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# Caribbean Governance and Accountability Project

## **Final CGAP Field Mission Report**

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## Abbreviations and Acronyms

CAFRA	Caribbean Association for Feminist Research and Action
CAIC	Caribbean Association of Industry and Commerce
CAPRI	Caribbean Policy Research Institute
CARICAD	Caribbean Centre for Development Administration
CACG	Caribbean Association of Corporate Governance
CARICOM	Caribbean Community
CARIMAC	University of the West Indies Caribbean Media Centre
CARTAC	Caribbean Regional Technical Assistance Center
CDB	Caribbean Development Bank
CGAP	Caribbean Governance and Accountability Project
CIDA	Canadian International Development Agency
CPA	Commonwealth Parliamentary Association
CLDF	CARICOM Secretariat Caribbean Legislative Drafting Facility
CPDC	Caribbean Policy Development Centre
CSO	Civil Society Organisation
DFID	Department for International Development (UK)
DPP	Director of Public Prosecutions
ECCB	Eastern Caribbean Central Bank
EC	European Commission
ECLAC	Economic Commission for Latin America
EPA	Economic Partnership Agreement
FOI	Freedom of Information
GE	Gender Equality
GOPAC	Global Organisation of Parliamentarians Against Corruption
IADB	Inter-American Development Bank
IFI	International Financial Institution
JUST	Justice Undertakings for Social Transformation Project in Jamaica
LFA	Logical Framework Analysis
MDG	Millennium Development Goals
MOF	Ministry of Finance
NGO	Non-Governmental Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OECS	Organisation of Eastern Caribbean States
PAC	Public Accounts Committee
PAD	Project Approval Document
PMF	Performance Measurement Framework
RBM	Results-based Management
SEMCAR	Supporting Economic Management in the Caribbean
TI	Transparency International
UNDP	United Nations Development Program
USAID	United States Agency for International Development
UWI	University of the West Indies
WIC	West Indian Commission

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## 1. Executive Summary

Empirical research to date has found a positive and significant relationship between good governance and economic performance.<sup>1</sup> This finding has in part been behind the turn within the donor community to link aid allocation and governance. As defined by CIDA, “ Good Governance is the exercise of power by various levels of government that is effective, honest, equitable, transparent and equitable.” --- **CIDA, 1999**

The independent Commonwealth countries in the Caribbean have identified the need for strengthened governance and accountability as issues of major concern and as impediments to their continued social and economic development. A climate where strong governance mechanisms are encouraged, and functioning, is required to ensure that the Caribbean Countries which are the subject of this Democracy Assessment <sup>2</sup> do not backslide from the significant democratic gains which all internationally recognised governance indices state have been achieved by the majority of these countries. This climate is especially important in dealing with emerging threats in regional countries that emanate from globalization, with specific reference to the emergence and expansion of trans-border organized crime and the spectre of international terrorism.

The Canadian International Development Agency’s long-term goals include helping countries of the region promote governance and accountability strengthening initiatives. The present countries assessments and Field Mission Report, were commissioned by CIDA to enable the Agency to better understand the governance challenges faced by the selected Caribbean Countries and to assist in the identification of significant opportunities to contribute to their continued democratic development by offering development assistance for the promotion of stronger democracies. This Field Report presents the findings of individual country assessments conducted in the twelve independent Caribbean Countries identified above over the period February 20, 2008 to May 17, 2008.

The country assessments were focused on obtaining information from stakeholders on what they thought were the greatest impediments to the more efficient functioning of their democratic systems and what actions could be taken within a CIDA development project context to remove/mitigate any problems being encountered. Country assessments also took into account the presence of other donors beside CIDA who were operating in the region, with specific reference to other donors that had ongoing, or planned initiatives which were designed to strengthen the democracy and accountability climate in a particular country or countries. The views contained in this Field Report were obtained from a mix of sources, including analyses of information contained in existing projects and relevant policy, research and planning documents, as well as interviews with senior government officials (including Prime Ministers and Ministers of Government); representatives of civil society; representatives of the private sector, regional academic institutions such as the University of the West Indies, regional development organisations such as the Caribbean Development Bank and CARICAD, interviews with Canadian officials based at country Missions in Jamaica, Guyana, Barbados and Trinidad and Tobago and representatives of donor agencies involved in projects which involve or involved governance reform. The Field Mission Report identifies programming opportunities for the Agency as part of its renewed engagement in the Caribbean Region, including potential training and technical assistance provision opportunities at both the national and regional levels, and whenever possible in concert with the efforts of other donor agencies. The Strengths, Weaknesses, Opportunities and Threats that were present in each assessment country, with regard to strengthening democracy and accountability, have been graphically presented in Appendix 7(f) of this Field Report.

More specifically, the Field Mission Report identifies:

- The necessity for CIDA to engage in policy dialogue with the governments of assessment countries as a precursor to engaging in such a sensitive area as governance strengthening;

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<sup>1</sup> S. Knack, *Democracy, Governance and Growth*, Ann Arbor: University of Michigan Press (2003)

<sup>2</sup> Jamaica, Belize, Trinidad & Tobago, The Cooperative Republic of Guyana, Suriname, Antigua and Barbuda, The Commonwealth of Dominica, Grenada, Saint Kitts & Nevis, Saint Lucia, and Saint Vincent and the Grenadines

- An analysis of the governance and accountability issues identified by all twelve (12) assessment countries which impede their further democratic development and which could lower the high international governance ratings which the assessment countries have managed to earn over the years;
- An identification of national and regional priorities for action by CIDA;
- An examination of recent and current international, national or regional programs conducted in governance and accountability strengthening by CIDA and some of the lessons learned through the implementation of these initiatives;
- A summary of basic principles that should be considered in developing programs in this specialized and complex area of governance and accountability strengthening; and
- A detailed Strength, Opportunity, Weaknesses and Threats Analysis for each assessment country which it is hoped will guide CIDA as it programmes resources for the implementation of activities in any or all of the twelve countries.

The assessment countries have evidenced an acute awareness for the necessity to significantly address any weaknesses in their governance and accountability systems as an indispensable prerequisite to their future economic development including the ability to attract greater amounts of local and international investment capital as well as a larger number of tourists to the region. There was also the recognition that while a number of proposed country interventions could be undertaken directly with individual countries, greater synergies could be obtained in most cases through a participation in activities which were regional in scope and which were intended to harmonise regional processes and implementation actions.

The success of the Action Items proposed in this Field Mission Report are predicated, in large measure, on whether there is political and organizational commitment to action on the part of national governments, the substantive implementation involvement of Community Based Organisations (CBO's) and Non-Governmental Organisations (NGO's), the ability to provide specialized training and technical assistance interventions by CIDA in a timely manner, the willingness of regional organisations in various spheres of activity to contribute to the activities implementation effort, and the willingness of the regional donor community to so organise their affairs that the governance activities being implemented by CIDA, whether nationally or regionally, are supported by concerted donor cooperation in programming and implementation on the ground. In a number of cases, the governments of assessment countries have already undertaken the drafting of revised legislative frameworks and undertaken other governance planning. However more political will and financial resources to effect the changes proposed are required. There are regional complaints that donor assistance is too often offered in a piecemeal, non-expeditious, manner and that reform projects need to be integrated at the outset with other critical elements which while not falling directly within the purview of the design of a particular assistance activity, is nonetheless so critical to its success, that it cannot be ignored. In this case, in all the assessment countries, specific reference was made by potential stakeholders to the fact that the success of governance strengthening and accountability initiatives would be put at risk unless they were accompanied by a significant thrust to improve those weaknesses in the justice system which were inimical to the success of future governance initiatives; e.g. strengthening offices of Directors of Public Prosecutions, the conduct of regional legislative drafting strengthening initiatives, continuing to improve regional court case management processes and infrastructure and reducing existing court case backlogs in the civil and criminal law areas. It is in our view fortuitous that some of the core activities relevant to strengthening governance and accountability are being addressed by CIDA's OECS-focused Judicial and Legal Reform Project which might need to be made fully regional to encompass the need for legal reform activities to be a critical accompaniment to any governance and accountability initiatives which might be undertaken in the assessment countries by CIDA.

The Field Mission Report identifies a number of significant areas for CIDA programming which have the strong support of a wide crosssection of assessment country officials and policymakers. As CIDA has learned in the past through various implementation efforts in the Caribbean, the success of donor programming initiatives cannot be

taken for granted, no matter how critical the need for identified reforms. The success of CIDA's future governance and accountability initiatives in the assessment countries requires that the entry points for programming be carefully identified and that attention be given to ensure that assistance activities are coordinated with those of other donors. Identifying suitable points of entry for development assistance in support of governance and accountability initiatives has therefore been a major challenge as there will never be a perfect time for entry with approved initiatives, as the local consensus for reform priorities might change over time and the existing favourable political groundswell for changes in critical governance institutions and processes might change due to national elections and /or other political events which might not be originally foreseen.

We are of the view that in most of the assessment countries an important point of entry for governance and accountability strengthening actions is the provision on a sustained basis of legislative drafting assistance to enable most of the assessment countries to restructure their legislative frameworks as a prerequisite to stronger governance systems. The dearth of legislative draftspersons, both nationally and regionally, places the assessment countries at a considerable disadvantage with respect to bringing their governance frameworks up to international standards. Support for civil society involvement in the governance and accountability strengthening areas offers another important point of entry as long as this involvement is accompanied by an amenability of key government individuals in the system to engage with civil society. Possibly the development of a Code of Conduct for Civil Society as well as the enactment of the provisions of the CARICOM Secretariat Charter for Civil Society by governments in the assessment countries, would give both sides the basis upon which to work closely in a climate free of suspicion and based on mutual respect.

Given that Canada, intends to provide assistance to the assessment countries in other support areas such as leadership training, regional justice and security and strengthening economic management, CIDA should consider early how it proposes to dovetail assistance under these other proposed initiatives so that they provide maximum assistance to its governance and accountability strengthening efforts. Based on the information gathered during the assessment, we recommend that CIDA concentrate on a small amount of governance and accountability implementation areas to ensure maximum developmental impact. Recommended considerations for implementation are:

- Embracing a long-term view with respect to the implementation of the small number of areas mentioned above;
- The development of those specific methodologies, instruments, and partnerships that are required to achieve implementation success in the selected areas of cooperation;
- The recruitment and development of a small pool (or network) of expertise from the governmental and non-governmental sectors that would be tasked with advising on the design and evaluation of the specific project activities identified for implementation in the project design.

CIDA's primary focus on a small number of strong programming areas would provide many advantages:

- It would help CIDA achieve optimum impact for the resources that it proposes to devote to governance and accountability strengthening reforms;
- It would facilitate the necessary dialogue between CIDA and its partners in the assessment countries, by offering them a clear picture of the programs in which CIDA is prepared to get involved, the results that are expected, the local commitment that would be required, the mechanisms that would be used, and the conditions that must be satisfied in order for the assistance to be effective;
- It would facilitate coordination between CIDA and other Canadian agencies involved in international cooperation on CGAP, encourage program synergies, and help prevent unnecessary duplication; and,

- It would facilitate the coordination of activities between CIDA and other donors.

On the basis of the information gleaned from all sources on governance strengthening and accountability in the assessment countries, the following twelve crucial areas of programming are identified to CIDA as potential programming options for concentration of its development assistance efforts on strengthening governance and accountability in the Commonwealth Caribbean countries:

- Strengthen the governance legislative frameworks of all assessment countries through the provision of appropriate national and regional legislative drafting technical assistance support;
- Strengthen and make more efficient the processes of Public Accounts Committees;
- Initiate national, regional and international training initiatives for Parliamentarians. In this regard, support should be provided to support Gender-based initiatives which promote equality between men and women in the training of Parliamentarians;
- Ensure that NGO's and CBO's are encouraged to form partnerships and implementation groups to better operate as watchdogs for democracy;
- Ensure that the media becomes a more objective part of the governance and accountability strengthening processes by ensuring that its reporting personnel are trained to objectively report on and analyse those issues which affect and promote governance and accountability in the regional public sectors;
- Strengthen and establish mechanisms which link the Diaspora of the assessment countries on a basis which enables each assessment country to have access to regional Diaspora information;
- Provide the necessary training and technical assistance to assessment country procurement systems to make them more transparent and efficient;
- Create greater access to government information by citizens;
- Assist the infusion of corporate governance principles into public sector companies through the medium of private sector companies;
- Provide support to enable women's participation and representation in the parliamentary process in accordance with internationally accepted gender equality principles;
- Undertake those justice systems reforms which are most conducive to strengthening governance and accountability in the assessment countries; and
- Develop locally relevant methodologies for monitoring the progress and evaluating the impact of strengthening governance and accountability reforms.



## 2. Introduction

**“The cost of poor governance in a small society is very large, given the extreme difficulty in recovering from the consequences of inappropriate policies and practices sustained over a long period. A national consensus on the importance of governance is needed in many small states, as is an appreciation for the ease with which the system can go off-track as a result of both domestic and external shocks.”**<sup>3</sup>

There is international consensus that governance is central to aid effectiveness and the achievement of the Millennium Development Goals. The United Nations General Assembly has placed specific emphasis on the importance of good governance for development and poverty eradication through the 2001 Millennium Declaration. Compared to other post-colonial states and to many of the more longstanding independent states in the developing world, CARICOM member states boast a strong democratic tradition, with the notable exception of the newest member, Haiti. Generally, these states have adhered to the constitutional framework for smooth and peaceful political change. Grenada provided a case of deviation when the government came to power in 1979 by non-constitutional means and subsequently ruled by a revolutionary civilian government and by decree. In 1980, Suriname’s first post independence democratically elected government was overthrown in two successive military coups, the latter led by a military officer who ruled through most of the next decade. In Guyana, departures from democratic practices also occurred, including the proclamation of the doctrine of “party paramountcy” in 1974.

In the past decade, CIDA and its partners have managed growing volumes of increasingly sophisticated programs in democratic development and good governance. These programs have built governance capacity, supported civil society activities in human rights and social issues, and made progress towards more equitable, gender-sensitive societies. They have also helped to develop democratic elections and legislatures. There is now broad agreement on what might be termed the essential elements of 'good governance': open, transparent and accountable government; efficient, effective and responsive administration; respect for human rights; and the rule of law. The Government of Canada recognizes that democratization is needed to achieve peace, security, and sustainable political and socio-economic development in the world.

In the case of the Commonwealth Caribbean, the starting point is the reputation of the region as among the best governed in the developing world. This can be demonstrated using indicators developed by the World Bank. These measure six dimensions of governance: voice and accountability, political stability and violence, government effectiveness, regulatory quality, rule of law, and control of corruption. They are not universally accepted and the World Bank recommends caution in their use. Nevertheless, they do provide a contemporary snapshot of governance in the Commonwealth Caribbean that allows some patterns to be identified even if individual features, as reflected in the scores for each indicator, "remain a rather blunt instrument for specific policy advice at the country level."<sup>4</sup> The measure used is that of 'percentile rank', which indicates the percentage of countries that rate below the selected country (subject to a margin of error). Higher values therefore imply better governance ratings. Along these categories, Kaufman, Kray and Mastruzzi report that the following values were present for the year 2006:<sup>5</sup>

**Voice and Accountability** - measuring political, civil and human rights. All the Commonwealth Caribbean countries have higher than global average ratings. The highest rating was given to St. Lucia (90) closely followed by St. Kitts and Nevis (80) and Barbados (79). The lowest was

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<sup>3</sup> Joint Commonwealth Secretariat and World Bank Task Force on Small States, 2000, pg. 39

<sup>4</sup> Kaufmann, Kray and Mastruzzi, 2005, pg. 42

<sup>5</sup> Governance Matters VI: Aggregate and Individual Governance Indicators, 1996-2006, World Bank

Guyana at 50, which was below the regional average for the Caribbean as a whole of 66.9, as also were Jamaica (62), Trinidad and Tobago (59) and Suriname (55).

**Political Stability** - measuring the likelihood of violent threats to, or changes in government. Three Commonwealth Caribbean countries have below global average ratings - Guyana (28), Jamaica (34.9) and Trinidad and Tobago (43.4) -while Belize (47) and Suriname (48) are below Caribbean regional average ratings (67.5). The highest ratings go to St Kitts-Nevis (93.9), St Vincent (88.2) and Barbados (86).

