



**PRESENTATION TO THE ANNUAL GENERAL MEETING OF THE LAY
MAGISTRATES ASSOCIATION OF JAMAICA – PORTLAND CHAPTER
OPEN BIBLE CHURCH, FOLLY ROAD, PORT ANTONIO
THURSDAY, JANUARY 30, 2020**

(Please check against delivery)

Salutations to all, good morning. Let me first of all thank you for your invitation to address your annual general meeting and also to appreciate the fact that you have modified your agenda to accommodate my having to return to Kingston promptly for another engagement. I didn't want to miss this occasion however, as I wanted the opportunity to commend you and through you all Lay Magistrates and Justices of the Peace, the majority of whom are providing sterling voluntary service to all people. In this parish I am told, that the lay magistrates in the Eastern Zone have been demonstrating exemplary consistency in the holding of the lay magistrates, despite dire conditions. Your counterparts in the Western Zone, I want to commend you for your attentiveness to pensioners and for your participation in the Restorative Justice process. The enhancement of the Restorative Justice programme and more generally alternative dispute resolution, including Child Diversion and Mediation, is a most commendable initiative on the part of the Ministry of Justice and one in which NIA is partnering with that Ministry.



As you can imagine the skills associated with Alternative Dispute Resolution are now needed more than ever in our schools and in our communities, where minor conflicts often lead to major crimes. I therefore encourage you to make use of every training opportunity as you strengthen your role as makers of peace and carriers of justice.

In that context allow me to share thoughts with you in your dual capacities as judicial public officers and as citizens sworn to give service, not just to the community but to the wider Jamaica.

One week ago, on January 23, we Jamaicans got some bad news. Jamaica slipped in score and fell in rank globally on the indicators drawn up by experts from independent organisations producing the Corruption Perception Index 2019. At that time in a press conference that very morning and in a number of subsequent media interviews, I identified a number of factors which might have contributed to this negative result. More importantly, I suggested some of what was urgently needed to arrest a decline, which, of course, has negative effects on Jamaica's reputation not least of all, as a destination for investment.



This morning, I am happy to say that there has been positive movement in advancing two of these suggestions to improve our standing. One relates to the long pending regulations to make the Major Organised Crime Anti-Corruption Agency fully independent of the Jamaica Constabulary Force. In that regard, I note and appreciate the assurance of Minister of National Security, Horace Chang, in Parliament on Tuesday, January 28 that these regulations shall be tabled in short order. This is good; what would be even better is an exact date, such as, to be proposed and fulfilled in respect of the new regulations for the selection, nomination and composition of members of public boards, tabled by Minister Clarke on November 26 last year with an IMF agreed deadline of December 29, 2019. The second suggestion was the establishment of the Parliamentary Oversight Committee to review the Integrity Commission. In the same sitting, the Prime Minister gave the assurance that this would be done early in the new Parliamentary year which begins on April 1, 2020.

These commitments are welcome. It encourages me and should encourage you and citizens like yourself, committed to service to a wider Jamaica to maintain vigilance, to sustain advocacy and to insist on the positive steps necessary to make Jamaica a better place.



Your voice does matter; all of us speaking out can and does bring results. It is simply not true, **that it no mek sense to talk out because nothing going change**. I recall for you three quick illustrations, when speaking out and standing up brings results. Five years ago, then Minister of Finance had to back away from the proposal to impose a tax on withdrawals on banks by the public. He proposed this on April 4, 2014, public outcry forced its rescinding on April 29. Two years ago, Prime Minister Holness appointed a Chief Justice to act in unprecedented circumstances, without any indication of criteria for appointment nor duration of the acting position. This was proposed on February 2 and had to be withdrawn and a Chief Justice appointed by February 28 because of public outcry. Three months ago, the Government proposed to extend the period, during which Cabinet documents would be hidden from the public from 20 to 70 years. Again, the public spoke out and stood up. The proposal made on October 2 was withdrawn on October 4.

This encourages us to redouble our efforts to combat wrong and to persuade the authorities to do the right thing. It encourages us to seek to strengthen integrity at all levels of the society.



