for the system. They have done so despite the fact that a committee on which, throughout its life constructed it, both major parties have always been represented by General Secretaries or their deputies and/or Ministers. Thus they condemn themselves.

A veteran journalist repeatedly criticized me strongly for failing in certain crucial deliberations to exercise the Chairman's authority in imposing decisions by using the independent members' majority plus the Chairman's casting vote over the number of each set of party nominees. More recently, he has been supported by another veteran colleague in criticisms of the nonsense of consensus "decreed by Professor Mills." I did not decree the practice of determining decisions on critical issues by consensus; this evolved during the committee's working relations in a context of the widest political polarization Jamaica had ever experienced - especially during the first few years of the EAC's life. I am surprised that these veteran media men, and especially one, who has been an active politician, were so little aware of the subtle sensitivities of the political climate at the time. To have taken their route would have nullified the effectiveness of the Committee.

A note about Noel Lee, the former Director of Elections who was vilified by JLP leaders during in and in the aftermath of the

General Elections of 1993 and virtually driven out of office. The JLP Chairman recently denounced Lee as 'corrupt'. This, to put it euphemistically, is a gross travesty of the truth and a disgraceful slur on Noel Lee's integrity.

The General Elections of 1976 and 1980 attracted the largest percentage of voters in Jamaica's history since the introduction of adult suffrage - the electors spurred on, or perhaps provoked, by the great divide of that period - a consequence partly, of Democratic Socialism. But disillusionment with politicians and with the political and electoral processes during the past five years has led to a reluctance on the part of many qualified persons to be enumerated and a significant reduction in the percentage of those casting their votes in relation to the total number on the voter's list. During the enumeration process of 1992-93, a few individuals even set dogs on the enumerators. The story of the declining level of participation is told in the turnout of voters since the elections of Independence Year (with the exception of the one-party election of 1983).

Votes Cast as a Percentage of Total on List

1962 72.29	1980 86.10
1967 81.46	1983 -----
1972 78.20	1989 77.59
1976 84.50	1993 66.69

On the question of a reform, a number of issues are at the heart of the system and require resolution. First, is the need for fundamental change in the enumeration/registration system. During the past two decades considerable problems have been encountered in meeting the deadline dates for the enumeration process. These have arisen for a number of reasons, including the difficulty experienced by enumeration teams to enter garrison areas. In addition, the varying lighting conditions existing at individual homes posed difficulties for photographers in obtaining

clear images in a significant percentage of cases. Early in its life, the independent members suggested the alternative of enumeration centres, but this was rejected.

In 1983, a committee appointed by the Government submitted recommendations for the establishment of a National Registration System which involved the compulsory registration (including photographing and finger-printing) of persons 18 years old and over - the system to phase in, gradually, lower age-groups down to 15 year-olds. Centres would be set up to facilitate a process of continuous registration of persons who have come of age; and the system would be linked with the Registrar of Births and Deaths Department and the Electoral Office. I strongly support the EAC's decision to introduce an electronic input in the enumeration process of continuous registration. This should eliminate multiple registration and padding of the list. The decision taken on finger printing should not be abandoned despite the fears expressed, but at the same time, these perceptions should not be dismissed. In the electoral arena, the perceptions held by people are often of greater relevance than the reality.

I am not, however, sanguine about the introduction of electronic voting. While it appears that such a system could solve the problems of impersonation, over-voting, ballot tampering and the stealing of ballot boxes. I am not confident about the absolute security of the electronic equipment in the political-cultural context of Jamaica. As for cost, the question which needs to be answered is: In light of the scarcity of financial and foreign exchange resources, and the needs of other areas, especially education, health and other social services, is it justifiable to devote so large a portion of these resources to the preservation of democracy?

Since the 1980s, the EAC has devoted considerable attention to the need for solutions in cases where it appears that a candidate has won a seat in circumstances, which suggest that the victory was not

achieved in a free and fair election. Discussions were also held with the Chief Justice, the President of the Court of Appeal, Political Ombudsman, Attorney General and other legal luminaries. Two problems have arisen in the past: one concerns the long delay in the procedures involved in the hearing of election petitions; the other, that at present an election cannot be voided on the grounds of irregularities during its course, unless such irregularities would affect a number of votes which exceed the majority by which the particular candidate was elected. A further issue is the composition of the tribunal, which should be responsible for such voiding; the EAC or a group consisting of judges. I suggest that the EAC be designated the authority at first instance, with provision for appeal to a judicial body. A significant observation made early in the EAC's discussion was the possibility that a candidate who appeared to have no real chance of winning could interfere with the election process, with the objective of securing the voiding of the election in question. Presumably the judicial process could deal with such a potential difficulty.