**Government Effectiveness** - measuring the competence of the bureaucracy and the quality of public service delivery. There was no country below the global average, although Jamaica (58), Suriname (56), Guyana (52) and Belize (50) were below the Caribbean regional average of 68.9. The best performing countries were Barbados (90), the Bahamas (88) and St. Lucia (84).

**Regulatory Quality** - measuring the incidence of market unfriendly policies. Under this heading, Guyana is the only country with below global average ratings (39.6), with Suriname (45) Belize (47), Jamaica (60.4) below the Caribbean regional average of 66.3. The highest ratings were for St. Lucia (77), the Bahamas (77) and St. Kitts and Nevis (74).

**Rule of Law** - measuring the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence. Three countries have below global average ratings - Guyana (27), Jamaica (40); Trinidad and Tobago (48); and Suriname (50); with Belize (51); Grenada (53) and Suriname (50) below the Caribbean regional average of 65.2. The highest rated countries were, The Bahamas (90), Barbados (88), Antigua and Barbuda (87.5) and St. Kitts and Nevis (75.5).

**Control of Corruption** - measuring the exercise of public power for private gain, including both petty and grand corruption and state capture. The two countries with below global average ratings are Guyana (28) and Jamaica (39.9), with Belize (48), Suriname (51) and Trinidad and Tobago (54) below the Caribbean regional average of 69.6. The highest rated countries are The Bahamas (89.2), Antigua and Barbuda (85) and Barbados (84). On these measures the country with the worst governance record is Guyana and those with the best are: The Bahamas and Antigua and Barbuda. Jamaica, Belize Suriname and Trinidad and Tobago also have relatively poor governance ratings using the regional average as the marker since they fall below it on five occasions. However, the regional average for the Caribbean is the best in the world (exceeded only by those for OECD countries) and so the standards are higher.

On the basis of the information provided above, it is tempting to conclude that the Commonwealth Caribbean as a whole does not have a real problem with governance. However, this would be mistaken. As there have been concerns about the erosion of 'good governance' since 1992 when the matter was first raised publicly by the West Indian Commission, which noted that "there has been so much complaint to the Commission of decline in the standards of governance and the erosion of the quality of civil society - again, not everywhere, but in too many parts of the region for us not to detect an unhealthy trend", thereby raising concerns about "whether we are going into the twenty-first century on the best possible basis of governance."<sup>6</sup> The exact nature of what this should be has now been the subject of debate and discussion for more than ten years.

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<sup>6</sup> "Time for Action"- Report of the West Indian Commission, 1992, pgs. 494-5

These tamperings with the constitutional processes did not detract from the overall impressive record of democratic practice in the Caribbean, even though the United Nations Economic Commission for Latin America and the Caribbean found that in many Caribbean Countries, a culture of accountability is lacking within public sector institutions.<sup>7</sup> In addition to functioning under civilian command, the regional armies and police have for the most part maintained a considerable degree of neutrality as most regional governments have refrained from using the police and the army in an openly partisan manner. In addition to the revolutionary Grenada and militarised Suriname, the exceptions have been in the plural societies of Guyana and Trinidad and Tobago where the ethnic composition of the armed forces has sometimes drawn these organizations into the arena of party politics.

Within the hemisphere, the political culture of the Caribbean differentiates the sub-region from its counterparts in the wider Latin American and Caribbean region. The differentiation is not only in terms of civil-military relations but also in terms of human rights violations, and in the area of the distribution of economic wealth. While they occur in the Caribbean, human rights violations do not remotely approach the political excesses, including torture, mass killings, disappearances, and open warfare that Latin American countries have traditionally experienced. The magnetic appeal of Belize, a CARICOM member state, as a rare oasis of peace in Central America in the 1980s and a destination for refugees fleeing the Central America war in the period illustrates the extent to which Belize's Anglophone political culture marks it off from most of its Central American neighbours.

### **Civil Society Participation**

The importance of civil society to 'good governance' and development in the Commonwealth Caribbean and Suriname has been acknowledged in two documents. The first is the 'CARICOM Charter for Civil Society' which was adopted by Caribbean political leaders in 1997<sup>8</sup> and which sets out the role of all the social partners in the public affairs of the region and provides a framework for genuinely participatory democracy. Within the Charter, each state commits to best practices in good governance and to fostering the appropriate environment for the exercise of responsible citizenship. The Charter endorsed the prevailing, largely liberal democratic, norms underpinning 'good governance' in the region and opened the way for greater engagement with 'social partners' in supporting regional development. The spirit of the Charter is consistent with the Cotonou Agreement,<sup>9</sup> which recognizes the complementary role of non-state actors in the development process. NGO's are particularly eager to embrace the opportunities for partnering with governments in the development of the region offered to them through the framework of the Charter of Civil Society and the Cotonou Agreement. Having agitated for recognition as social partners in development since 1991, NGO's are responsive to any gesture by their governments that might be construed as an invitation to work with them.

The second document is the 'Liliendaal Statement of Principles on 'Forward Together' which was adopted in 2002 at a 'special consultation' between CARICOM Heads of Government and civil society organisations (CSOs) from throughout the region. This recognised that "Civil Society has a vital role to play in the development of regional, political and social policies" and proposed "the establishment of mechanisms for continuous dialogue" between civil society and CARICOM heads to carry the initiative forward. In the event, these two documents have remained largely at the level of statements of intent. The provisions of the Charter have not been incorporated into the national legislation of regional countries and the proposal for regular institutionalised dialogue, in the form of Regional Council on Civil Society, has not been followed through. CSOs remain influential largely at the national level, with the level of engagement within any one country dependent on the exact mix of organisations and their

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<sup>7</sup> The Fiscal Covenant: Strengths, Weaknesses, Challenges, Caribbean Perspectives, 1999, pg. 16

<sup>8</sup> On the earlier recommendation of the West Indian Commission

<sup>9</sup> Chapter 2

historic role in social and political development. Among the most important have been trade unions, churches and voluntary associations. Within the region there has been some discussion as to whether these organisations are in decline or undergoing renewal, with some indication that both processes are at work simultaneously, revealing a somewhat contradictory picture.<sup>10</sup> What is not in doubt, however, is that, while the capacity of some of these organizations to engage fully in community development may be relatively strong (e.g. the churches), on policy development they are more often than not relatively weak, leading one of the more articulate CSOs in this area, the Caribbean Policy Development Centre (CPDC), to call for a major programme of support for capacity-building for non-governmental organisations throughout the region.<sup>11</sup>

The CPDC has produced a Participation Guide for Policy Makers (2002) and distributed it widely throughout the region. The lack of capacity in analysis, planning, project management and related skills could be easily overcome by closer collaboration with groups that have considerable experience of doing much with few resources. Caribbean NGO's are always interested in raising their ability to carry out their developmental role, and seem willing to work in partnership with their national governments for the good of society. It is not too late for civil society to be empowered to fulfill its social development role. It is also not too late for valuable partnerships to be forged among the social partners and for new pools of expertise and skills to be acquired; models of participation tested; and for governments to win public confidence and praise for the quality of governance in the region, through their enlightened approach to NGO's and CSO's.

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<sup>10</sup> Professor Trevor Munroe, Voice, Participation in a changing Environment- The case of Jamaica, 1999, pgs. 77-95

<sup>11</sup> Caribbean Beacon, 2002. " NGO Capacity Building." (Caribbean Beacon is a privately-owned radio station located in Anguilla)

### 3. Significant Country Concerns and Priorities <sup>12</sup>

#### JAMAICA

Jamaica is a constitutional parliamentary democracy with a population of approximately 2.7 million. In generally free and fair elections on September 5, 2007, the Jamaica Labour Party (JLP), led by Bruce Golding, won 32 of the 60 seats in the House of Representatives, and he was sworn in as prime minister on September 10, 2007.

#### **Civil Society Organizations**

There is widespread acknowledgement that civil society, particularly the media, plays a prominent role in influencing public opinion in Jamaica. Alleged corruption within, and the ineffectiveness of, some public bodies is an area that has attracted sustained attention by the media and civil society generally. There is strong evidence that Government responds to this sustained attention, albeit in ad hoc and short-term ways. This provides some confidence that, if sufficient initial anti-corruption momentum is generated, civil society is well placed to be a catalyst for furthering the transparency process. The practical difficulties created by other societal factors in Jamaica such as close community and political party bonds and a small island context which tend to militate against individuals reporting against associates, must not however be ignored.

In judging the scope for making progress, the DG assessment team was conscious that account must be taken of the economic constraints under which Jamaica currently operates and which, to the extent that they persist, will inevitably affect its capacity to address governance and accountability issues. The difficulties being experienced with the current financial situation makes it likely that resource constraints will persist for the foreseeable future. Furthermore, despite an impressive ten-year vision for Public Sector Reform set out in 2002, actual performance and quality in public services appears to be running well behind intentions - due largely to resource constraints - with much anecdotal evidence of petty corruption in transactions, nepotism in appointments and much to do with regard to quality control in service delivery and human resource management. This situation implies that any new efforts to address corruption will need to be supported by additional injections of resources from external sources. As the resource requirements are likely to be beyond the capacity of any single donor to provide, a more collective donor approach is necessary, and we recommend that CIDA attempt to secure such support as an integral part of consideration of assistance in this area.

#### **Action Items**

- Increase the level of institutional and human resource capacity of selected NGO's with governance and accountability mandates with a view to moving them from where they are now to a level of self reliance: i.e. "transformation," which enables them to mount effective advocacy campaigns and develop institutional advocacy coalitions. To assist NGO's as envisaged, it would be necessary to pay attention to development of the organizations themselves and the human talent that manage them;
- CIDA seeks to mobilize the donor community in Jamaica to assume a more heightened profile with respect to strengthening civil society entities engaged in trying to strengthen democratic governance and accountability;

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<sup>12</sup> Obtained from country visits and interviews in twelve (12) independent Caribbean Countries (Jamaica, Belize, Trinidad and Tobago, Guyana, Suriname, Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines)

- Support journalism training particularly with regard to reporting on transparency and governance issues. Training should focus on several issues, including:
  - Conceptual, legal and policy issues on transparency and governance;
  - Access to information legislation;
  - Corporate Governance principles;
  - Role and responsibilities of regulatory and oversight bodies; and
  - Transparency in budgeting and procurement.

**Access to Information**

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice.”<sup>13</sup>

<b>Table 3: Access legislation by region.<sup>14</sup></b>	
<b>Region</b>	<b>Number</b>
Africa	3
Asia and the Middle East	12
Americas (including the Caribbean)	14
Europe	37
Oceania	2
<b>Total</b>	<b>68</b>

<b>Table 4: Caribbean Access Legislation</b>		
<b>Countries</b>	<b>Title of legislation</b>	<b>Effective date</b>
Belize	Freedom of Information Act	1994

<sup>13</sup> Article 19 of the International Covenant on Civil and Political Rights (ICCPR)

<sup>14</sup> Roger Vleugels, 2006 - Overview of FOIA Countries: Principles for Legislation

Jamaica	Access to Information Act 2002	2004
Antigua and Barbuda	Freedom of Information Act 2004	2005
<b>Draft legislation</b>		
Guyana	Freedom of Information Act	2005
Dominica	Freedom of Information Act, 2006	To be presented to Parliament
Grenada	Freedom of Information Act, 2006	Regulations Required
Saint Vincent & the Grenadines	Freedom of Information Act, 2007	Regulations Required
Barbados	Freedom of Information Act has been approved for drafting	
<b>Regional</b>		
CARICOM	Caribbean Human Rights Treaty	2005

The legislation of Jamaica includes broad objectives for achieving government accountability, transparency and public participation. An important determinant of the possible contribution of access legislation to transparent governance is the scope of the application. Iyer<sup>15</sup> suggests that the scope of coverage refers to the subjects covered by the act as well as the coverage of “public authorities” which are expected to provide access to their records. It seems to be the inevitability that as governments continue to expand their privatization programmes, and divest agencies and enterprises to private holdings, access legislation will lose their comprehensive effect unless there is expansion of their scope to include the private sector.

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<sup>15</sup> Verkat Iyer, 2006 - Freedom of information: Principles for legislation

In Jamaica the preparation for the implementation of the Access to Information Act from 2001–2003 initially involved six government ministries, and presently all “public authorities” now fall under its purview. Facilitating access is necessary if users are to make optimum use of the available information. In Jamaica, the designated access officers of each public authority are the first points of contact for making requests. These people are mainly librarians or records managers, and their names and other contact details of the authority are published on an established ATI Web site and from time to time in the press. Jamaica has made significant progress in setting up administrative units, providing training and sensitization programmes establishing these “Access to Information” Web sites, and designating access officers. The Web site is the main reference point, and in several instances the average citizen can use the site as a starting point for making a request. This assumes that the majority of citizens in the country have regular access to the Internet and therefore to the site. In fact, 1,067,000 (or 39.4 percent) of Jamaicans have access to the Internet <sup>16</sup> and can therefore be expected to benefit from the availability of information on access legislation. In addition to being aware of access points, training and sensitization are essential for the development of more informed access officers and citizens.

The scope of exemptions is an aspect of access legislation that is of great concern to citizens. Exemptions within access legislation should be very carefully defined “to protect certain overriding public and private interests.” Exemptions identified under Jamaican law are based on defence, security, law enforcement and international relations, personal privacy and decisions of the Cabinet. Upon inspection of the existing categories of exemptions under the Act, it was observed that the definition of exempt documents is too broad and it is recommended that the Government reviews and amends the Act to remove Section 18, which places information on the national economy in an exempted category. In our view, it would vastly strengthen the democratic process in the country if critical information on the national economy is available to the citizens prior to budget debates and other important crossroads of national importance to the country. We do grant though that information relating to the exchange rate at which the government intends to cast the budget should not be known too far in advance less there is negative action on the part of currency speculators that have the potential to destroy the economy of the country. It is also recommended that the Act be amended to provide for the automatic release of all government documents after fifteen years have passed. The current time limitation is twenty years.

The practical measures to provide access to information still need to be more integrated into national information systems and need to be tailored to match the information needs of the citizenry. The general presumption is that citizens can utilize material published in the media and on the Internet. There is also the need to examine more carefully the requirements of citizens who may be illiterate or whose first language may be other than the official English language. The Act as it exists does not overtly contribute to citizens’ understanding of the government’s decision-making processes. The media, individuals or citizen action groups therefore have to be proactive in seeking information on those decisions-making processes that they require. Participation in decision-making is a further dimension of good governance that still needs to be incorporated into the process of implementation of access legislation in Jamaica. Government and human rights groups have made a good start, towards good governance by providing comments on proposed legislation by Government, some of which have been taken into account prior to the enactment of significant legislation. However much more needs to be done in this area to enable civil society to be accurately described as a major contributor to governmental policy making in the Jamaican access to information regime.

At least one NGO interviewed by the team was of the view that the Access to Information Act procedures for appealing against decisions on granting information under the Act was deficient in that the appeals process was very protracted. Indeed the NGO indicated that it is often difficult to get a hearing and written decision. The NGO stated that as far as it was aware, only one written decision has ever being obtained (obtained by an NGO, Jamaicans for Justice with regard to a complaint against the Bank of Jamaica) and the NGO interviewed had four appeals pending which were filed during the period June to October 2007.

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<sup>16</sup> As of November 2007. See Internet World Stats at <http://www.internetworldstats.com/stats11.htm#south>



## **Action Items**

- There is need for further research on the best means of raising awareness and developing public participation in accessing and using government information. The infrastructure of public libraries and post offices could be utilized to provide the points for education and training of the public and their rights to access information from government records. Matching the channels and formats for dissemination with the public requirements is another area where further research is needed. Determining and testing formats and channels that facilitate access to information can also be expected to aid the linkage between access legislation and good governance;
- The extensive record keeping which is critical to enlarging and sustaining an efficient access to information network in Jamaica needs to be supplemented by the training of access to information officers in specialized archival skills areas and the possible computerization of key information generation access points to ensure that relevant information can be expeditiously recorded, retrieved and disseminated;
- The training of personnel in relevant access to information areas might be undertaken with the Government of Jamaica's Access to Information Unit that is seeking to promote greater transparency of governmental actions in critical public sector entities such as the Auditor General, Anti-Corruption Commission and the Contractor General.

