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Public affairs: Jamaica's recurring corruption problem

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The following is an address made recently by Professor Trevor Munroe at the First Regional Law Enforcement Anti-Corruption Conference.

Our own experience in championing integrity and the combat of corruption over the last two years confirm the gravity of the corruption problem in Jamaica, at the same time as it indicates our capacity as well as potential to come to grips with this serious challenge.

In any discussion of corruption, that is, the use/misuse of entrusted power and authority for illicit gains, it is important to start with our people, their experience, their perceptions, and how these perceptions fit into the experience and perceptions of others in this increasingly globalised world.

Let us start with experience. The Latin American Public Opinion Project (LAPOP) 2010 measures the people's experience in five CARICOM states (Jamaica, Trinidad and Tobago, Guyana, Belize, and Haiti) of involvement in bribery or attempted bribery of police officers, government employees, local government officials, etc, so-called 'corruption victimisation'.

The good news is that only eight per cent of Jamaica's population and nine per cent of Trinidad and Tobago's population have reported having experience of bribery, at this level. This is among the lowest of 25 Latin American and Caribbean countries studied. Belize and Guyana are at the midpoint with 17 per cent each, and Haiti experiences the highest level of the countries measured at 54 per cent. It should be noted that Jamaica and Trinidad and Tobago's experience of corruption victimisation is three times lower than the global average where one in four people in 86 countries around the world report paying bribes in the 2010 Global Corruption Barometer. So much for the people's experience of what is described as petty corruption.

Different story

Now the bad news. At the level of perception of corruption, the story is quite different. Among the 25 countries measured, the people of Trinidad and Tobago and Jamaica perceived their country as the most corrupt, with Guyana not far behind. In terms of country-by-country polling, surveys show that our people regard corruption as among the most negative aspects of our territories. In election after election in the last 10 to 20 years across the region, corruption scandals have been significant. Governments have been removed largely on the grounds of being corrupt and replaced by oppositions largely on the basis of promises of integrity, only to repeat the cycle subsequently, thereby reconfirming popular concern with the issue of corruption and contributing to public cynicism.

The external perception of Caribbean states is little different from our citizens' views. Over the last five years, only three CARICOM states, Barbados, St Lucia and St Vincent, score consistently over 5 in the Transparency International Corruption Perception Index where 10 is the most clean and 1 is the most corrupt. Most of our countries are perceived as highly corrupt. For our purposes, it is cold comfort that three-quarters of the

170-odd countries ranked below 5, and that in the 2010 Global Corruption Barometer, six out of 10 people around the world believe that corruption has increased over the last three years. There can be no question that as far as the man in the street in the Caribbean and further afield is concerned, corruption is a most serious, and worse, growing, problem.

How can we explain, however, the gap between perception and experience? I suggest three factors. First, media spotlights exposing allegations as well as proof of corruption. Second, reduction in incentives to pay bribes as public agencies increase efficiencies, cutting down on red tape and delays as well as the increase in disincentives to 'grease the palm' as more public officials, police officers, in particular in Jamaica, are being disciplined for requesting or receiving bribes.

But I believe there is a more important reason why the experience of corruption victimisation is low while corruption perception is high. That important reason is that while man-in-the-street corruption is declining, corruption in high places among so-called untouchables is becoming more endemic across the region, and our people see and hear enough in our small societies to believe that 'big fish' are getting away metaphorically and sometimes literally with murder. This is not just a Caribbean phenomenon.

How come, for example, among the 38 developed countries which have signed the OECD Convention Against Bribery of Foreign Public Officials, only a few are judged to be applying the convention 'seriously'? How come in so many CARICOM states, there is *prima facie* evidence pointing to irregular procurement procedures, bribery payments as well as kickbacks and improper expenditure of public money, yet there is little or no successful investigation, prosecution, and conviction of persons in high places? When last has there been a prosecution or conviction for 'illicit enrichment', a crime in most of our territories in conformity with the United Nations Convention Against Corruption (UNCAC) and the Inter-American Convention Against Corruption, which most of our territories have ratified? How many auditor general's reports exposing irregularities and corrective measures are followed by the punishment of those guilty of the breaches?

