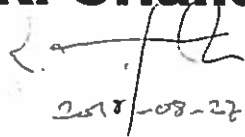


**Please find attached an article I wrote several weeks ago addressing the matter of integrity legislation. Not only does it reflect my views on the subject, I am prepared to appear before the appropriate body to elaborate on such views, if required.**

**R. Orlando Marville**



2018-08-27

## **A SUITE OF INTEGRITY LEGISLATION**

**Ten years ago, then Prime Minister, David Thompson asked me, then an Independent Senator, to chair an integrity commission, which would look at laws governing integrity in public life. Why he chose me or why he gave me such a distinguished panel, I do not know, even if I have some suspicions. I was to have a professional lawyer draft the legislation and I was to work with a former central banker, a former Dean, a future Principal of UWI, Cave Hill, a distinguished attorney and the head of an NGO. Professor Albert Fiadjoe did the relevant drafts, based on other Commonwealth models and we began our work.**

**The draft bills included Freedom of Information, Integrity in Public Life, a new Defamation Bill, a Contractor General, An Ombudsman and Terms of Office for a Prime Minister. We neglected the terms of office segment since we thought it was more appropriate for a Prime Minister to bring a simple bill limiting his/her tenure and that of succeeding PMs to 2 terms of 5 years. The rest we completed.**

**Prime Minister Mia Mottley mentioned two of the pieces of legislation we dealt with- integrity and freedom of information. I believe that she was earnest and I therefore wish to weigh in on what is being proposed at the moment. First, what we called the tribunal is being called a Commission. I have also noticed some omissions that we considered important. Among those we considered as possible target of this legislation were not only heads and deputy heads of Ministries and Government Corporations, but also all Customs Officers and policemen. Some may argue that all public servants should be under the gun. We also thought that private sector individuals who were involved in any act of corruption should also be penalised. Finally, I have no idea where penalties of \$20,000 came from. If one is dealing with persons who have stolen millions of public monies, they could easily reach into their side pockets and pay such a fine. Our figures were \$500,000 and/or 5 years in prison or \$250,000 and/or 2 years. Ministers were also to establish a Ministerial code of conduct. I note that Ministers should report gifts of \$1000. I would prefer to see that figure at \$500. In South Africa, the figure was so low that when once I sent my old friend and Minister of**

**Transport, Mac Maharaj two bottles of old Bajan rum, it was shortly thereafter reported in the media that Mac was under such stress that his friends had sent him rum!**

**The second bit of legislation was the Freedom of Information. This was highly canvassed throughout Barbados and agreed by Cabinet. It was the Permanent Secretaries who had difficulty with the legislation since it proposed fines for failing to release allowable information to a public request (they argued that they could not be fined) and they felt that the resources required could be better spent by adding to their staff. It had, in fact been proposed that the information officers could be gleaned from the Government Information Service, as their role would now be less important. The CPC also weighed in negatively, since they wanted to retain the Secrecy awarded the British colonists to keep from public view what they did in their civil service. The Freedom of information Act is a very important aspect of democracy. It allows citizens, as PM Mottley has been advocating, to participate in governance. It excludes from public glare such matters as diplomatic dealings with a foreign government and mates of national security. It makes it less necessary for costly referenda.**

**There was too a requested change in the Defamation Act, which is still the only law on the books which presumes guilt, not innocence. The accused has to prove his or her innocence. Without a considerable improvement to this law, it will be impossible for the media to voice unfettered opinion. It will make for another condemnation to exile of a Clennell Wickham or a radio station to**

have to pay a Minister because a caller asked why that Minister was so rich? We do not need to go quite as far as the USA does in this area, but we could come quite close.

Two other completed bits of legislation were the Contractor General and the Ombudsman. The Contractor General has worked very well in Jamaica. It ensures that all Government contracts pass muster. Since Government contracts are sometimes enormous, it is well that they are properly scrutinised. Here, as in other areas of the suite, it is vital that whistle-blowers are protected. Additionally, the first four bits of the suite are vital together to really put the brakes on corruption.

Finally, there was the ombudsman. This is a Scandinavian invention as the name ombuds man suggests. He is the individual, independently appointed, who can defend the ordinary man in the case of Government action against a citizen. He is the man who carries the "message" of the ordinary man when his rights are threatened. I would endorse the passing of this bill as well, since it does further the cause of democracy. What we now have is an ombudsman only in name.

We did not get into the issue of term limits. Suffice it to say that I am totally in agreement with the Prime Minister on this issue. A Prime Minister should not occupy that office for more than two five-year terms. As the Prime Minister indicated, we have enough talent to go around.