## **Anti-Corruption/Public Integrity**

Both Transparency International and the World Bank put Jamaica in the bottom half of countries in their ratings on perceptions of corruption. Corruption, like crime, inhibits efficient use of resources and economic competitiveness. The Government of Jamaica's determination to fight corruption has become part of the public debate and it became a significant issue for the electorate in the 2007 national election. Transparency International, while praising the efforts of Caribbean states to cope with the challenges relating to corruption in the Caribbean, points to some pre-disposing factors in the states that require attention.<sup>17</sup> It is suggested that these views are equally applicable to the Jamaican situation based on direct observation. These are:

- Greater transparency and accountability in political parties, the public sector and the system of governance in general;
- Political and constitutional reform to reduce the degree of personal Prime Ministerial government, to strengthen checks and balances within the state and empower civil society;
- Build institutional capacity in critical institutions such as the Auditor General, the Director of Public Prosecutions, the financial crimes units and the magistracy.

To complement the above recommendations, key members of Parliament should be provided with training in how to undertake their fiduciary oversight roles and critical principles of corporate governance. We suggest that this training should utilize the resources of the Commonwealth Parliamentary Association, the Commonwealth Secretariat and the Caribbean Technical Working Group on Corporate Governance. In this regard, regular meetings of the Association of Commonwealth Caribbean Parliamentarians should be organized with a view to re-energising this

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<sup>17</sup> The National Integrity Systems Transparency International Caribbean Composite Study 2004 which examined the integrity systems of eight CARICOM Countries (Antigua & Barbuda, the Bahamas, Barbados, Dominica, Grenada, St. Kitts & Nevis, St. Lucia and St. Vincent and the Grenadines)

association in the performance of its original objective of providing a regional forum for governing and opposition parliamentarians of the region to discuss fundamental issues of governance. One-month secondments to other Parliaments in the Commonwealth, e.g. Canada, should be undertaken to expose Parliamentarians to other processes, especially Select Committee and oversight processes. Relevant civil society organizations should be assisted to mount effective public education against corruption with a view to strengthening popular perceptions of the harmfulness of petty corruption and the need for more effective public engagement in raising levels of national integrity.

### **Spotlight Corruption as a Major Issue in CIDA Bilateral Relations with Jamaica**

The alleged level of corruption in Jamaica should compel CIDA, in concert with other international donors, to adopt a common strategy that encourages change. International assistance to the public sector often fails to achieve desired objectives due to corruption, resulting in a waste of scarce resources. Corruption should be fought on several fronts, including developing grassroots sensitivity to the problem and need for change, building the institutional capacity of key entities responsible for building and prosecuting corruption cases, and persuading high-level officials of both political parties to openly sanction and genuinely promote a game plan to attack corruption.

### **Petty Corruption**

Was alleged to be widespread amongst minor officials interacting with ordinary citizens. It manifests itself most obviously with traffic police, customs officials and those departments responsible for issuing various licenses such as firearms, motor vehicles and drivers' licenses. All those with whom the team spoke on this issue agreed that there was general tolerance of this type of corruption. In fact, given the bureaucracy and time taken for public bodies to deal with simple requests, the team heard much anecdotal evidence of people being content that corruption took place in order to get things done in a reasonable time. Generally, expectations of public service are low and many feel that additional, albeit corrupt payments, can lift service received to tolerable levels. There is a consistent view for example, of payments to traffic police being regarded as cheaper than a fine and, more importantly, avoiding the time-consuming court appearances that the receipt of a summons would involve. The team heard regularly too of a culture where it was seen as acceptable, even desirable, to beat the system - even if this meant bribing public officials.

Meaningful action to begin to eliminate corruption will not occur within government unless it is directed from the top down and highly placed officials lead by example. CIDA in concert with other donors in Jamaica must carry that message to the Prime Minister and other Ministers of the government, as well as to the opposition party. It may also wish to condition annual assistance on concrete steps to be taken in this area by the Jamaican government. Identification of these steps should be a collective exercise.

### **Make Corruption Part of the Public Debate**

The private sector and wider citizenry of Jamaica do not regard corruption as a threat to the well being of the society comparable to crime and violence; (for example, only one percent of Jamaicans in a fall 2006 Stone Poll considered corruption a major challenge facing Jamaica), and there is a widespread perception that corruption is commonplace. For many years, corruption scandals and news articles about official corruption have sparked momentary public outcries, but despite the public airing of Jamaica's dirty laundry, investigations drift along and rarely lead to prosecution, and high-level public officials tainted by allegations of corruption remain in office, albeit usually on "administrative leave." It is likely that following decades of media exposure of corruption and government's failure to fully investigate and prosecute official corruption, Jamaicans believe there is no hope for correcting the problem and they must live with it. Keeping corruption as a meaningful part of the public debate should therefore be a key prong of any "anti-corruption" strategy, and CIDA should try to maximize its limited resources to host anti-corruption forums by "neutral" speakers, from Transparency International, Hong Kong, Singapore, South Africa, etc. Jamaicans should be

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sensitized to the nexus between corruption and other issues such as crime and violence and economic development. With regard to this latter point, corruption scandals have historically centered on large contracts in the public sector.

### **Action Items**

- Schedule public and private forums for Civil Society Organizations to address corruption;
- Develop a communication strategy to promote “anti-corruption.” As there is no present legal requirement for Government agencies to undertake public education in anti-corruption, it is recommended that corruption agencies such as the Corruption Prevention Commission be vested by government with the legal authority and mandate to undertake education efforts within the wider governmental apparatus, including line ministries and agencies. Public education is an essential, but rather more diffuse, task. It is also even longer on high-level commitment to tackling corruption and the obligations of citizens to do so too. This is the essential ‘glue’ that pulls together the necessarily disparate activities across government and society;
- Provide opportunities for Jamaican Parliamentarians to participate in the training programs and other international events of the Global Organization of Parliamentarians Against Corruption (GOPAC);<sup>18</sup>
- Anti-corruption prevention and public education implies a wide range of activities. Areas including the following are usually embraced by national prevention strategies:
  - Strengthening public service management (recruitment, appointment and retention);
  - Systems; pay reform; ethical conduct systems; internal performance management and discipline; role of public service commissions;
  - Strengthening public service delivery (overhaul of discretion systems for decision-making; transparency of public resource flows; complaints mechanisms);
  - Transparency in public procurement (publication of tenders; transparent bidding rules; pre-determined criteria for selection; transparency on contract awards);
  - Transparency and accountability in public financial management (national budget processes; reporting on expenditure; effective oversight institutions with effective powers of remedy);
  - Impartiality, effectiveness and reliability of the judiciary (reducing opportunities for judicial corruption, consistent with preserving judicial independence);

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<sup>18</sup> Founded in 2002 at a conference hosted by the Canadian House of Commons and Senate, GOPAC is an international network of parliamentarians dedicated to good governance and combating corruption throughout the world

- Financial sector regulation (adequate supervisory framework for the financial sector);
- Holders of elected public office (systems for scrutiny of elected public officials - ombudsmen; asset declarations; parliamentary oversight committees; and
- Political party funding (to prevent conflicts of interest and improper influence; preserve integrity of electoral process; prevent use of illicit funds.

The above is not an exhaustive list, but does indicate the wide spread of preventive activity that the Government could undertake with CIDA assistance to systematically bear down on corruption.

On the face of it, a strategic framework already exists which could assume day-to-day operational responsibility for prevention and public education tasks. The Public Sector Reform Unit in the Cabinet Office exists to co-ordinate the Government of Jamaica's 10-year strategy (2002-2012) for Public Sector Modernization. CIDA financial support should be channeled through this Unit, providing a convenient coordination focal point.

The assessment team obtained a copy of the White Paper<sup>19</sup> that proposes a strategic approach to anti-corruption across Jamaican public service institutions, including the formulation of a specific anti-corruption strategy.<sup>20</sup> A number of action plan points are set out in the Paper. These relate primarily to promoting integrity policies inside the public service itself. These are clearly stated to be starting points for more systemic anti-corruption work.

### **Government of Jamaica Anti-Corruption Agencies: Commission for the Prevention of Corruption, Auditor General; Contractor General; Public Accountancy Inspectorate**

#### **Commission for the Prevention of Corruption**

The Commission does not explicitly enjoy police powers of arrest, or search and seizure of evidence although it is given authority "to do all such things as it considers necessary or expedient for the purpose of carrying out its functions."<sup>21</sup> These deficiencies would need rectifying in a new reform dispensation, either through change in the law giving the Commission specific powers, or through the direct attachment of police officers to the Commission.

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<sup>19</sup> Government at your Service – Jamaica Cabinet Office, January 2003

<sup>20</sup> *ibid*, Chapter 3, pg. 27

<sup>21</sup> Section 5(2) of the Jamaica Corruption Prevention Act, 2000

## **Action Items**

- Funding should be provided to obtain that legal technical assistance which might be needed to assist in the preparation of stronger cases in the corruption areas that can be successfully prosecuted in court by the Director of Public Prosecutions. This legal technical assistance should be deployed both at the Corruption Commission as well as the Office of the Director of Public Prosecutions;
- Funding should be provided to enable key members of staff of the Commission to attend relevant Risk Management training courses in Canada; and
- Policy dialogue needs to be undertaken between the Government of Canada and the Government of Jamaica with respect to the undertaking of the relevant amendments to the Corruption Prevention Act that would give the Commission search and seizure of documents powers.

## **Auditor General**

The office of the Auditor General is succeeding in maintaining up-to-date audits of departments and reporting its findings directly to the Speaker of the House of Representatives who lays the information before the Public Accounts Committee of Parliament. This puts Jamaica in a better position than many other similar countries where long backlogs in completing annual audits make it nearly impossible to identify problematic conditions in government institutions. The practical difficulty of achieving tangible reforms as a consequence of audit findings should not be under-estimated - it is proving as difficult here as anywhere to turn audit criticisms into systemic remedies - but the advantageous starting point of Jamaica should nevertheless be recognised.

## **Action Items**

- The Public Accounts Committee should be encouraged to establish a website where current information on the status of implementation of Auditor General and other National Integrity Institutions information is displayed;
- Any strengthening of the news media should include as a focal point of training information the need to target the deliberations of the Public Accounts Committee as a critical information point for obtaining newsworthy information on the findings of the Auditor General as well as the findings of other critical National Integrity Institutions;
- The watchdog functions of the Auditor General could be strengthened through the provision of appropriate training and technical assistance that seek to form stronger linkages between it and other avenues of good governance such as the media. The need for the Auditor General to have greater implementation attention paid by Parliament to reports that identify issues which could be construed as being of a corrupt nature, is likely to be among the topical issues which we would expect to be discussed by a media more seized with anti-corruption issues. It should be noted that steps are being taken by the current government to have agency heads appear before various specialized committees to highlight critical issues for implementation in their various reports provided to Parliament for review.

### **Office of Contractor General**

The Office of the Contractor General (OCG) is tasked with investigating and ensuring adherence by all one hundred and eighty (180) Government of Jamaica entities with the laws relating to the procurement of goods and services. The OCG's functions could be strengthened by an active program designed to imbue civil society groups with the ability to obtain and discuss the reports of the Contractor General with greater specificity in the public interest and to clearly advocate the need for changes in those areas of non-compliance with Government of Jamaica procurement rules that have been identified by the OCG.

### **Action Items**

- The Office of the Contractor General could usefully be assisted by CIDA in the development of a web-based procurement system that ensures that government entities completing forms to be sent to the Contractor General can only do so upon the completion of the form in the correct manner. This assistance would ensure that the Office of the Contractor General's review of the forms submitted can be undertaken more expeditiously with a greater assurance of the accuracy of the information submitted; and
- Funding should be provided to the Office of the Contractor General's Office to enable key members of staff to undertake relevant courses in Risk Management at an approved Canadian training organization.

### **Public Accountancy Inspectorate**

The new Minister of Finance of Jamaica in his maiden budget speech on April 10, 2008 announced the establishment of a Public Accountancy Inspectorate (PAI) to carry out inspection of public offices, programmes and projects across all government Ministries and Agencies for the purpose of establishing that public funds are being expended in the most efficient, effective and economical manner in accordance with the law. The Minister of Finance stated “ **The PAI will provide a basis for the Minister to establish early warning systems, even before Auditor General's reviews, as well as serve as a means for following up immediately on issues raised and recommendations [made] at sittings of the Public Accounts Committee and the Public Appropriations Committee.**”<sup>22</sup> As the proposed PAI would occupy an important accountability niche prior to the investigation by various government ministries by the Auditor General's Office, it represents a potentially critical area for establishment assistance by CIDA.

### **Action Items**

- When established, CIDA should consider the provision of the relevant training and technical assistance to the Public Accountancy Inspectorate to ensure that its stated objectives can be implemented with the greatest degree of efficiency; and
- As the potential of the PAI to stem waste, fraud and abuse in the public service is enormous, CIDA should consider the provision of visits to Canada of key PAI personnel to observe the operations of relevant Treasury Departments that have the same or equivalent mandate as the PAI.

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<sup>22</sup> Jamaica Sunday Herald Newspaper, April 13-19, 2008, pg. 6B

## **Corporate Governance**

**“Good Corporate Governance helps .... To ensure that corporations take into account the interests of a wide range of constituencies, as well as of the communities within which they operate, and that their boards are accountable to the company and the shareholders. This in turn, helps to assure that corporations operate for the benefit of society as a whole. It helps to maintain the confidence of investors – both foreign and domestic --- and to attract “more patient” long-term capital.”** <sup>23</sup>

Improving corporate governance in corporations and countries is now a critical development imperative and is in direct response to international institutional investors who have declared **“no corporate governance equals no investment.”** <sup>24</sup>

As part of a comprehensive anti-corruption strategy, CIDA should work with private business leaders to enable them to transfer appropriate governance principles to the personnel of Government Statutory and other corporations with a view to making them more efficient. These private companies are seen to be critical sources for the provision of corporate governance principles and practices to Government Statutory Corporations and other corporations that are under government’s control.

## **Action Items**

- Provide the requisite technical assistance to assist in the amendment/propose for elimination legislation, regulations and processes that have constrained corporate governance development within the public and private sectors of the economy. Any technical assistance provided in this area should work closely with the Office of the Parliamentary Counsel that has legal responsibility to draft/amend the country’s laws;
- Work with the PSOJ and business leaders to develop training programs which allow principles of corporate governance to be transferred to the management and other personnel of Government Statutory and other corporations;
- Work with the regional Caribbean Association of Industry and Commerce to ensure that public sector employees are admitted to participate in its regional online and physical training seminars in Corporate Social Responsibility; <sup>25</sup> and
- Develop public education efforts aimed at:
  - Building awareness of corporate governance among the wider citizenry;
  - Building awareness on corporate governance principles among members of the press and NGO’s and CSO’s.

## **Director of Public Prosecutions**

Even if internal procedural reforms occur within entities such as the Corruption Prevention Commission, Contractor General, Integrity Commission, etc. to strengthen their investigative and disciplinary capabilities, if the GOJ remains unable to prosecute corrupt officials, no great

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<sup>23</sup> OECD Principles of Corporate Governance, April 1999

<sup>24</sup> See [www.academyofcg.org/archives/oct-2002.htm](http://www.academyofcg.org/archives/oct-2002.htm)

<sup>25</sup> For a full schedule of CAIC activities for 2008, see pages 46-47 of the 2007 Report of the Council of Management of the Grenada Chamber of Industry and Commerce

changes will occur. Indeed, more effective procedural reforms and legislation without more consistent law enforcement is likely not only to be futile but actually dysfunctional in terms of bringing the justice system into disrepute. It is our view therefore that it is essential that the prosecutorial pillar of the national integrity system be strengthened. There are several problems that inhibit the Office of the DPP: one, it is underfunded; and two, its staff enter the case at the last phase, sometimes on the day of the trial, only to discover that the police have not properly prepared the case. There is no tradition of political interference in the work of such law officers as the Director of Public Prosecutions in Jamaica. Indeed, the holder of that office is constitutionally protected from being arbitrarily dismissed from his/her position in the absence of misbehaviour incapacity. Nor can the salary of the DPP be reduced during his seven-year term of appointment. The combination of these factors seems to indicate that if effective investigative and evidential case building can be achieved, along with enlarged prosecutorial capacity, the DPP will be able to deliver expeditious convictions in corruption cases.

CIDA should consider undertaking the strengthening of the DPP's office as part of its proposed Caribbean Governance and Accountability Project (CGAP). This strengthening effort should take the form of the provision of computer software and hardware and the training of DPP staff in relevant areas of the law and procedure that assist them to more efficiently prosecute corruption cases. It is also specifically recommended that the Office of the DPP establish a specialized prosecution unit to focus on corruption cases.<sup>26</sup> CIDA should seriously consider the provision of the necessary capacity building assistance to enable the DPP's Office to undertake this proposed initiative in a timely manner.