Reforms needed

There can be no question that across the region, radical reforms are urgently required to build institutional capacity and to strengthen anti-corruption laws and integrity-building activity. The consequences of continued failure in these regards are grave and serious.

First of all, with regard to economic growth, the increase of levels of poverty and in the intensification of the burdens on the backs of the poor who suffer the most when scarce resources are diverted from development into the pockets of the corrupt.

It is the World Bank which estimated the economic cost of corruption. Let me quote: "Countries that improve or control corruption and the rule of law can expect, on average, in the long run, a fourfold increase in income per capita On average, it can make a difference of about three per cent per year in annual growth for the enterprise. The difference can be between two and four per cent per annum in the annual growth rate between countries with a different extent of corruption control. One study of foreign direct investment estimates that corruption is equivalent to 20 per cent tax to foreign investors. Corruption and bribery is a regressive tax."

Our peoples' demand for a better life is, therefore, also a cry for less corruption.

A second serious consequence of continued failure to come to grips with this cancer is the undermining of confidence in institutions fundamental to

modern democracy, and a growth of dissatisfaction with the performance of democracy in the region itself. It is no accident that across the region, and indeed with few exceptions across the globe, survey after survey continue to confirm lowest levels of trust among public institutions in political parties, governments, or politicians.

In the 2010 Global Corruption Barometer, capturing views of almost 100,000 people in 86 countries, eight out of 10 saw political parties as corrupt or extremely corrupt, while half the people questioned said their governments' action to stop corruption was ineffective. No wonder that in the 2010 LAPOP survey to which I referred, the proportion of citizens whose values and attitudes support stable democracy in Jamaica has declined from 36 per cent of the population to just over 29 per cent since 2006.

Urgent measures

I conclude that urgent measures are required - measures which require the support and assistance of our international partners " both to have a deeper understanding of the dynamics of corruption across the Caribbean, and alongside this deeper understanding, to design as well as implement practical measures to build integrity and to combat corruption more effectively. May I suggest four steps in the short run:

- 1.** Country by country, rapid corruption risk assessments in each territory of the type which we carried out in Jamaica in 2008 (with USAID support), which reconfirmed the "clear and present danger" of state capture by criminal or commercial elements and which led to the establishment of the National Integrity Action Forum (NIAF).
- 2.** The plugging of two of the most serious gaps in our legislative anti-corruption framework, one in particular adapting national statutes to deal with political party registration and campaign financing disclosure using the OAS draft model legislation. Second, the discussion and passage in Parliament of anti-gang statutes aimed primarily at targeting, not so much the street formations, but the multiple linkages between organised crime, politics, business, and the professionals.
- 3.** The establishment (where they do not exist) and the strengthening of investigative watchdog agencies along the lines of Jamaica's Office of the Contractor General but with powers, financial and human resources, to arrest and to prosecute, of course with appropriate constitutional and judicial safeguards against the abuse of power.
- 4.** Finally, as the UNCAC recommends, the encouragement and facilitation of public and civil-society engagement in the combat of corruption through public education campaigns aimed at raising levels of public integrity, and encouraging the reporting of corruption. Jamaica's 1-800-CORRUPT hotline is a good start which needs to be reinforced and regionalised.

Additionally, supporting the building of civil-society institutions to monitor at the same time as partner with government bodies. One example of this is the UNDP-funded project in Jamaica to build parish development committees.

Related to more fulsome engagement of civil society and the linking of the Caribbean anti-corruption movement with international counterparts is the establishment of Transparency International (TI) chapters in our territories. This we are now actively pursuing in Jamaica with the formal registration and constitution of the board in this very month of National Integrity Action Ltd, a not-for-profit company, which shall reinforce the NIAF and which shall develop into the Jamaica Branch of TI.

These are but some of the most immediate steps required to deal more effectively with corruption in the Caribbean. Separate or together, however, none shall have the desired effects without the strengthening of political will and professional will, particularly among the law-enforcement agencies; but the strengthening of political and professional will shall not take place nor be sustained without the strengthening of the social will among the people to raise integrity and combat corruption.

In all of this, our international partners have a critical supportive role to play.

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