Two other fundamental changes in the electoral system need to be more seriously considered. One is the 'first past the post' method of elections in which the winning party takes almost the spoils, obtaining a disproportionate number of parliamentary seats relative to the number of votes cast in its favour. For example, though an extreme case, in the General Elections in 1949, the losing PNP obtained a larger total number of votes than the JLP. Further, the increasing dominance of the two major parties is reflected in the facts that no third party has ever won a seat in Parliament since the introduction of adult suffrage, nor has an independent candidate since 1949. It would seem that minority interests are unrepresented. But is it not possible that these interests could be represented within one or other of the major parties? Assuming that this is not so, such representation would be met partially by the proposed allocation of two Senate seats for interests not represented by either of the major political parties. However,

further consideration needs to be given to the institution of a mixture of the present system of election to the House and an element of proportional representation as, for example, in the Federal German System and more recently and appropriately, in New Zealand, a British Commonwealth State. Alternatively, the Senate could be constituted by a form of proportional 'representation'.

The second change, which needs to be considered, relates to State funding of political parties. It was former Prime Minister Michael Manley who first suggested this in an address to the Conference of Electoral Systems in the Caribbean and Central America, celebrating the 10th anniversary of Jamaica's EAC in October 1989. Mr. Manley pointed to the possibility of a "syndrome of dependence" on powerful individuals and organizations being created by the parties' long-standing reliance on private sector funding. Also, he argued the political process would be facilitated through the provision of financial support for party research, thereby increasing the current very slim knowledge base on which most actual and aspiring parliamentary leaders operate.

Concern has recently been expressed by Minister of State Anthony Hylton about the nature and degree of influence which can be exerted by organizations and persons who finance political parties, with a possible "diminution of the bedrock principles of our democracy - one man, one vote." He has called for the creation of a joint select committee of Parliament to examine the question of disclosure of the sources of campaign funds and, also, whether election campaigns should be funded by the State. It is interesting to note that a survey conducted in July 1996 disclosed that only 11.5% of respondents favoured state funding, while 74.5% were opposed. But survey results of this kind should not be taken at face value without knowing more about the respondents' understanding of the issue.

We should examine the German and United States arrangements for such funding. Germany's Basic Law provides constitutionally for the investing of political parties with the status of 'institutions'. Provision for the funding of parties is contained in specific legislation on such matters, including the reimbursement by the State of election expenses for each eligible elector up to a specified limit (and extended in respect of those voting for non-party individual candidates). The recipients are obliged to publicize the sources of non-State funding, how their funds have been used, a statement of their overall assets, and an account of the party's financial situation. A limit is prescribed for the extent of reimbursement by the State, which should not amount to the greater portion of the party's total revenue. These accounts must be audited.

The United States has experienced a chequered history of State (i.e. Government) funding, with a series of Federal Corrupt Practices Acts to regulate campaign funding and with the introduction of major reforms, following experiences over the years. In essence, there is Federal public funding for qualified Presidential candidates, and for national political parties in respect of their national nominating conventions.

The reformed arrangements have broadened the base of government support, reduced the dependence on large donors and facilitated a greater degree of public scrutiny and debate. However, it has been observed that rich candidates enjoy an advantage, especially before the primaries. The system is heavily weighted in favour of candidates as against parties (James MacGregor Burns et al. *Government by the People*). State subsidies are not provided for Congressional campaigns. The Federal Electoral Commission is responsible for certifying the entitlement amounts for candidates and convention committees, enforcing compliance with the requirements, auditing, and ensuring accountability.

State funding of political parties is a complex issue. The current debate in the US is not whether or not it should be continued but how it can be refined and expanded to reduce the disproportional impact of wealth on the political process. Minister Hylton's proposal should be pursued, but the Committee suggested that it should be supported by a Public Administration Reform small staff with technical expertise on the subject.