### **Action Items**

- Advocacy/coordination between Canadian and Jamaican Governments to ensure that strengthening of the DPP's office is part of its upcoming Strengthening Democratic Governance and Accountability Project;
- Encourage the Government of Jamaica to implement Whistleblower protection legislation. This type of legislation would legally protect from prosecution those persons who wish to provide information on corruption to State agents, even in cases where they were participants in the acts of corruption themselves;<sup>27</sup>
- Provide the necessary capacity building resources, in the form of technical assistance and training, to enable the DPP to establish a special corruption prosecution unit within its confines.

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<sup>26</sup> It should be noted here that the new Government of Jamaica has mooted the idea of establishing a "Special Prosecutor" for corruption cases who would not be a part of the DPP's Office. As such an appointment would require an amendment to the Constitution since the present Constitution provides for all prosecutions to take place under the auspices of the DPP, our recommendation in this assessment that a Special Prosecution Unit be located in the DPP's Office is in accordance with existing legal realities. In the event that an amendment to the Constitution is approved in the future, we would of course have no reservation in recommending that CIDA provide establishment support for the Office of the new Special Prosecutor.

<sup>27</sup>A good example of Whistleblower legislation within the context of access to information can be found in Section 48 (1) of the draft 2007 Freedom of Information Act of the Commonwealth of Dominica. Section 48 states that "a person shall not be subject to any legal, administrative or employment related sanction, regardless of any breach of a legal or employment obligation, for releasing information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment, as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing or a serious threat to health safety or the environment."



### **Removal or modification of laws that inhibit the development of investigative journalism**

The present Defamation Act in Jamaica is in need of modification as it seriously inhibits the ability of the news media to publish information on cases on national importance once those cases become the basis of an action in court. It follows that unscrupulous persons who might wish to hide their illegal acts can frequently do so under the cover of law by initiating an action in court. The present Defamation Act also prevents the publication of material by a third party who cannot “prove” the absolute truth of the material being published. For a journalist who obtains information frequently from sources that cannot be immediately revealed, this is a serious inhibition of the ability to practice aggressive yet responsible journalism. A Committee of prominent persons has just concluded a review of the contents of the Defamation Act with a view to its reform to enable the conduct of more penetrating investigative reporting while paying due attention to the rights of the citizen to not having their reputations maliciously tarnished. The present Defamation Act reform recommendations need to be carefully scrutinized with a view to obtaining governmental and private consensus on how its provisions can be modified to ensure responsible journalism while fostering the development of a culture of aggressive investigative journalism in Jamaica.

### **Action Items**

- Develop a communication strategy with relevant regional civil society organizations such as the Trinidad and Tobago Transparency Institute, to promote an “anti-corruption” environment;
- The training of personnel in relevant access to information areas might be undertaken with the Government of Jamaica’s recently established Access to Information Unit which is seeking to promote greater transparency of governmental actions in critical public sector entities such as the Auditor General, Anti-Corruption Commission and the Contractor General under a recently-promulgated Access to Information Act;
- On a regional basis, conduct training courses for journalists in the following areas: (a) Journalistic Independence and Responsibility; (b) Industry cooperation and Self Regulation; (c) Broadcasting Legislation and Governance; (d) Journalistic Ethics; and (e) Investigation journalism;
- Provide technical assistance to enable the drafting and adoption of a Code of Ethics which can be utilized by regional news media;
- The training programs should be drafted with a wide range of inputs from specialized journalist training institutions located in Canada, the University of the West Indies, the University of Guyana and the CARICOM Secretariat.

### **Caribbean Diaspora**

The activities of Diaspora associations often referred to as ”Home Town Associations”<sup>28</sup> have been recognized in recent years as a result of awareness of the important role emigrants play in regional economic development. Although there is not yet any regional strategy to identify the

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<sup>28</sup> There are also Home Coming Associations in Jamaica that organise homecoming events at the parish level. There are also Returning Residents Associations which advocate on behalf of Returning Residents

role of the Caribbean Diaspora associations, there are national initiatives in Jamaica.<sup>29</sup> The motivation of the Jamaican Diaspora to participate in a Hometown Association is largely driven by the need to develop their community, family issues and development concerns in the country. A significant number of members of the Diaspora are of the view that their commitment could be higher if they were sure that their contributions were being properly used and if they had better information on governments' priorities for development.<sup>30</sup> Most of the remittances to the Caribbean come from a few major countries such as the United States, Canada, Great Britain, the Netherlands and Spain among others.<sup>31</sup> In the case of Jamaica, the remittance figure for 2005 was US\$1.651 Billion, which substantially exceeded all the other remittances for the countries of the OECS and the other CARICOM countries, including Haiti. It is suggested that CGAP provide technical assistance to the Ministry of Foreign Affairs with a view to strengthening its outreach to the Jamaican Diaspora in Canada. The outreach program would:

- Focus on the possibility of members of the Diaspora providing technical services to assist in strengthening the administrative processes of the National Integrity Associations;
- Establish a Chair of Journalism at the University of the West Indies;
- Provide the technical assistance to develop a communications program directed to the Diaspora communities in Canada which apprises those communities of available governance and accountability strengthening activities in which their members could participate;
- Provide the technical assistance to develop a regional public awareness program which sensitizes the citizens of the assessment countries of the valuable contributions to national development which can be made by the Diaspora if their skills are effectively harnessed;
- In order to assure Diaspora organizations were being used wisely, a special accounting system would be developed through the use of Canadian technical assistance services. Regular information on the status of the money contributed by Diaspora Associations would be available to the Diaspora Associations through the Jamaican Embassy in Canada on a periodic basis; and
- Provide the technical assistance to create a database of Diaspora members which is regional in scope and which provides full information on the type of skills members have which could be provided to regional countries, their availability to provide their skills and the possible duration of the provision of services. The database should be made accessible to every assessment country and should be populated by Diaspora members from all the assessment countries.

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<sup>29</sup> Jamaica has been reaching out to its Diaspora communities through the Minister of State in the Ministry of Foreign Affairs. A national Jamaican Diaspora conference was held in 2004 with Diaspora members from Canada, the US and UK. As an outcome of the conference there was the creation of a website, the designation of June 16<sup>th</sup> as Diaspora Advisory Board and the Diaspora Foundation to coordinate research and the development of a skills database among other things

<sup>30</sup> See Issue 3 of the Focus Newsletter for the United Nations Economic Commission for Latin America and the Caribbean (UNECLAC), dated July-September 2007

<sup>31</sup> Based on data provided by the United States Bureau of Census, of all foreign nationals living in the United States, 10% are of Caribbean origin with the majority coming from Cuba (34%) and the Dominican Republic (25%) and more than 10% from Haiti and Jamaica

## **Conclusions**

- It is increasingly clear that to be more effective, an anti-corruption commission should not try to do everything itself but, perhaps, should aim to operate as an apex body to ensure that line ministries do things. This not only spreads the practical burden but also attributes to the correct place the ownership of the 'reform' requirements. A balance needs to be struck between centralising the 'message' on fighting corruption - drive from the top is essential to set the national climate and sustain impetus - and dispersal of ownership at operational levels so that all departments 'own' the corruption problem in their institution;
- Anti-corruption commissions are best seen as just one part of a wider array of institutional responses to controlling corruption. These include institutional reform in the management of the civil service, public service delivery, deregulation, public sector budget and financial management, and regulation and oversight of the financial and corporate sectors. Ensuring the effective working of other oversight bodies such as the Auditor General, Parliament, Police and the Judiciary is also vital;
- Access to government information which is so hedged around with exceptions that citizens cannot get information in critical areas which enable their objective consideration of national issues is a pyrrhic victory for the citizens which ultimately does not strengthen the governance and accountability responsibilities of the state;
- Civil society organizations provide important checks and balances to the overwhelming power of the state. The main advocacy groups need more resources and outreach capacity in order to improve their capacity and influence. At the same time, civil society groups need to avoid both inflexible adversarialism and debilitating cooptation in their relations with the government in general;
- The media undoubtedly plays a critical role in Jamaica's national integrity system. To be more effective however, the media needs to build institutional capacity for more sustained, investigative journalism and analysis of corruption related issues. The ability to conduct responsible investigative journalism on the part of the media can be significantly unleashed if the legal framework governing the media is crafted as to protect the rights of citizens against irresponsible journalism while empowering journalists to undertake their duties without fear of legal consequences once their activities are conducted reasonably and in good faith;
- Corruption represents such a drain on the national economy and so erodes the prospects for a good life, by the citizens, that its reduction and/or elimination in critical spheres of governmental activities seems to be the sine qua non of a strengthened governance and accountability climate in the country. These being the reality, a number of CIDA interventions need to revolve around corruption reduction and or elimination.

## **Priorities and Recommendations**

- A clear, publicly announced and reaffirmed priority on the part of the Prime Minister on the necessity to combat corruption wherever it exists, but primarily among the top echelons of society;
- A comprehensive programme of public education and cultural change management, involving:

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- Intense public education, with the active collaboration, coordination and support of the private media, concerning the negative effects of political, narcotics-related and petty corruption on the people themselves, as well as on the economy, politics and society. A major aim of this campaign should be to elicit public support in the reporting of suspected acts of corruption to the anti-corruption agencies and law enforcement authorities;
- Continuous training and orientation of public officials- ministers, civil servants, public sector employees- in the existing codes of conduct and the application of incentive systems to reward those who uphold the codes and punish those who are found to be in violation;
- The development and publicizing of anti-corruption codes of conduct in the private sector, with particular reference to foreign investors, trans-national corporations and major private sector enterprises. This should include codes developed and enforced by umbrella organizations such as the Media Association of Jamaica, Jamaica Chamber of Commerce and the Private Sector Organization of Jamaica.

A program of building institutional capacity in targeted organs of the national integrity system. Priority should be given to:

- The Commission for the Prevention of Corruption;
- The Office of the Director of Public Prosecutions;
- The Office of the Contractor General;
- The Office of the Auditor General;
- The Financial Crimes Unit of the Ministry of Finance;
- The Access to Information Unit in the Ministry of Information;
- The strengthening of the policy research capabilities of the Public Accounts Committee; and
- The proposed Public Accountancy Inspectorate.

Donor support, cooperation and coordination should be directed at strengthening institutional capacities in the above-mentioned areas and more broadly, raising the quality of democratic governance. This should entail:

- Support for measures to improve transparency and accountability, in particular (a) the repeal of the Official Secrets Act and appropriate amendments to the Corruption Prevention Act and the Access to Information Act; and (b) the public dissemination of information relating to the tendering process and contract awards in the public procurement system;

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- Strengthening the advocacy of civil society groups both of the national advocacy type as well as those that are community based. This can be achieved through the provision of specific training in advocacy for civil society groups that are engaged in tackling issues relating to strengthening governance and accountability in government;
- Improving the effectiveness of the media through the strengthening of the existing regional training programme for journalists being offered by the Caribbean Institute of Media Education (CARIMAC) at the Mona Campus of the University of the West Indies in Jamaica. Strengthening activities should focus on ensuring that the training provided to regional journalists incorporate an element that delivers skills relating to the conduct of investigative journalism. Specific short courses on the utilization of investigative journalism skills should also be developed for media owners on a regional basis; and
- Exposure of grass roots leaders of political parties to processes of democratic renewal and institutional modernization of parties in Canada should be undertaken.

There is a need for further research and investigation in a number of areas of relevance to the Jamaican public service integrity system:

- The Annual Reports of the Contractor General, Auditor General, the Ombudsman, and the Public Accounts Committee should be analysed to determine what remedial actions have been taken over time with respect to the recommendations contained therein, and .how action can be brought to bear by government to implement outstanding recommendations;
- Financial assistance should be provided to those NGO’s who are willing to form partnerships that are designed to ensure that the public is regularly apprised of the progress being made by government in the implementation of the recommendations of those public organizations immediately mentioned above. The development of specific case studies on the part of the selected NGO’s, based on their findings, will also be required of the NGO’s.

**SWOT ANALYSIS FOR JAMAICA GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Jamaican stakeholders during Mission to Jamaica)**  
**March 10-14, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
1.The media is the star performer in Jamaica’s National Integrity System and has become increasingly active in anti-corruption issues.  2.Private sector willingness to fund civil society organizations that espouse issues of mutual concern.	1.The donor community, despite best efforts, has been unable to articulate with one voice policies relating to corruption and national integrity. As a result, it has been possible for governments over the years to play donors off against each other safe in the knowledge that the donor community will not take coordinated action on matters requiring a collective policy response.

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<p>3. Government entities such as the Office of the Contractor General have shown a salutary willingness to strongly enforce the provisions of the laws that created them.</p> <p>4. Civil Society now showing signs of real interest in actively participating in activities that promote governance strengthening and accountability.</p> <p>5. Starting from a relatively high base/foundation in terms of education, infrastructure and business (compared to many other developing countries).</p> <p>6. The existing government has placed Opposition Members as Chairpersons of significant government committees such as the Public Accounts Committee.</p> <p>7. The Government of Jamaica has signed (September 16, 2005) but not ratified the United Nations Convention Against Corruption, 2003.</p>	<p>2. The private sector has not fully imbibed the positive tenets of Corporate governance and there is no attempt between the private/public sectors to come to a consensus on those fundamental corporate governance principles which would inure to the benefit of both the private and public sector as well as the wider society.</p> <p>3. A public service that has highly trained persons at the higher echelons, but with persons at the lower levels who are in need of significant job training, but have been neglected over the years.</p> <p>4. A civil society with a number of dynamic actors who by and large prefer to compete with each other for existing pools of funding than establishing partnerships among groups of similar interests, which could be more beneficial in the long run. Due to the fact that there is no legal regime for NGO/CBO's they are unable to attract long term predictable funding and technical assistance.</p> <p>5. Lack of political will to effect certain changes. Government does not appear to be learning lessons from past experience; e.g. police shootings of civilians</p> <p>6. Irresponsible or untrained media employees. Absence of Codes of Conduct for journalist as well as media owners.</p> <p>7. The successful prosecution of high-profile cases in such important areas as corruption does not take place with sufficient frequency to convince the wider populace that the flouting of the criminal laws will result in speedy and predictable consequences.</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1. Donor community has opportunity to work collectively with regard to the strengthening of Governance and accountability in Jamaica. Such actions would also allow them to work towards accomplishing the tenets of the Paris Declaration on Aid Effectiveness (particularly with CIDA and</p>	<p>1. Perception that donors are willing to compromise their high standards at the request of government, even in cases where it is clear that in the interests of good governance the donor position should be upheld.</p> <p>2. There have been many disclosures in the media of significant</p>

<p>DFID), and the UNDP on the Millennium Challenge Account.</p> <p>2. Jamaica's high reliance on donor programming in various development areas provide the donors involved in governance strengthening and accountability with significant leverage to obtain fundamental policy changes in such a critical and sensitive area as corruption.</p> <p>3. The Government of Jamaica is in the process of drafting a Vision 2030 document that sees the country as being classified as a developed country by that time. Vision 2030 offers the donor community an opportunity to participate in development areas that have been agreed to by both Government and Opposition.</p>	<p>corruption cases, many of which have involved high-profile persons in the society. These persons have not been processed through the legal system in an expeditious manner and that has caused the build-up of cynicism in large swathes of the populace. Very strong perception of corruption due to weak governance structures and processes, lack of transparency, and tight Central Government control.</p> <p>3. Criminality (violence, drugs, corruption). Society being viewed as becoming increasingly criminalized by narco-traffickers and other unsavoury elements. Police corruption has severely hobbled the ability of the force to respond to the threats in a manner that obtains the maximum cooperation in terms of the provision of information on criminals.</p> <p>4. The large budget deficit that the new government has inherited has acted on a brake to expenditures in such areas as national security and other areas of the governance infrastructure.</p> <p>5. The Access to Information Unit is finding it difficult to monitor compliance with the terms of the Access to Information Act, with its existing staff levels. Of 200 entities being monitored for compliance by the Unit, it can only completely monitor 28 entities.</p>
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## **BELIZE**

Belize is a constitutional parliamentary democracy with an estimated population of 314,000. Prime Minister Said Musa's People's United Party (PUP) held 22 of the 29 seats in the House of Representatives following generally free and fair multiparty elections in 2003. In elections held on February 7, 2008, the PUP was unseated by Opposition Leader Dean Barrow of the United Democratic Party in a massive victory in which the Party won 25 of the 31 seats in Parliament. Mr. Barrow was sworn in as Prime Minister on February 8, 2008.

