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**PUBLIC STATEMENT OF THE OFFICE OF THE CONTRACTOR GENERAL
ON INTERNATIONAL ANTI-CORRUPTION DAY, DECEMBER 9, 2010**

Kingston: As the global community celebrates International Anti-Corruption Day today by focusing upon how to overcome the challenges which continue to plague nation States in their respective fights against the scourge of corruption, Jamaicans may have very little to celebrate and much to be concerned about.

The United Nations has said that corruption is a global concern not only because it is found in both rich and poor countries, but because there is abundant evidence that it hurts poor people disproportionately, contributes to instability and poverty, and is a dominant factor which, if not checked, will drive fragile countries towards State capture or State failure.

The United Nations has also opined that corruption is a major international and national problem which has the capacity to undermine democracy and the rule of law.

Defined generally as the abuse of public office for private gain, corruption, which is often driven by individual greed, will manifest itself in ways which are inimical to the national security and political and socio-economic interests of the world community of countries, of which Jamaica is a part. Its impact is incredibly wide.

Corruption erodes the quality of life, leads to human rights violations, steals political elections, distorts financial markets, reduces investor confidence, increases the price of goods and services, undermines or destroys confidence in critical public institutions, and enables organized crime, terrorism and other threats to human security to flourish.



For developing countries such as Jamaica, the magnitude of the potential for the adverse socio-economic consequences which corruption portends can be substantial.

When unscrupulous business-men agree to pay corrupt public officials kick-backs for the award of lucrative State contracts, when public assets are sold below value to connected parties, when Government contracts or licences are awarded to politically connected persons or to corporate entities in return for political campaign donations, or when foreign financial aid is illegally diverted into the private bank accounts of public officials, it simply means that there will be less public funds available to build schools and hospitals, to fight crime, and to provide for much needed public infrastructure and services, such as housing, roads, water and electricity.

In consequence, and although everyone in the society will suffer because of corruption, the most vulnerable – the poor – will suffer first and suffer the worst. Ultimately, the prospects for improving the socio-economic plight of an entire country are, at one and the same time, summarily impeded, compromised and undermined.

In an attempt to monetize the massive costs that corruption in procurement can exact from a People, Transparency International (TI), the International Anti-Corruption Watchdog, has estimated that, based upon surveys at the country level, the cost of corruption in public contracting, expressed as a percentage of the value of the contract, is an average of 10-25% and, in the worst cases, as much as 50%. In the case of Jamaica, it is instructive to note that more than \$90 billion was expended in 2009 alone in the procurement of Government works, goods and services contracts.

Corruption in public procurement also kills. According to TI, this happens, for example, when the execution of construction contracts are flawed, leading to the collapse of public buildings, or when substandard or counterfeit medicines fail to attend to people's health. Studies, which have been published by TI, have partly blamed the high death tolls of the devastating earthquakes in Turkey (1998), India (2001), China (2008) and Haiti (2010), on alleged corruption in the construction of public buildings, including schools and hospitals.

If corruption is to be effectively fought, it is also extremely critical that the environment in which it thrives is clearly delineated and understood. Corruption will almost, invariably, flourish in any or all of the following circumstances:



1. Where institutional checks and balances on governmental power are missing;
2. Where good governance and regulatory structures exist on paper only or do not exist at all;
3. Where there is an absence of transparency in governmental decision-making;
4. Where the rule of law is not fully enforced or respected;
5. When politicians, ministers of government or public servants are not held accountable for their actions;
6. Where civil society is thin on the ground;
7. Where the media is not independent, or is influenced or controlled by special interests;
8. Where there are no independent anti-corruption institutions;
9. Where anti-corruption institutions are inadequately resourced, are ineffective, are capable of being influenced or controlled by the political directorate, or are led by men and women who fail to understand what is the true import of their mandate;
10. When citizens become indifferent, lose courage, become fearful or fail to speak out despite the clear evils which they see; and
11. Where there is a failure to rigidly prosecute and to enforce national anti-corruption laws.

Today, as we review the issue of corruption in Jamaica, it is arguable that we may have already arrived at a critical cross-roads – a cross-roads at which the political will and the courage of the leadership of the State’s key organs, to decisively fight the scourge of corruption, should be openly questioned, and quite rightly so. For it is no secret that a majority of Jamaicans may have already resigned themselves to the painful realization that corruption has probably become irrevocably and irretrievably ingrained in most, if not all, of Jamaica’s political and socio-economic spheres.

It is against this background, therefore, and as the world focuses upon the debilitating consequences of corruption, and considers the measures which can be implemented to defeat it, that the Office of the Contractor General (OCG) feels obliged to respectfully call upon the Leadership of our Government, Her Majesty’s Loyal Opposition, our Parliament, our Private Sector Associations, the Media, Civil Society Groups, and all right-thinking Jamaicans, to ensure that a defined and aggressive National Agenda is urgently set in place, and implemented, to effectively fight the perceived and rising levels of corruption which, from all indications, are presently casting a dark and long shadow over Jamaica.



Paramount among our key objectives must be a national anti-corruption institutional framework which should assure integrity, transparency and accountability in Government, and the strict enforcement of the rule of law.

A comprehensive National Anti-Corruption Agenda must also, of necessity, include, as one of its major planks, a substantially resourced single National Anti-Corruption Agency. Such an Agency should be structured to (a) discharge, under one roof, the current functions of the Commission of the Contractor General, the Corruption Prevention Commission and the Parliamentary Integrity Commission, (b) possess independent criminal investigative and prosecutorial jurisdictional powers over all corruption offences, as well as over offences which are associated with the award of Government contracts and the filing of declarations of incomes, assets and liabilities of public officers; and (c) possess special police powers of arrest.

The idea of a single National Anti-Corruption Agency for Jamaica, as outlined above, is not new and was first formally proposed by the OCG to the Hon. Prime Minister and the Most Hon. Leader of the Opposition by way of an open letter which was dated March 22, 2010. The proposal was also discussed and rationalized in the OCG's 2009 Annual Report that was tabled in Parliament in September 2010.

It is also the OCG's respectful and considered view that special provision should be made, as a matter of course, for the expedited adjudication of corruption offences through our national courts system, and for the imposition of significantly tougher criminal sanctions, inclusive of mandatory custodial and economic based penalties, for all corruption related offences.

If we are truly resolved to eradicating the cancer of corruption from our fair Isle, anything less is likely to prove ineffective, and will only lead to a further questioning of the State's continuing failure, or refusal, to abandon expediency in favour of bringing to book the corrupt among us who, because of their insatiable greed, have already placed the collective security and socio-economic future of an entire nation at risk.

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