Public Administration Reform

Serious efforts towards administrative reform of the machinery of central government in modern times began during the early 1970s with the introduction of a radically new, comprehensive position-classification system and a creation of a Ministry of the Public Service - the latter being given a mandate to initiate and sustain a programme of self-reformation of the Civil Service and to modernize management practices throughout the system. The primary objective was to provide:

A service which is capable of employing up-to-date techniques and procedures in efficiently undertaking public business; a service which is sensitive and responsive to the needs of the community
(Ministry Paper, No. 21 of 1973)

This reform initiative was clearly a response to what was generally recognized as a continuing and significant decline in the status and prestige of the Civil Service. This had occurred partly because of relatively low emoluments as compared with those earned by private sector personnel at similar levels. There was a time when, before the birth of the University College of the West Indies and the proliferation of scholarships for tertiary education, almost all of the top scholars from the elite schools sought employment in the Civil Service. Moreover, the private sector, then relatively underdeveloped and dominated by family firms, was not particularly

interested in recruiting graduates from the fifth and sixth forms. This situation has changed dramatically. The Civil Service is no longer the most attractive avenue for employment, not only for high school, but also for university graduates. The decline has not unexpectedly, also been matched by the senior civil servant's diminishing influence on policy decision-making.

During the 1970s a number of other significant initiatives were taken: a more modern and open performance evaluation system relevant for a new promotions policy with emphasis on performance rather than seniority, and considerable expansion of in-service training institutions and programmes. However, the hopes for significant improvements in the functioning of the Civil Service remain illusory.

Concerned about the system's lack of responsiveness to the country's developmental needs and to the changed internal and environmental conditions, the Government embarked, with World Bank funding, on an administrative reform programme (AR) in 1984. The principal thrust of the ARP was the restructuring of line agencies, focusing on a concept of results-oriented management; with the ultimate objective of achieving significant improvement in the delivery of goods and services to the public. Its principal components comprised:

- improvement of human resources and financial management, and institutional strengthening of the central personnel and establishment agencies and the Ministry of Finance;
- * institutional strengthening of the line agencies.

Efforts were made to loosen the highly centralized complex of core institutions by delegation to the managers of sectoral ministries a greater degree of authority and control over the personnel resources for whose performance they are held accountable. A

system of performance budgeting was instituted. Among other elements included were significant improvements in the emoluments attached to professional, managerial and technical posts. Unfortunately, too many civil servants focused on this last element and endowed it with precedence not intended by the Programme. The centre of comparative focus was still private sector managers with much larger emoluments - a certain recipe for inescapable frustrations and demotivation.

The limited success of the ARP (1984-88) and perpetuation of the problems of weak performance and poor quality in the delivery of service to the public have stimulated "a growing recognition by the Government of the need for a more responsive (proactive) public sector." hence, the initiation, in 1995, of the Public Sector Modernization Project (PSMP). En route reform efforts have given priority to financial and programme management and tax administration. The PSMP involves primarily the rationalization of the public sector and the creation of Executive Agencies - the latter based on UK and New Zealand models.

The Executive Agencies selected, which include the Department of Registration of Births and Deaths, are intended to be semi-autonomous, their managers reporting direct to the appropriate Minister - the "focus on results to be demonstrated in the provision of high quality goods and services." Their activities will be facilitated by the authority given to the managers to set measurable performance targets in consultation with the appropriate Ministers. At the same time, the facility will, in itself, provide a basis for the observance of accountability to Parliament and public. It will be interesting and instructive to follow the operations of these bodies.

An integral component of the PSMP is the Citizen's Charter, launched by the Prime Minister in the House of Representatives in December 1994. The Charter is intended "to broaden the democratic process by buttressing the fundamental rights and

freedoms guaranteed to citizens under the Constitution." This objective is to be met by the provision to the public, the customer, of "government services, which are reliable, efficient, of high quality and at reasonable cost." Of fundamental importance to the implementation of these undertakings are the setting of performance targets, the monitoring of standards, and mechanisms for the hearing of complaints and effective redress of grievances. This innovation promises much in supporting the democratic objective. The media needs to perform an effective role in monitoring the implementation of the Charter.

Among the major thrusts of the rationalization process is the abolition of redundant statutory bodies. Concern about the continuous mushrooming and proliferation of statutory bodies (currently numbering approximately three hundred) led to the appointment of the Barrett Committee, which years ago recommended the abolition of some and the integration of a few others into the normal departmental structure of central Government. In the mid-1970s, a small committee consisting of representatives from the Public Service Commission and the Ministries of the Public Service and of Finance was commissioned to reconsider and make recommendations on these issues. No significant action was taken to implement the findings of the group; meanwhile, new statutory bodies were being created!