### **Civil Society Organizations**

The consensus opinion of knowledgeable persons in the Belize community was that civil society organizations, with the exception of some radio stations, the Belize Chamber of Commerce and the main newspaper, had grown progressively weaker, smaller in number and less cohesive over the years with respect to acting as a serious counterweight to perceived governmental excesses and inaction in critical accountability areas. With the coming to power within the last month of a new government which has clearly stated in its election manifesto the desire to confront critical governance limitations within the society as a matter of urgency, there is now a resurgence of optimism among various civil society actors that the time is now right to once more strengthen its capabilities to perform a watchdog role in the protection of citizen's rights and generally to ensure that Belize achieves, and maintains, a strong democratic and accountability climate.

The key concerns identified by those civil society organizations that are presently active, and confirmed by public opinion polls, are:

- Confronting and reducing corruption; and
- Ensuring that maximum accountability is obtained from such national integrity organizations as the Auditor General, the Contractor General, the Ombudsman, the Integrity Commission, the Accountant General and the Public Accounts Committee.

With particular reference to the news media, it was noted that while the radio and newspaper coverage of stories relating to governance and accountability issues in the society were strong and vigorous, the owners of the news media and the journalists producing the stories did their jobs in a climate of considerable trepidation as the contents of the laws relating to slander and libel made real the possibility that lawsuits by parties claiming to be negatively affected by the stories could be initiated. Such lawsuits had the potential to financially wipe out the news entity to which it was directed.

More generally, within the wide civil society context, inadequate financing and weak administrative, monitoring and accountability systems, were common characteristics. These tendencies had over time weakened their implementation capacity.

### **Action Items**

- CIDA should consider the provision of financing and technical assistance to civil society groups that are active/wish to be active in the strengthening governance and accountability areas (e.g. Belize Chamber of Commerce, Association of Concerned Belizeans and the

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Society for the Promotion of Education & Research (SPEAR). Funding possibilities should encourage the forming of alliances among various civil society groups rather than encouraging the efforts on one individual or particular organization;

- Encourage the Government of Belize to establish a Committee (comprised of public and private sector representatives) to review the laws relating to libel and slander with a view to embodying appropriate recommendations into a new Defamation Act. The provision of national and/or regional technical assistance to expedite this process is highly recommended;
- Assist civil society in the development of the parameters of a litigation fund which will allow NGO's to develop test cases for filing and presentation in court on various governance and accountability issues such as access to information, constitutional law issues and civil matters arising from any breaches of the Prevention of Corruption Act, 2007.

Finally, there is the question of the capacity building of civil society organizations. Two areas are suggested. The first is training. There are certain aspects of the activities of the identified civil society organizations, which can be strengthened with training e.g. lobbying, conducting negotiations, advocacy and representation. Interventions through, for example the organization of seminars and the development of manuals and modules, should also be considered. The second is project preparation and accessing project funds. Several multilateral organizations – the IFIs, the EU, the UNDP for example – and Northern NGOs, sponsor programs which make available to civil society organizations financial resources for agreed projects. Civil Society organizations in Belize could thus conceivably benefit from courses/seminars designed to enhance their skills in project preparation as well as from guidelines on how best to access funding.

### **Access to Information**

The Freedom of Information Act was enacted in 1994.<sup>32</sup> The law provides for access to documents held by government departments. It does not apply to the courts and the Office of the Governor General. The departments must respond within 14 days. The definition of documents includes "public contracts, grants or leases of land, or any written or printed matter, any map, plan or photograph, and any article or thing that has been so treated in relation to any sounds or visual images that those sounds or visual images are capable, with or without the aid of some other device, of being reproduced from the article or thing, and includes a copy of any such matter, map, plan, photograph, article or thing, but does not include library material maintained for reference purposes." Documents affecting national security, defense, international relations, and Cabinet proceedings are exempt. Other exemptions can be imposed after a "test for harm" that shows that release of the documents would adversely affect trade secrets, personal privacy, confidence, privilege, operations of ministries, enforcement of the law, and the national economy. Denials can be appealed to the Ombudsman who can force the disclosure of some documents but he cannot examine or order the disclosure of documents in the exempted categories. The losing party may appeal to the Supreme Court. The Act requires that the Minister administering it must publish an annual report on its operation, which shall be submitted to the National Assembly. These reports have not been produced. Also, the Ombudsman's reports for the last 5 years make no mention of handling any appeals under the Act.<sup>33</sup>

In 2000, the Belize Political Reform Commission found that the Act was not used often. It recommended that:

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<sup>32</sup> Freedom of Information Act, 14 May 1994: [http://www.belize-law.org/law\\_admin/PDF\\_files/cap013.pdf](http://www.belize-law.org/law_admin/PDF_files/cap013.pdf)

<sup>33</sup> Research undertaken by Mr. Joss Ticehurst for the Right to Information Campaign developed by SPEAR, a Belizean NGO.

**“Government review and amend the Freedom of Information Act with the objective of narrowing the scope of the Act's definition of documents exempted from public access. The Commission further recommends that the Act be amended to provide for the automatic release of all government documents after fifteen years have passed.”<sup>34</sup>**

The Prevention of Corruption in Public Life Act requires that public officials file yearly financial disclosure forms describing their assets, income and liabilities.<sup>35</sup> According to Freedom House, the courts have ruled that reporters that question the financial disclosure forms of public officials can be imprisoned.<sup>36</sup> The Reform Commission also recommended the expansion of coverage of the officials subject to the Act. Section 9 of the Freedom of Information Act provides that “Subject to this Act, every person shall have a right to obtain access in accordance with this Act to a document of a Ministry or prescribed authority, other than an exempt authority.” Based on our contact with various knowledgeable persons in Belize, apart from the fact that most persons are unaware of the existence of the Act, and the nature, scope and existence of its provisions, they were of the opinion that the Act was of limited use in Belize, as it did not contain penalties for its breach. Our research has indicated that apart from the fact that the Act does not contain any penalties for non-compliance with its provisions, it adds responsibilities to other elements of the governance system that are unable to bear them at this time due to limited capacity to do so. One important responsibility given by the Act is to the Ombudsman as follows: Section 35 (1) states that “ Subject to subsection (3), in proceedings under this Part, the Ombudsman has power, in addition to any to any other power, to review any decision that has been made by a Ministry or prescribed authority in respect of the request and to decide any matter in relation to the request that, under this Act, could have been or could be decided by a Ministry or prescribed authority, and any decision of the Ombudsman under this section has the same effect as a decision of the Ministry or prescribed authority.” In this case, the responsibilities provided to the Ombudsman under the Act cannot be expeditiously discharged as the Ombudsman’s Office only has one staff member, a Secretary, in addition to the Ombudsman himself, and it is heavily overburdened with work.

### **Action Items**

- Have dialogue with the Government of Belize with a view to having the Freedom of Information Act added to any list of legislation that will be revised and strengthened under the auspices of any CIDA-provided legislative drafting technical assistance or independently of such auspices;
- Work with the Government of Belize to strengthen the Office of the Ombudsman with a view to streamlining its operational processes, increasing its staff complement and provide the necessary national and regional staff training that will lead to its improved efficiency;
- Provide technical assistance, training and computer equipment to assist government line Ministries in digitizing information that are likely to be the subject of Freedom of Information requests from citizens;
- Establish public awareness workshops and seminars that convey to the wider public the nature, scope and extent of the Freedom of Information Act and how its provisions can be effectively utilised.

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<sup>34</sup> Final Report of the Political Reform Commission, January 2000. Available at <http://www.belize.gov.bz/library/politicalreform/>

<sup>35</sup> Prevention of Corruption in Public Life Act. <http://www.belize.gov.bz/library/politicalreform/>

<sup>36</sup> Freedom House, Freedom in the World 2005

### **Government of Belize National Integrity Agencies**

Mention has been made above of the need to increase the capacity of the Ombudsman's office with regard to the more expeditious handling of access to information requests. It is our view that the legislation establishing the offices of the Auditor General, Accountant General should as far as possible be made to reflect the provisions of the Prevention of Corruption in Public Life Act, 2007 in the way that it establishes and empowers the Integrity Commission of Belize. Section 3(2) of the Act clearly provides for:

- (a) The establishment of an Integrity Commission, Chaired by an Attorney-at-Law with not less than five years standing at the Bar and six other persons of integrity and high national standing;
- (b) Two members of the Commission shall be appointed by the Governor General, acting on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Commission including the Chairperson, shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition. At least one member of the Commission shall be a member of the Institute of Chartered Accountants of Belize. Where a person in public life fails to file a declaration of assets, income and liabilities, without reasonable cause or fails to furnish particulars, the Commission shall publish the fact in the gazette and shall send a report to the Director of Public Prosecutions for further action. The Act clearly establishes offences in respect of corruption related to contracts which carry penalties of fines an/or imprisonment for persons convicted of such offences by a court.

### **Action Items**

- Assist the Government of Belize with the necessary legislative drafting and other assistance that will enable the expeditious review and possible revision of the Acts governing the establishment and conduct of business of the National Integrity Agencies. This work would be carried out with the assistance of the Regional Legislative Drafting Facility based in Georgetown, Guyana, which is likely to be interested in harmonizing the revised laws with the needs of the wider CARICOM Countries for legislation of this type;
- Assist in the establishment of a mechanism that allows the input of civil society into the legislative reform process.

### **Director of Public Prosecutions**

It was mentioned above that the new Prevention of Corruption Act, 2007 had a number of provisions that required the referral of various breaches of the legislation to the DPP for action. As the Office of the DPP lacks sufficient Crown Counsel to undertake its present mandate (6 Crown Counsel in establishment with 2 now on maternity leave), it seems clear that the Office of the DPP as presently constituted will be unable to efficiently undertake its new mandate if referrals under the Act were to become numerous. Another problem directly impacting on the DPP's Office is the inability of the office to provide Crown Counsel to the police to assist them in building cases that meet the relevant evidential and other criteria, which would ground convictions in court. This type of support is especially critical in white-collar cases, which are notoriously difficult to prove in court.

### **Action Items**

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- Provide assistance for the convening of regional courses for the DPP's, and relevant staff members, with a view to sharpening their skills on the prosecution of corruption and other white-collar criminal cases;
- Assist with the computerized connection of the DPP's Office to regional legal databases with a view to speeding up their case preparation processes;
- Encourage the Belize Government to make the remuneration packages for Crown Counsel more attractive and so stem the attrition of Crown Counsel from the DPP's office as soon as they obtain a reasonable amount of legal experience.

## Conclusions

- There is a strong expectation on the part of the Belize citizenry that the new Government will fix the various deficits in their governance and accountability systems in short order. This expectation could implode if the government does not take the steps necessary to show progress, on a number of fronts, in short order;
- The media has taken up the mantle of addressing the democracy and accountability deficits in the country and has been doing a good job. Their tasks could be made much easier if the present laws relating to libel and slander could be so revised that rights and responsibilities with respect to the conduct of investigative journalism could be more evenly balanced;
- Civil society organizations in general, with the exception of the media, have lost some of their previous vitality and have tended to become weaker as the media has become stronger;
- The Access to Information regime is not well used by civil society individuals and organisations and many persons are unaware as to their right to information under the Freedom of Information Act, 2005. More effective use of an improved access to information regime could be of great assistance to civil society organizations and individuals as they start to play a greater role in being an effective counterbalance to the State;
- The National Integrity Organizations such as the Auditor General, Contractor General, Accountant General, Ombudsman and Public Accounts Committee could be far more effective if their governing legislation and reporting relationships were changed to accord with their formation objectives and status;<sup>37</sup>

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<sup>37</sup> This conclusion echoes that came to by the Canadian Consulting firm, The Government Network (TGN), on how to ensure success in renewing and revitalizing Belize's public sector. In a report, 'Turning the Tide.' TGN built on prior governance initiatives such as a 2002 Public Service Council report seeking to address numerous transparency and ethical challenges related to the public sector and the political processes of the nation (TGN 2003). TGN was of the opinion that "the public sector and civil society leaders agreed that there is a crisis of confidence in the transparency and perceived integrity of the public sector and that this disillusionment is sapping the national will to move forward. They also recognized that much more than coercive 'policy-like' measure would be required to rectify the problem. They agreed that a comprehensive integrity-related support structure would be essential to shape the healthy work environments that will enable governance improvement"

- The Belize citizenry has great faith in the utilization of an effective system of laws to vindicate their rights and to assist them to achieve their aspirations of strong governance and accountability regimes. To this end, the citizens have been repeatedly calling for laws which are strongly enforced by the State and which have clear penalties for their infraction;
- In order to play a critical role in strengthening democratic governance and accountability in Belize, the DPP's Office has itself to be strengthened in fundamental ways. A stronger Office of the Director of Public Prosecutions would provide an important focal point for the active prosecution of corruption cases identified under the new Prevention of Corruption Act, 2007.

**Priorities and Recommendations**

- Effective policy dialogue has to be established between the Government of Canada and the Government of Belize with respect to establishing early the extent of the assistance which it requires CIDA to provide to critical law revision and reform initiatives which are needed to strengthen various National Integrity Organizations;
- Civil Society Organizations should be approached early by CIDA to ascertain their strengthening needs and to gauge their willingness to form partnerships in their quest to strengthen governance and accountability in Belize. Wherever possible, assistance from CIDA should be provided in the training, project preparation and obtaining of project funding areas;
- Private and public sector champions should be identified early in order to smooth the way both for governmental policy dialogue with CIDA as well as establishing an equitable framework for civil society organizations who wish to continue or start working in the governance and accountability areas.

**SWOT ANALYSIS FOR BELIZE GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Belizean stakeholders during Mission to Belize)**  
**March 16-20, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<p>1.The radio and newspaper media are the star performers in Belize society and are well regarded among groups such as donor organizations, civil society representatives and some representatives of the Belizean government. These media representatives are positively regarded as having a wide and active outreach with respect to accountability issues such as corruption, limitations of the legal regimes governing government accountability</p>	<p>1.The donor community has no significant programming in the governance areas, which could facilitate their working in a cohesive manner on areas of mutual interest.</p> <p>2.Relatively moribund civil society groups, which will require significant training and technical assistance support to reenergize.</p> <p>3.Significant defects in existing laws relating to critical areas of governance that will need strong political support to change.</p>

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<p>and the airing of reforms that the citizens would wish to see with respect to the strengthening of governance and accountability in Belize.</p> <p>2.Private sector willingness to form strategic alliances with other non-governmental organizations which have credible leadership and a change agenda with respect to anti-corruption and other issues of mutual concern.</p> <p>3.A strong feeling among civil society representatives that the present government having won the recent national elections on a general change and anti-corruption platform, would be amenable to making fundamental changes in the existing governance structures which would enure to the lasting future benefit of Belize.</p> <p>4.The existing government has placed Opposition Members as Chairpersons of significant government committees such as the Public Accounts Committee. The government’s existing Election Manifesto clearly articulates areas of focus that might be in conformity with proposed CIDA programming in the strengthened governance and accountability areas in future years. To that extent, the Manifesto offers CIDA an opportunity to participate in critical areas of governance that have already been given the seal of approval by the existing government.</p>	<p>4.A significant absence of strong operational procedures, laws and regulations governing such critical integrity organizations as the Auditor General, the Accountant General, the Contractor General, the Integrity Commission, the Ombudsman and the Public Accounts Committee.</p> <p>5.No codes of conduct governing the operations of the media and wider civil society organizations more generally.</p> <p>6.There was no culture of transparency in the public procurement of goods and services.</p> <p>7.The prosecution of high-profile cases in such important areas as corruption does not take place with sufficient frequency to convince the wider populace that the accountability underpinnings of the society are a matter of serious concern for governmental authorities.</p> <p>8. The Government of Belize is not a signatory to the United Nations Convention Against Corruption, 2003.</p>
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<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1. Belize's high reliance on donor programming in various development areas provides CIDA and any other donor who might wish to be involved in governance strengthening and accountability with a real opportunity to pursue a policy dialogue with the government which could see the emergence of significant cooperation on activities in such critical and sensitive areas as corruption and the changing of laws which are fundamental to the more efficient operation of national oversight bodies.</p> <p>2. The Election Manifesto of the present ruling party in Belize</p>	<p>1. The pent-up positive expectations among large parts of the citizenry that the present government will shortly deliver on its election promises to strengthen governance and accountability in the country can have serious negative repercussions if those expectations remain unfulfilled within a relatively short period of time.</p> <p>2. The Access to Information regime is weak and puts civil society and interested individuals with a change mandate at a disadvantage with respect to obtaining critical information that could be used to vindicate rights in court that would generate legal precedents for strengthening democracy and accountability in the country.</p> <p>3. Criminality (violence, drugs, corruption). Society being viewed as becoming increasingly criminalized by narco-traffickers and other unsavoury elements.</p>

## **Trinidad & Tobago**

Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature, with a population of approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In elections on November 5, 2007, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 26 to 15-seat victory over the United National Congress (UNC).