In that regard, two days ago, I had a most wonderful experience, I shared a morning with about 300 students and their teachers, members of the Integrity Clubs, established by NIA in partnership with the Ministry of Education and drawn from over 20 schools in different parishes including Buff Bay High and Fair Prospect from this parish of Portland. The testimonials of the students as to the effect of these clubs on them was music to the ears of all those determined to build integrity and strengthen our young people's resolve to do the right thing. The other side of the coin however, is to intensify efforts to combat corruption. Just this week we were being told by the Health Authorities, nationally and globally, of the dangers of the corona virus coming to Jamaica; and the Commissioner of Police was, indicating in an interview, the levels of stress on our security forces upholding the states of public emergency. This told me and should tell you, among other things, of the increased urgency of strengthening our health infrastructure and our national security apparatus. In effect, the increased urgency of finding the resources to do so and one way is to plug the vast losses to the public purse and to our economy arising from the twin scourge of corruption and crime.

Let me remind you, the National Security Policy of Jamaica, says that our economy could be three times as large possibly even ten times larger if we brought crime and



corruption under control. The best estimates, are that each year, for many years, we are losing approximately 96 Billion Jamaican Dollars to these twin evils. Please understand that such a loss is larger than the entire budget of the Ministry of Health. It is larger than the entire budget of the Ministry of National Security. The time for action is long past to deal effectively with public officers and their private sector colluders, whom the Auditor General's report, each year, identifies as responsible for massive losses, due to breaches of procurement rules and law.

- Most recently, at CMU, contracts valued at over 700 Million Dollars awarded to cronies in breach of procurement rules;
- Petrojam, in ten years between December 2007 and 2017 over one billion dollars' worth of contracts in breach of procurement and disbursement rules;
- In 2014-2015, over 800 Million Dollars paid out at the National Works Agency, in relation to 15 road rehabilitation contracts in which test results were falsified.

And so year after year it continues. It has to stop. May I suggest a few measures that you and I and all citizens of goodwill must insist on.



1. The enforcement of the Procurement Act. This was passed in October 2015 and came into effect after undue delay on April 1, 2019. It provides for public officials to pay back money lost to the public purse as a result of breaches of the Procurement Law. It also provides for criminal prosecution and jail time in certain circumstances if persons are convicted of these offences. This now needs to be fully enforced. No more resignations without restitution by board members and senior officials.
2. The Integrity Commission Act and the Integrity Commission must become fully operational and transparent action taken arising from investigations. In that regard the Government needs to state how soon it will implement the April 2019 recommendation of the IMF “to increase staff at the Integrity Commission quickly so it can properly execute its investigative and prosecutorial functions”.
3. The new Campaign Finance and Party Registration legislation needs to be enforced with full transparency and accountability. The Electoral Commission, through the Electoral Office must promptly disclose, in accordance with law, the campaign expenditure reports related to the East Portland by-election on April 4, 2019. Public awareness building of the



requirements of the new legislation must begin promptly in light of an impending general election.

4. The Protective Disclosure Act or Whistle-blower Act must be strengthened to provide automatic witness protection for whistle-blowers in public bodies who see wrong, want to report wrong but are insufficiently protected against reprisals.

May I conclude by stressing that our voices can make a difference, can bring about meaningful results. One last example, a group of small business people complained in the media that the divestment of the White Marl Small Industrial Complex, by the Factories Corporation of Jamaica was being done improperly. In May 2019, as a result of these complaints, the Integrity Commission begun investigation. Arising from these investigations, the Commission recommended and the Factories Corporation has agreed to abort the process and re-tender the documents for the divestment process to be properly conducted. Speaking out does bring results.



Dear Lay Magistrates, Jamaica is running out of time, we only have ten years left to achieve the National Development Plan, Vision 2030. We are lagging on most of the targets we set ourselves, in particular related to governance, the control of corruption and the rule of law. By our words and our deeds, we can make up the ground and come closer to achieving a Jamaica, the place of choice to live, to work, to do business and to raise families.

Professor Trevor Munroe
January 30, 2020