Almost thirty years ago, Edwin Jones, in a study of the role of statutory boards in the political process in Jamaica, observed that they "serve to reinforce the two-party system by building up support for the electoral processes." In my view, in addition to the rationale expressed by Jones, the perpetuation and proliferation of these bodies also provide an excuse for avoiding reform of the departmental structure and processes and of personnel management in the Civil Service.

I urge also, that instead of persisting in perpetuating the notion that civil servants are unfitted to serve in management capacities in statutory bodies and public enterprises, we should note that some civil servants have made the transition successfully. I suggest that many others are handicapped in efforts to display their capabilities by outmoded organization structures and procedures. Reform efforts, therefore, should involve both personnel education and training and the complementary feature of organizational structures and processes. It is not wise for personnel who have embarked on further training to return to unreformed organizations. We should heed the Biblical injunction: "Do not pour new wine into old wine-skins."

Civil Servants have been thrust into an entirely new context of globalization, distinguished by the market economy, which has heralded fundamental changes in the role of the State. In this environment, greater management responsibilities are being placed on public sector personnel, for example, in relation to the government's regulatory role to ensure that consumers of goods and services are not exploited; to its linkages with NGOs; and to its focus on providing protection for less well-endowed citizens. As we move into the 21st century, a new orientation will demand increasingly a new type of public service administrator who will be required to exercise fresh approaches and initiatives. Jamaica and other CARICOM States should be encouraged to study the role, status and emoluments of the higher public service of Singapore and other Asian Newly Industrialized Countries (NIC's and their relations with the private sector. In doing so, special effective development (including training) of such personnel. I should add, however, that long ago in reflecting on personnel development in the public service, I came to the conclusion that the acquisition of technical skills is perhaps not too difficult. More difficult is the acquisition of managerial skills. But the most intractable of these attributes is the inculcation of attitudinal change.

Conclusion

The Burden of the Presentation has centred on the political and administrative foundations and behaviour in Jamaica. These foundations, the structure and system were laid by architects who transplanted their homegrown model to an ecological context (social, cultural, economic) quite different from their own. Not unnaturally, the transplant's behaviour has deviated from that of the parent institutions in a number of ways. For example, the Jamaican derivative is not as accommodating to opposing views as is the original.

Nationally, and regionally also in terms of Jamaica's CARICOM colleague States, efforts to realize and sustain the democratic objective should not be left to the Government and Opposition only. Extra-governmental organizations also have an important part to play. Hence the need for development in the strength of institutions such as civil society, non-governmental organizations (NGOs) and the media.

In its report, the Rio Conference on Environment and Development (1992) includes a chapter on 'Strengthening the role of NGOs: Partners for sustainable Development'. This states, in part: "NGOs play a vital role in the shaping and implementation of participatory democracy." It is necessary, too, to recognize that while free and fair elections, the presence of an opposition and civil liberties are essential elements of democracy, they are not sufficient. Stability is dependent not only on political considerations - Adam Przeworski states in his enquiry *What Makes Democracy Endure?*

Democracies can survive even in the poorest nations if they manage to generate development, if they reduce inequality, if the international climate is propitious, and if they have parliamentary institutions.

On the other hand, Robert Buddan of UWI's Department of Government, in an article in the *Jamaica Observer* pointing to current social and economic problems (violence, crime, etc.) in much of Latin America and the Caribbean, states that analysts are increasingly asking the question: Is democracy a good enough system to ensure rapid and sustained economic growth in developing societies? The record says No! He concludes:

Instead, another form suitable to developing countries might be more promising. Strong (but accountable) executives, strong systems of national security and guided markets in supervised economies with NGOs playing a stronger role in social policy might be a better mix.

The conclusion brings to mind the systems obtaining in Singapore and other Newly Industrialized Countries (NICs) where significant economic and development have been achieved but under authoritarian regimes which do not assign high priority to civil liberties.

Let me end with an anecdote from the late Professor Harold Laski. About a fortnight following the abolition of slavery in the United States, an erstwhile slave-owner encountered one of his ex-slaves on the road. The former master exclaimed: "Sam, up to two weeks ago, you had shelter, food and clothing all provided. Now look at you, nowhere to live, starving and in rags! Wouldn't you like to come back to me?" In reply, Sam: "What you say may be true, boss; but there's a kind o' looseness about di 'ere freedom that I likes."

Take your choice.

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