### **Legislative Reform**

There was a pervasive feeling among the persons interviewed in Trinidad & Tobago that the primary constraining factor to the strengthening of governance and accountability in the country was the archaic nature of the legislative framework underpinning the public service in general, with particular reference to key pillars of national integrity such as the Auditor General, the Integrity Commission and the Office of the Ombudsman. The specific reform of laws relating to law enforcement such as whistleblower legislation protecting persons who wish to give evidence in court against persons charged with corruption and wiretapping legislation to enable law enforcement authorities to obtain court orders for the tapping of communications devices in cases where these devices are being used to facilitate the commission of crimes, was also identified as areas of need. These changes were regarded as of paramount importance if Trinidad & Tobago's aspirations to become a developed country in the year 2020<sup>38</sup> were to be realized. Despite the great need identified for substantial legislative drafting interventions in a number of areas, it was realized by government officials and private citizens that the heavy workload of the Office of the Chief Parliamentary Counsel, which is responsible for drafting all the laws required by the Country, and the general shortage of legislative draftspersons in the country and wider Caribbean Region, precluded the possibility of having expeditious legislative drafting action in the identified legislative reform areas.

### **Action Items:**

- Obtain the services of a regional/international legislative draftsman for a one-year period to draft required public service governance legislation in close liaison with the office of the Chief Parliamentary Counsel;
- Seek to provide assistance to the existing CARICOM Regional Legislative Drafting Facility, based in Georgetown, Guyana, to enable it to strengthen its regional legislative drafting outreach capabilities. Arrange for Trinidad to be one of the beneficiaries of the Drafting Facility's services.

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<sup>38</sup> "By the year 2020, Trinidad and Tobago will be a united, resilient, productive, innovative and prosperous nation with a disciplined, caring, fun-loving society, comprising healthy, happy and well-educated people and built on the enduring attributes of self-reliance, respect, equity and integrity." Caribbean Group for Cooperation in Economic Development-Toward a Caribbean Vision 2020: A regional perspective on Development, Challenges, Opportunities and Strategies for the Next Two Decades.



## **Public Procurement of Goods and Services**

“Public procurement includes all stages of the process of acquiring property, works and services, involving the use of public money to accomplish specified public purposes beginning with identification of a need and ending with completion of a contract.”<sup>39</sup> The rapid development of the economy, fuelled in major part by the oil resources of the country, has created concerns among major portions of the citizenry that massive procurement awards on the part of government to third parties, in pursuit of the country becoming a developed country by the year 2020, are not being properly supervised and could lead to corruption in the contract selection, award and implementation processes. The protracted delay in the drafting of reformed procurement legislation, which would include the appointment of a Special Procurement Regulator, (the equivalent of the Contractor General in Jamaica) to oversee the entire procurement process in the country has not bolstered the confidence of prominent civil society groups that government is treating the matter of reforming the existing government procurement system with expedition. The need for a new procurement policy is stated by the Government of Trinidad and Tobago as follows:<sup>40</sup> “The current legal and regulatory framework embodied in the Central Tenders Board Ordinance 1961, (The Ordinance) applies mainly to Government ministries and departments and some statutory authorities. There are other agencies using public funds, including State-owned enterprises, statutory authorities and civil society whose procurement practices fall outside the ambit of the Ordinance. The scope of public procurement envisaged by the current legal and regulatory framework is largely limited to the tendering stage, in which offers of supply are invited and contracts awarded. There is need for a framework that applies objective standards evenly across all stages of the process and to all actors in the process.”

Reform is also needed to:

- Achieve the quality of governance envisaged by Vision 2020;
- Strengthen and promote confidence in public institutions;
- Guarantee substantial market share to local business in order to develop and promote domestic industry;
- Take advantage of the developments in information and communications technology;
- Ensure that domestic procurement practices are in conformity with international best practice; and
- Meet the requirements of the Caribbean Single Market and Economy.

## **Action Items**

- Reform the Public Procurement Regime by repealing the existing Central Tenders Board Ordinance with its subsidiary legislation and passing new legislation;
- Monitor through civil society groups, the performance of the reformed system;

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<sup>39</sup> A White Paper – Reform of the Public Sector Procurement Regime -Republic of Trinidad and Tobago - August 2005, pg. 15

<sup>40</sup> *ibid* page 3

- Assist the Government to establish a website which can be freely accessed and which give full details on the public procurement system including advertisements for bids, beneficiaries of contract awards and rules governing the contractor selection process;
- Develop a Handbook of Public Sector Procurement Procedures and make its contents accessible on the above website;
- Provide technical assistance to enable the drafting of “Whistleblower” legislation to provide legal protection to persons who might wish to offer evidence in court on possible corrupt actions which involve the public contracting system;
- Provide ethics in public procurement training to the staff of government procurement agencies; and
- Advocate and monitor the adoption of Transparency International’s Integrity PACT,<sup>41</sup> or its equivalent, and the use of public consultations for major public project awards.

## Conclusions

- The primary need for assistance by the Government of Trinidad and Tobago in the Governance and Accountability areas seems to revolve around the revision and reform of its legislative frameworks governing critical national integrity institutions as well as in the current system of public contracting. The dearth of legislative drafting expertise available to the Government of Trinidad and Tobago has considerably impeded its ability to bring to bear the legislative drafting expertise that is required for the revision and reform tasks at hand;
- There is a significant need to obtain the services of dedicated and competent civil society groups to advocate for the revision of the legal frameworks for national integrity institutions and the public contracting system both for the present and to ensure vigilance that any future legislation on public contracting embodies the stated objective of the White Paper to “Institutionalize Civil Society and stakeholder representation on a National Procurement Advisory Council to support the operations of the Regulatory Body thereby providing an invaluable monitoring mechanism.”

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<sup>41</sup> See page 2 of the 2007-2009 Trinidad and Tobago Transparency Institute’s Strategic Objective Framework. The Framework defines the “Integrity PACT” as a tool developed during the 1990s by Transparency International to help governments, business and civil society, which are prepared to fight corruption to do so in the field of public contracting. It consists of a process that includes an agreement between government or government department and all bidders for a public sector contract. It contains rights and obligations to the effect that neither side will pay, offer, demand or accept bribes, or collude with competitors to obtain the contract, or while carrying it out. Also, bidders will disclose all commissions and similar expenses paid to them to them by anybody in connection with the contract; and that sanctions will apply when violations occur. These sanctions range from loss or denial of contract, forfeiture of the bid or performance bond and liability for damages, to blacklisting for future contracts on the side of the bidders, and criminal or disciplinary action against employees of the government.”

[www.transparency.org/global\\_priorities/public\\_contracting/glossary](http://www.transparency.org/global_priorities/public_contracting/glossary)

## Priorities and Recommendations

- That CIDA engage into dialogue with the CARICOM Secretariat with a view to offering strengthening assistance to the existing Regional Legislative Drafting Facility (RLDF). As the RLDF is presently drafting legislation in the CARICOM Countries in various subject areas, its strengthening offers the possibility of carrying on its work with respect to the legislative drafting needs identified by the various countries assessed. It is important that CIDA conditions any assistance it might provide to the Legislative Drafting Facility to the inclusion by the CARICOM Secretariat of the Facility into its recurrent budget to ensure the Facility's sustainability over time. The Facility should also be made part of the Office of the CARICOM Secretariat's General Counsel to streamline its reporting responsibilities while making its outreach to the regional Caribbean Countries;
- Conduct an assessment of those NGO's that are willing to assume strengthened governance and accountability responsibilities on a partnership basis with other civil society organizations. The appropriate members of these NGO's should be trained in the nuances of forming partnerships and accessing national and international funding sources for the conduct of their activities.

### SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING

(Based on information obtained from engagement with Trinidad and Tobago stakeholders during Mission to Trinidad and Tobago)  
 March 25– March 28, 2008

STRENGTHS	WEAKNESSES
<p>1. Government has articulated clear strategic outlook for taking the country to developed country status, in Vision 2020 document.</p> <p>2. Rapidly modernizing physical infrastructure in terms of roads, telecommunications and business services.</p> <p>3. Strong Ministry of Financial Administration headed by dynamic and visionary Minister.</p> <p>4. Government can secure access to funding to complete critical development activities.</p> <p>5. Home for the Association of Caribbean States Secretariat.</p>	<p>1. Weak governance legislative framework.</p> <p>2. Weak databases to facilitate planning and implementation of governance initiatives.</p> <p>3. Poor access to national/regional legislative drafting services.</p> <p>4. Relatively weak NGO's and CSO's involved in articulating and implementing governance strengthening initiatives. No Code of Conduct regulating NGO's and CSO's.</p> <p>5. There is no accountability officer legally established to oversee the massive public contracting and award of contracts process.</p> <p>6. There is a high and spiraling upward crime rate which can act as a brake to governance strengthening and accountability initiatives.</p>

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<p>6.Has a vibrant print media with three local newspapers that freely comment on governance issues and how they are affecting the populace.</p> <p>7.Home for the Caribbean Association of Industry and Commerce that has critical links with, and contributes to, the policy development of the national private sector agencies in the Caribbean Region.</p> <p>8. Has a vibrant Chapter of Transparency International that has a Strategic Framework for the improvement and strengthening of Governance and Accountability in the country.</p> <p>9.The new Government has assumed power on strong public service reform and anti-corruption mandates.</p> <p>10.Some civil society organizations still evince readiness to contribute to nation building in governance and accountability related areas.</p>	<p>7.The Access to Information regime needs to be strengthened through a revision of the laws governing access to government information with strong emphasis placed on the minimization of the number of exemptions which government can claim as a bar to releasing government information.</p> <p>8.The Justice system is perceived to be slow and still utilizing archaic methods in effecting service delivery.</p> <p>9.The Government of Trinidad and Tobago has signed (December 11, 2003) but not ratified the United Nations Convention Against Corruption, 2003.</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1.Trinidad and Tobago signed Paris Declaration on AID Effectiveness in December 2005. MOF expressed willingness to cooperate with CIDA in the receipt of assistance for specific governance and accountability strengthening initiatives.</p> <p>2.Strategic opportunity for proposed strengthened governance and accountability programme consistent with the Vision 2020 National Development Strategy, whose development objectives are not yet implemented.</p>	<p>1.Public concerned that with the strong modernization thrust of government, significant areas of public procurement are outside the scrutiny and control of the existing public procurement and contracting systems.</p> <p>2.Criminality (violence, drugs). Society being viewed as becoming increasingly criminalized. Forces of law and order seem unable to adequately deal with criminal elements.</p> <p>3.The print media is controlled by a legal framework that allows for the possibility of significant damages being awarded in court against media institutions that too aggressively pursue investigative journalism on behalf of the citizens.</p>

<p>3. Paris Declaration on Aid Effectiveness provides opportunity for joint donor/GOTT analyses such as those on Gender and Environmental Analyses, sector analyses, surveys and development of common indicators. CIDA to take lead on Gender and Environmental Assessments.</p>	<p>4. The civil and criminal justice systems are overburdened with case backlogs and existing case management systems and technological applications in the court systems seem inadequate to enable backlog reduction. The slow pace of the court system has caused citizen disquiet in the ability of the government to provide expeditious access to justice to all citizens.</p>
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## Republic of Guyana

The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 750,000. Bharrat Jagdeo has served as its president since 1999 and was reelected to a second full term in August 2006 elections considered generally free and fair by international observers. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992.

While the assessment team did not do a full assessment for Guyana due to the fact that there is an ongoing Democratic Governance and Institutional Assessment <sup>42</sup> which is being conducted there under the auspices of the Inter-American Development Bank, the team was able to meet with representatives of the donor community and CARICOM Secretariat who provided various insights on the prevailing democracy and accountability environment. The following insights were obtained:

Because of the lack of political will for fundamental changes in the governance environment shown by the Government of Guyana, changes necessary to strengthen governance and accountability in Guyana can best be achieved through strong civil society organizations which are not intimidated by a relatively forbidding climate of negative receptivity to NGO's who espouse an independent line. These civil society organizations would:

- Assume the role of "watchdogs" for transparency and accountability by the government;
- Be proactive in conflict resolution and in promoting harmonious relations in communities;
- Support research and investing in communities;
- Advocate for their own causes; and
- Develop strong partnerships and networks.

There are encouraging signs of a strengthened democracy and accountability climate propelled by the Speaker of the House of Representatives who has been taking an independent and strongly impartial approach to the business of interpreting the rules of procedure governing the Houses of Parliament, invoking the ire of even members of his own party in taking this course of action. The Speaker has strongly maintained the position that only through having civil relationships with the Opposition parties will it be possible for the government to obtain the political consensus necessary to make efforts to strengthen Parliament a reality.

Parliament can be supported by CIDA through the re-energising of the Association of Commonwealth Caribbean Parliamentarians (ACCP) and providing assistance for it to meet more often and be the forum for the discussion by regional Parliamentarians and members of the Opposition on issues of common concern. It is felt that this ACCP re-energisation would be salutary in providing Guyana's Parliamentarians with the assurances that their problems were not unique and that approaches to solving their problems can be found among their colleagues in the region.

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<sup>42</sup> The objective of the assessment is to deepen the IDB's knowledge (and that of the donor community in general) of its member countries in order to support the programming process and dialogue with its partners

Members of the Houses of Parliament should also be provided by CIDA with the opportunity to have exchanges with their counterparts in Canada at periodic intervals as there are some very useful lessons which could be learned on Parliamentary procedures and operations from the Parliamentarians from a sister Commonwealth Country.

The precedent where the Auditor General has been legislatively made completely independent of the Minister Finance is one that can over time be replicated in the case of other National Integrity Institutions in Guyana. The Auditor General now provides his reports to the Speaker of the House who now provides them for deliberation to the Public Accounts Committee, which is chaired by the Opposition party.

With regard to Freedom of Information, the current position is <sup>43</sup> that “ The Freedom of Information (FOI) Bill is still languishing in the National Assembly two years after it was first tabled as a private member's bill by then PNCR MP Raphael Trotman.” Mr. Trotman tabled the Bill in May 2006 prior to the general and regional elections in August 2006 and then again as an AFC MP in November 2006. Since then the FOI Bill has been appearing on the parliamentary order paper though it has not come up for debate. When Stabroek News asked Mr. Trotman why the FOI had not been debated he said he'd like a general consensus on it before it is debated and he'd like parliament to pass the bill. Trotman said currently all opposition political parties have agreed to support the FOI in principle but the PPP/C was still withholding its support. "I was hoping there would have been consensus on the bill because the PPP/C in their campaign manifesto has spoken about access to information legislation." One view of a leading PPP official was that the present legislation, when compared to the FOI Legislation found in Canada, was deficient. The Guyana draft law is based on a model from India. There seems to be a possibility that a FOI Act will be part of Guyana’s legislative framework in the near future. This being the case, CIDA should be prepared to assist the Government of Guyana with the provision of the necessary legislative drafting expertise to ensure that that country obtains an Act which is in all the circumstances is best suited to its development needs. The Government of Guyana would find it much more acceptable to have any legislative drafting needs that it has handled by the CARICOM Regional Legislative Drafting Facility, which is based in Georgetown, Guyana. In the past, there has been tension between the Government of Guyana and legislative draftspersons that were externally provided to Guyana for the drafting of specific, and sensitive, legislation. This experience however does not seem to preclude the draftspersons from the Regional Legislative Drafting Facility availing themselves of those best practices and legislative precedents from Canada’s Freedom of Information experiences which can be suitably adapted to the development needs of Guyana.

**SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Guyanese**  
**stakeholders and donor partners during Mission to Guyana )**  
**March 29- April 2, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
1.A renewed thrust by the donor community in Guyana to have a more harmonized and cooperative approach based on the Paris Declaration on Aid Effectiveness. Increasingly, the donor community is realizing that the best chances of success for their	1.Strong centralization of management control in the Office of the President robs individual ministries and ministers of the confidence to make decisions relating to their operational portfolios.

<sup>43</sup> As reported in the Guyana Stabroek News of April 11, 2008 and confirmed by CIDA/Guyana

<p>development programs reside in their cohesive efforts to speak with one voice on critical development issues.</p> <p>2.Despite a seemingly hostile and anti-business environment, the private sector is still sufficiently motivated to make a significant contribution to national development.</p> <p>3. Many elements of civil society, including the media, are willing to take the risks of political victimization and other forms of possible government retaliation as they engage in activities that seek to strengthen governance and accountability in the country.</p> <p>4. The government has been an active participant in a donor assisted Democracy and Institutional Analysis which should provide critical recommendations for the improvement of governance and accountability in Guyana. It is hoped that the government being part of the assessment will take steps to implement significant portions of the recommendations made therein.</p> <p>5.The current Public Affairs Committee, chaired by the Opposition and consisting of 60% government members and 40%Opposition members, has been working well and is making a genuine attempt to deliberate and act on the people’s business.</p> <p>6.The current Speaker of the House of Representatives has bent over backwards to adhere to the Rules of the House in its deliberations on the people’s business. This approach, while encountering some initial resistance on the part of his own party, is likely to gradually improve the tone of democracy on the part of Parliamentarians on both the government and opposition sides.</p>	<p>2.Civil society is largely weak, politically aligned (or seen to be), non-transparent, and union movement is fragmented. There is no legislation to govern and hold civil society to account. Weak advocacy role by civil society, not given opportunity to meaningfully participate in policy advocacy and development. Unable to perform role of watchdog or to influence change. NGOs/CBOs unable to access long term predictable funding and technical assistance.</p> <p>3.Government has weak ability to sustain implementation of identified public sector and other reforms. This inability to plan ahead is in part based on the unavailability or limited availability of the statistics necessary for good strategic planning.</p> <p>4.Media does not have a Code of Conduct to regulate its activities.</p> <p>5.Justice system has a huge backlog of civil and criminal cases which negatively impact on the public’s perception of its effectiveness.</p> <p>6.Lack of a strong public procurement system with no national integrity official supervising its working processes.</p>
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OPPORTUNITIES	THREATS
<p>1. Donor community has approved framework (Paris Declaration on Aid Effectiveness) within which to work towards more effective coordination.</p> <p>2. Guyana signed Paris Declaration in December 2005. MOF expressed willingness for better donor harmonization and coordination. Even though the Government of Guyana is less reliant on the donor community than in past years, and has many more flows of external assistance, it would still like to have the seal of approval of the international community with respect to how it governs the country. This wish to have the seal of approval of the international community enables that community to be highly influential with respect to those critical reforms that would improve Guyana's governance and accountability environment.</p> <p>3. A governance programme which focuses on strengthening civil society and which takes into account the real steps forward made by Parliament in improving its governance processes, would be in accordance with the Government of Guyana's present national development strategy and would not likely be resisted by government.</p> <p>4. The Government of Guyana does not seem averse to engagement with CIDA on various development issues.</p> <p>5. The significant IDB Justice Reform Project</p>	<p>1. The recent statement by the Government of Guyana against the methods of operation of the donor community in Guyana does not augur well for future good relations, unless handled with the utmost circumspection.</p> <p>2. The centralization of government control of ministries coupled with the absence of a strong public procurement system can lead to corruption of government processes.</p> <p>3. The high level of criminal violence and the inability of the security forces to effectively deal with lawless elements is a destabilizing factor which leads to outward migration and the general inability of the citizens to focus effectively on improved governance structures and processes.</p> <p>4. The severe periodic flooding of the city coupled with other environmental threats; act as a break to development in that they whittle away any economic gains made by the country through repetitive expenditure on infrastructure rehabilitation.</p> <p>5. The effective control by the Government of the Radio stations acts as a negative governance factor that can also affect how the population views democratic gains in the country.</p> <p>6. Civil society groups and individuals face a real threat of political victimization once they seriously undertake the route of strengthening governance and accountability in Guyana.</p> <p>7. The serious lack of resources in the public service at all levels is cause for concern as there will be very few highly trained resources which will be available to implement strengthened governance and accountability initiatives.</p>
<p>in Guyana offers CIDA the opportunity to contribute to critical areas of need in the justice system that are not covered by the IDB Project.</p>	

## Republic of Suriname

Suriname is a constitutional democracy, with a president elected by the unicameral legislature or by the larger United People's Assembly. The population is approximately 471,000. After generally free and fair elections in 2005, the New Front Plus government, a coalition of eight parties, was formed. In August 2005 the United People's Assembly reelected Ronald Venetiaan as President.

### Civil Society Organizations

There is a network of six NGO's in Suriname that bring together expertise and advocacy of issues in the following areas: Gender and Development, Housing, Social Welfare, Education Health and the Interior. Over the years, civil society organizations have had to step into the breach and directly supplement the development of various outreach programs that have supported the planned implementation of various governmental programs. These programs, while laudable in intent, simply could not be implemented because successive governments have not had the financial wherewithal and technical capacity to follow through on planned implementation of conceptualized project activities. Over time however, the effect has been that while the proposed projects of various NGO's have received funding from diverse donor and private sector sources, the government has not had the good fortune to obtain sufficient funding from its various sources to enable it to enlarge its development mandates. As a result, over the years government has become weaker and civil society organizations progressively stronger and better represented. This position has resulted in successive governments adopting a policy of antagonism to the NGO sector, which resulted in it not being treated as an equal development partner but as entities that while not been voted into power by the citizens have had significant influence in satisfying various service needs that could not be emulated, by successive governments. The challenge seems to be to narrow the perception gap between government and the NGO community with a view to making the latter true partners in development with an ability to influence and comment on government's governance policies in a reasoned and mature way.

As the role of NGO's in Suriname becomes more entrenched, it is important that the establishment of a good legal framework for their foundation and functions takes place. This is not presently the case as there is no legal framework governing the operations of NGO's and which protect them from unwanted governmental interference.<sup>44</sup> It is the view of the NGO community in Suriname that NGO's should be protected by legislation that allows NGO's to be registered without undue bureaucratic difficulties. The legislation should also address issues such as accountability and transparency, governance and financial sustainability. Transparency in civic organizations is important to ensure that those outside the organization can get an insight into their work and provide information on their track record of performance. The legislation should set minimum standards for self-governance, which the NGO's can impose by self-regulatory mechanisms. Finally, any NGO Law should also create the mechanisms that allow NGO's to achieve financial sustainability. This can be accomplished through tax exemptions or through tax deductions for donor contributions. We are of the view that the NGO community in Suriname could be immensely strengthened through the passage of an appropriate NGO Act along the lines of the NGO Act in force in Belize. The regional Caribbean Policy Development Centre (CPDC) could assist this strengthening process,<sup>45</sup> and it is so recommended.

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<sup>44</sup> Internationally the right to freedom of association can be found in the United Nations Universal Declaration of Human Rights from 1948 and in the International Covenant on Civil and Political Rights (ICCPR) from 1966. Article 22 of the ICCPR states that "everyone shall have the right to freedom of association with others" and this article is almost identical to Article 11 of the European Convention on Human Rights (ECHR) from 1950.

<sup>45</sup> The CPDC was established in 1991 by 20 member networks to influence public policy on behalf of the citizens who have least access to policy makers. The CPDC holds the view that legislation such as the NGO Act of Belize 2000, which is the result of six years of mobilisation by its members in Belize, can serve as model legislation for NGOs within CARICOM at this time when other laws are being harmonised. The CPDC supports NGO specific legislation as a guarantee of greater transparency and accountability among NGOs as they strive for greater public appreciation of their role.

## **Action Items**

- Encourage the Government of Suriname to have a look at the provisions of the regional Charter of Civil Society drafted by the CARICOM Secretariat with a view to incorporating its provisions into national legislation. In this regard, the NGO Act of Belize should be consulted with regard to providing general legislative guidelines as to how this matter can be approached;
- Technical assistance should be provided by the CPDC to civil society organizations in Suriname to enable them to articulate and draft a Code of Conduct that would operate as the template for civil society engagement with all parties, including government. This course of action would considerably reduce the existing tension between the government and civil society organizations, especially if the government were asked to provide comments on the contents of the Code, and would set the stage for both government and civil society groups seeing each other as critical development partners in the interest of Suriname. This would be of great value to the country as the government does not have the capacity to implement all its programs at this time and a working relationship with the NGO community could increase its implementation outreach throughout the country;
- Provide appropriate strengthening grants to NGO's with a good track record of acting in the interest of the citizens. These strengthening grants should be performance based and their quantum should be based on the number of citizens in their particular spheres of operation who will be benefited by their development interventions.

## **Access to Information**

Although the law provides for public access to government information, such access was limited in practice for citizens and non-citizens, including foreign media. While almost every ministry has an information service, onerous bureaucratic hurdles made obtaining information very difficult.<sup>46</sup> The Government of Suriname does not have a unified access to information system in place, governed by a single Access to Information or Freedom of Information, Law. Such a system was stated by numerous stakeholders to be of critical importance in keeping the citizens, and other persons interested in Suriname's affairs, apprised as to current information which the government may have on development or other matters which might be of interest to, and influence critical investment decisions of, third parties. This was particularly the case with the news media, which would be substantially empowered in their news reporting initiatives were they to have access to relevant government documents in a timely fashion. In the case of Suriname, because of its poor records management infrastructure, it is not possible to make an immediate transition to a fully functional access to information regime without substantial work being undertaken to improve the records management infrastructure and the provision of archival training and education to relevant members of government staff at various levels.

## **Action Items**

- Provide financing to enable academic training at the Degree level and exchanges between Surinamese and other records management and archive professionals in the wider Caribbean Region. This training could be provided by the Academy of Learning in Suriname in

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<sup>46</sup> See US State Department Report on Human Rights Practices (Suriname), 2007

conjunction with the University of the West Indies (UWI), which already provides regional journalist training through the auspices of its Caribbean Media Centre (CARIMAC), which is located at the Jamaica campus of UWI;

- Provide in-country Archival training to relevant members of public service staff at different levels;
- Provide technical assistance for the conservation and restoration of archival records in the form of paper, audio, video and film;
- Provide the necessary legislative drafting support to enable the Government of Suriname to draft a modern Freedom of Information Act; and
- Provide the necessary legislative drafting support to enable the Government of Suriname to draft an NGO Act.

### **Nationale Assemblée**

The Nationale Assemblée is comprised of 51 members that were elected by popular vote to serve five-year terms. At this time there are 51 seats in the Assemblée that are broken down along the following party lines: **NF 23; NDP 15; VVV 5; A-com 5 and A 1- 3**. During the course of the Assessment, the Deputy Speaker of the Assembly indicated that the pressing need at this time was for Assemblée members to be exposed to the workings of the Parliaments in the wider Caribbean Countries whose Parliaments are based on the British Westminster Model compared to the Republic of Suriname legal system which is based on the Dutch system incorporating French penal theory. We are of the view that while the systems of Government in the English-speaking Caribbean and the Republic of Suriname are different in origin, the difference is not sufficiently fundamental as to preclude the valuable exchange of democratic best practices between both systems. We therefore think that it would be very useful for CIDA to facilitate these exchanges.

### **Action Item:**

- CIDA should encourage, and financially provide for, the attendance of Republic of Suriname members of the Nationale Assemblée to training and other meetings of regional parliamentarians convened for this purpose.

### **Corporate Strengthening**

There was a general recognition among stakeholders that in the Suriname context there was a need to foster the cross-fertilisation of modern ethical and governance principles between Statutory Corporations and private sector companies. It was felt that this exchange of views and methods of operation would have a salutary positive effect not just on the public company personnel but on the staff of private sector firms also. A likely partner that was identified for this cross-training was the Suriname Business Forum.

### **Action Items**

- Provide financial assistance to the Suriname Business Forum to develop a curriculum and implement a training program for personnel at all levels of statutory Companies in the public service;

- Upon the formation of the proposed Caribbean Business Council,<sup>47</sup> the Council should be asked by the Suriname Business Forum to lend its assistance to regionalize its training programs and lessons learned to the wider regional governments as part of its governance improvement mandate.

**SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**  
**( Based on information obtained from engagement with Surinamese**  
**stakeholders during Mission to Suriname) April 3-5, 2008**

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<sup>47</sup> The CARICOM Secretariat and the Caribbean Association of Industry and Commerce propose to collaborate in the establishment of a regional business grouping to be called the Caribbean Business Council. This Business Council would be a relatively small group (perhaps 10-15 maximum) of capable and experienced Caribbean Business people, carefully selected from across the region to be truly representative in terms of geography, size of business and sector. One of its proposed action items is “ commitment for continued private sector participation in improving governance through recommendations and sharing of expertise with regional government entities.”

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<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<p>1. There are many Ministers of Government who are working to enhance democracy in the country and are sending a message of inclusiveness to civil society organisations and the wider private sector.</p> <p>2. The Ministry of Planning has comprehensive strategic plans to manage donor support and other assistance provided to Suriname in a strategic manner.</p> <p>3. Many civil society organizations continue to be willing to strengthen democracy and accountability in the country and are evincing greater willingness to establish working partnerships in achieving these goals.</p> <p>4. The Ministry of Planning has undertaken sector assessments for the NGO Community, the private sector and the public sector. These assessments will form the basis upon which government assistance will be provided to these sectors in a strategic and sustained manner.</p> <p>5. The Government has a National Development Plan that forms the basis upon which development in the country will be spearheaded.</p> <p>6. The news media are free and active and are aware that their staff members need more training.</p>	<p>1. The Government of Suriname has not yet executed the Paris Declaration on Aid Effectiveness.</p> <p>2. While there are fairly large number of radio and television stations, the legal framework governing defamation makes it likely that news organizations can be legally penalized even in those cases where the news organization took reasonable steps to prevent the dissemination of information declared to be defamatory.</p> <p>3. Civil society organizations do not operate using a Code of Conduct and there is no legislation in place, which regularizes the establishment and transparent operations of NGO's.</p> <p>4. The wider citizenry as well as the news media does not have access to official government information as there is no Freedom of Information Act or its equivalent.</p> <p>5. The Government does not have adequate capacity in its ministries to sustain the implementation of programs/projects critical to economic development. Public service officials while highly trained and competent at the higher levels are not so at the lower levels.</p> <p>6. Important statistics necessary for planning are unavailable.</p> <p>7. The Court system is overloaded with a severe backlog of civil and criminal cases which serves to erode confidence in the Rule of Law and leads to self-help measures being taken by citizens to resolve disputes.</p> <p>8. The Parliamentary system is weakened by the existence of a of a system of Proportional Representation that make members accountable to party leaders as opposed to the public who voted them into office.</p>

<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1.Strategic opportunity for proposed governance programme consistent with National Development Strategy.</p> <p>2.Senior government officials have no reservations in engaging with CIDA in achieving their development plans.</p> <p>3.Programmatic opportunities include Strengthening of Parliament, strengthening the media, enhancing access to information, justice system improvements and the provision of drafting services for new legislation.</p> <p>4. Strengthening civil society groups at various entry points to enable them to participate in policy dialogue with government in strategic planning areas. NGO's will be empowered to be advocates for strong governance and accountability systems in the country.</p>	<p>1.Perception that donors have hidden agendas and willing to bail out Government if requested, while continuing to not hold Government accountable. Too much aid by donors and lack of accountability translate to poor governance.</p> <p>2.Very strong perception of corruption due to weak governance structures and processes, lack of transparency, and tight control at the central level.</p> <p>3.Society being viewed as becoming increasingly criminalized. Politicizing of security and incapacity of security to adequately deal with criminal elements.</p> <p>4.Incapacity and/or lack of will on the part of government to effect fundamental changes.</p> <p>5.Continued exodus of skilled labour/professionals on regular basis due to sense of hopelessness.</p> <p>6.Control of radio (mitigated by the availability of different views in papers and television).</p> <p>7.Weak civil society becoming immobilized due to threats of political victimisation if they advocate too strongly for policy changes.</p>

<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1.Close donor community among regional donors in Barbados enhances the possibilities for donor coordination to work towards Paris Declaration on Aid Effectiveness (particularly with EU and DFID), and USAID on the Millennium Challenge Account.</p> <p>2.The drafting of an official Gender strategy for the country paves the way for the mainstreaming of critical</p>	<p>1.The willingness on the part of donors to establish parallel avenues of development which benefit and enhance their functioning but which do not enhance the development of the country, can be viewed as problematic. An example of this is that both the EU and CDB have established separate procurement of goods and services framework in the country while the national system is extremely weak and unsatisfactory to both donors.</p>

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<p>gender principles across the public and private sectors of the country.</p> <p>3.Integration of environmental governance into sustainable development planning at national and local levels.</p> <p>4. Civil society groups focused on governance areas can now obtain a niche from which to obtain positive changes in the governance climate in country.</p>	<p>2. There is a perception of corruption on the part of many citizens, which has arisen due to weak governance structures and processes, lack of transparency, tight control at the central level and the unwillingness to pass integrity legislation.</p> <p>3. Continued exodus of highly skilled labour/professionals due to sense of hopelessness.</p>
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## **The Commonwealth of Dominica**

The Commonwealth of Dominica is a multiparty, parliamentary democracy with a population of approximately 69,000. The three major political parties are the DLP, which is currently in power; the UWP; and the once-robust DFP, which ruled from 1980 to 1995, but no longer has a seat in Parliament and voted to remove its leader in 2006. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) in 2005 elections, the results of which were certified, despite challenges filed by the opposition in a few constituencies.

### **Media**

The press is free, and there is no censorship or government intrusion. Four private newspapers and an equal number of political party journals publish without interference. Although the main radio station is state owned, there is also an independent station. Citizens have unimpeded access to cable television and regional radio broadcasts, as well as to the internet. Despite these generally favourable media attributes, the assessment team was advised that the reporting of stories in the news media left much to be desired in terms of comprehensiveness, the ability of reporters to stick to their original stories, report on their final conclusions and accurately report on issues which have a significant policy content such as matters dealing with the World Trade Organisation, CARICOM and the EPA. This approach by reporters has left many citizens with a sense of dissatisfaction, as they are not sure whether a matter originally exposed in the media has been resolved to the public's satisfaction.

The Government of Dominica has now circulated a draft Broadcasting Act to various stakeholders, including civil society, for comments. The draft Act makes provision for the establishment of a Complaints Commission to which recourse can be sought for inaccurate reporting on the part of the radio and television media. Representatives of both government and civil society would staff the Commission.

### **Action Items:**

- It is recommended that CIDA provide a limited number of scholarships to promising reporters in Dominica who would be asked to participate in short-term training for investigative journalists proposed for CARIMAC;
- It is recommended that CIDA provide the necessary regional or Canadian technical assistance to assist the expeditious establishment and startup of activities of the proposed Complaints Commission. This technical assistance will likely be needed in the legal, project management and strategic planning areas.

### **Civil Society**

Advocacy groups are free to operate and include the Association of Disabled People, the Dominican National Council of Women, and a women and children's self-help organization. Workers have the right to organize, strike, and bargain collectively. Though unions are independent of the government and laws prohibit antiunion discrimination by employers, less than 10 percent of the workforce is unionized. Several attempts, to no avail, have however been made in Dominica to have civil society groups act with greater cohesiveness with relation to the identification and implementation of issues of national concern. While evidence emerged during the course of the assessment that civil society groups have been actively consulted on various pieces of legislation proposed by government (e.g. present Broadcasting Act), much more needs to be done to

facilitate its involvement on a continuous basis. A step in the right direction is the proposed Stakeholder Consultative Dialogue Mechanism by the government that proposes to have public and private sector representatives as part of its management processes to enable the public and private sectors to make inputs into government policy formulation. To facilitate the more efficient functioning of civil society in a small society of 70, 000 persons, the following action items for CIDA is recommended:

### **Action Item**

- Seek to create an umbrella NGO body through the provision of a strengthening grant for the establishment of such a body. NGO's which act in partnerships with others to address significant issues relating to strengthening democracy and accountability in Dominica and who will act in concert with regional NGO's having the same mandates, will be provided with technical assistance and training which can be used to leverage their financial sustainability over time. Requests for the provision of assistance in such areas as proposal writing, fund-raising, financial management, project implementation and monitoring and strategic planning will be viewed favourably. A Memorandum of Understanding will be brokered and executed between private sector companies in Dominica, and the NGO umbrella body that provides for the private sector, to contribute financially to the work of the NGO's. One condition of this Memorandum of Understanding should be that the umbrella body adheres to current international standards of accounting and auditing in terms of its stewardship of donated funding prior to actual funds disbursements.

### **Public Sector Procurement of Goods and Services**

According to a recent report,<sup>48</sup> corruption in the Commonwealth of Dominica is a moderate problem. It was ranked eighth out of twenty countries in the Americas surveyed in Transparency International's 2007 Corruption Perceptions Index. While the assessment team did not identify any acts of actual corruption, we contend that the climate within which the public procurement of goods and services is effected is so lax in terms of laws and administrative processes that real opportunities for corruption are being provided to the users of the system.

In Dominica, for contracts for goods, advertisement and competitive tendering is required by Regulations/Rules.<sup>49</sup> In actual practice, under local funding situations, advertisements are not undertaken. There are serious risk issues in the current Dominica procurement system. Guidance for procurements is scattered in various outdated procurement regulations and procedures. There is a lack of appropriate legislation,<sup>50</sup> shortage of basic skills, and inadequate organization. The existing procurement regime, in the form of regulations and rules emanating from the Minister of Finance, does not have the status of law as administrative instruments can easily be superceded without regard to: (i) the concerns of economy, efficiency, competition, and transparency in procurement, and (ii) the rights of suppliers/contractors. It does not contain those standard provisions normally included in a procurement law similar to the UNCITRAL<sup>51</sup> model. As an example, under government-funded projects, the existing procurement procedures (e.g., approved list of suppliers, contractors and consultants, the general use of selective tendering as the default

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<sup>48</sup> Transparency International Corruption Perceptions Index, 2007

<sup>49</sup> Regulations 282 and 286 read with Regulations 278 and 280 of the Dominica Financial (Stores) Regulations, 1980

<sup>50</sup> See Chapter 6301, Section 173, of the Laws of Dominica

<sup>51</sup> The United Nations Commission on International Trade Law was established by the United Nations General Assembly in 1966 "to promote the progressive harmonization and unification of the law of international trade." The UNCITRAL Secretariat has its seat in Vienna (Austria).

procurement method) are not conducive to the procurement of goods, works and services, with due regard for competition and transparency. There are also delays in project execution because of lack of proper project design and detailed engineering design before tendering for procurement contracts, lack of adequately trained professionals, and weak procurement planning in such areas as procurement planning, managing the bidding process, contract award and contract administration. There is also untimely release of funds against allocations already made in the budget.

## Action Items

- Provide the necessary legislative drafting expertise to the Government of Dominica to enable it to replace the outdated regulatory framework and institutional arrangements that presently governs the existing procurement system;
- CIDA should assist the Government of Dominica with the training of existing professional staff in critical areas such as procurement, project planning and project and contract management;
- Initiate policy dialogue with the Government of Dominica with a view to having it consider the abolition of the existing centralized Tender Board and decentralizing procurement functions to the ministries, departments and agencies. As an accompanying measure, the government would also be asked to reduce the associated bureaucracy, curtail inefficiencies, and devolve procurement oversight to an autonomous policy and regulatory body;
- Provide technical assistance services to enable the Government of Dominica to issue guidelines requiring:
  - Preparation of appropriate procurement plans;
  - Adoption of realistic budgets;
  - Use of bidding documents with clear post qualification requirements;
  - Advertisement of contracts on a regional basis;
  - Inclusion of technically competent staff in evaluation committees;
  - Implement efficient, secure and transparent procurement record management systems;
  - Develop a comprehensive set of tools to facilitate implementation of revised procurement systems (e.g. standard bidding documents, handbook of public procurement procedures);
  - Develop contract administration tools and capacity;
  - Train staffs of the Accountant General and Director of Audit to strengthen the accounting and auditing functions;
  - Enhance the accounting and auditing functions through the purchase and installation of technology (e.g. computers, networks and computerization of functions);
  - Introduce prevention of corruption legislation such as whistleblower protection and freedom of information;
  - Establish appropriate anti-corruption agencies;
  - Train appropriate staff (including prosecutors from the office of the DPP) in anti-corruption investigative techniques; and
  - Establish a corruption hotline with open access to the public for reporting corruption cases which need to be investigated.

## Access to Information

The Government of the Commonwealth of Dominica does not presently have a freedom of information regime that is supported by law. While a draft Freedom of Information Act was prepared in 2006, it has not yet been presented to Parliament for enactment consideration. There is every indication from stakeholders in Dominica that the establishment of a Freedom of Information regime would be of great value to the media, and civil society generally, with respect to them obtaining critical information in the performance of a “watchdog” role over government democratic practices. In order for the Commonwealth of Dominica to establish a viable Freedom of Information regime, it will need to undertake the following actions that are not fundamentally different from those recommended for the Government of the Republic of Suriname. These are:

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CIDA Lead Consultant, CGAP

- Provide financing to enable academic training at the Degree level and exchanges between Dominican and other records management and archive professionals in the wider Caribbean Region. This training could be provided by the Academy of Learning in Suriname in conjunction with the University of the West Indies (UWI), which already provides regional journalistic training through the auspices of its Caribbean Media Centre (CARIMAC), which is located at the Jamaica campus of UWI;
- Provide in-country Archival training to relevant members of public service staff at different levels;
- Utilise the services of a regional NGO such as the Caribbean Policy Development Centre<sup>52</sup> to provide training in access to information matters to the staff of line ministries in Dominica and all other countries establishing new Access to Information Regimes;
- Provide technical assistance for the conservation and restoration of archival records in the form of paper, audio, video and film.

## **Diaspora**

**It is clear that the policy would be an important means for allowing the structured engagement of the Diaspora in the development effort.”<sup>53</sup>**

Dominicans in the Diaspora more than double the existing population of 69,000 persons. It has been conservatively estimated that between 150,000 and 160,000 adult Dominicans migrated from the Island since the 1940's to the United Kingdom, Canada and the United States.<sup>54</sup> They have contributed significantly to poverty alleviation by remittances, providing food and other essentials to relatives by means of the barrel trade, and by investments in real estate by emigrant Dominicans. Remittances contribute to economic growth as a source of foreign exchange and in assisting with the balance of payments. Remittances are not officially recorded, but it is likely that they account for over 10% of Dominica's GDP. Based on Latin American and Caribbean Immigrant remittance expenditure from the United States, which average US\$2,500 per year,<sup>55</sup> Dominica's Diaspora population's remittances are estimated at EC\$80-90 million a year, or about 12% of GDP in 2004.<sup>56</sup>

The Government of the Commonwealth of Dominica is committed to a Diaspora Policy based on the objectives of: (a) increasing investment and participation of the Diaspora in Dominica's development; and (b) encouraging Diaspora Dominicans to work or retire in Dominica. The measures for the medium-term are:

- Articulating and implementing the Diaspora Policy;
- Utilising the National Development Corporation's one-stop shop to promote investment in Dominica.<sup>57</sup>

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<sup>52</sup> For details of the CPDC, see Appendix 8 (g) of this Mission Field Report

<sup>53</sup> Dominica Academy of Arts and Sciences (2004), Draft Dominica-Diaspora Policy Paper

<sup>54</sup> *ibid*

<sup>55</sup> Manuel Orozo (2003), "The Impact of Migration in the Caribbean and Central American Region," Focal Policy Paper

<sup>56</sup> Commonwealth of Dominica, Medium-Term Growth and Social Protection Strategy, 2006

<sup>57</sup> *ibid*

## Action Items

- It is recommended that CIDA assist in the operationalising of the Commonwealth of Dominica’s Diaspora Policy with the provision of technical assistance to establish a database of Diaspora Skills in Canada;
- Encourage and provide technical assistance to the Government of the Commonwealth of Dominica to establish close communication linkages with the Ministry of Foreign Affairs of the Government of Jamaica with respect to the study and compilation of best practices on the implementation of the Dominica Diaspora Policy;
- Ensure that a revised government procurement system specifically allows for the communication of consulting opportunities to members of the Diaspora that are identified and collected in the above-proposed database of Diaspora Skills in Canada.

### SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING

(Based on information obtained from engagement with Dominican stakeholders and donor partners during Mission to Dominica)  
April 21-22, 2008

STRENGTHS	WEAKNESSES
<p>1. Bilateral donors willingness to engage in efforts to harmonize development cooperation through the Paris Declaration on Aid Effectiveness.</p> <p>2. The strong support of the Government of the Commonwealth of Dominica for the solicitation of the views of recognized civil society organizations in the formulation of national legislation and national policy positions.</p> <p>3. The strong support of the Government of the Commonwealth of Dominica for the implementation of a Diaspora outreach policy that recognizes the Diaspora as an important contributor to national development in a number of critical areas.</p> <p>5. Strong and vibrant print and radio media which by and large operates free of undue governmental restrictions and impositions.</p>	<p>1. The Bilateral donors operate internally using criteria formulated within their host countries. As a result, it might prove very difficult to obtain donor harmony in working together to achieve mutually shared objectives.</p> <p>2. Civil society organisations in Dominica lack cohesiveness and the ability in most cases to work in partnerships which coalesce around the achievement of a particular governance goal which is of particular interest to the nation.</p> <p>3. The Commonwealth of Dominica Diaspora, while representing a potent force for development of the country, has been misunderstood in the past when its members start arriving in the country to undertake specific development tasks. In these cases, there has been real resentment shown to some Diaspora members from citizens who did not emigrate to seek their fortunes.</p> <p>4. The freedom with which the print and electronic media</p>

<p>6. The preparation of a draft Access to Information Act by the Government that provides a legal framework to make information on governmental processes more transparent and easily accessible.</p> <p>7. Civil Society still willing to step up to the task of nation building.</p>	<p>operate in Dominica is not matched by the ability of its reporters and other news personnel to deliver investigative reporting of a high caliber and on a sustained basis due to the high levels of training for the job</p> <p>5. The inability of the Government of the Commonwealth of Dominica to obtain regular legislative drafting assistance as an important catalyst to the speed with which legislation can be enacted and brought into the national law of the land.</p> <p>6. Lack of political will on the part of government to make those policy decisions that will result in fundamental changes to the governance structure in the country. A prime example of this is the inability of the government to activate an Integrity in Public Office Law that was passed in the House of Assembly in 2003.</p>
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### **Saint Kitts and Nevis**

Saint Kitts and Nevis is a multiparty, parliamentary democracy and federation, with a population of approximately 39,200. In the 2004 national elections, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won seven seats in the eleven-seat legislature. International observers considered the electoral process flawed.<sup>58</sup> The federal government consists of the prime minister, the cabinet, and the unicameral National Assembly. Elected Assembly members - eight from Saint Kitts and three from Nevis-serve five-year terms. The constitution provides the smaller island of Nevis considerable self-government under a premier, as well as the right to secede from the federation in accordance with certain enumerated procedures. In July 2006 voters in Nevis elected Joseph Parry of the Nevis Reformation Party (NRP) as premier.

### **Public Sector Procurement of Goods and Services**

In the case of Saint Kitts and Nevis, the existing Statutory provisions require competitive tendering and advertising for all contracts valued at EC\$30,000 (US\$11,000 equivalent).<sup>59</sup> In practice, under local funding contracts, advertisement is not undertaken unless the value of the procurement is in the range of EC\$500,000 (US\$185,185 equivalent). There is no explicit requirement that open competitive bidding is the preferred, or even the default procurement method under the existing procurement Regulations/Rules. In the case of Saint Kitts and Nevis, the regulations provide for the publication of contract award information in the Gazette, however in practice this requirement is not followed. Further,

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<sup>58</sup> See 2007 US State Department Country Report (Saint Kitts and Nevis)

<sup>59</sup> Rule 205 read with Rules 206 and Rule 200(3) of the Stores Rules of Saint Kitts and Nevis

while unsuccessful bidders are advised that they have not succeeded, they are not provided with information about the name of the winning bidder or the contract price. The general public is not notified of the description and amount of the contract, or the name of the successful bidder.

Unlike the case of Dominica, we were not able to obtain a ranking for Saint Kitts on Nevis in the 2007 Transparency International Corruption Perceptions Index. While the assessment team did not identify any acts of actual corruption, we contend that the climate within which the public procurement of goods and services is effected is so lax in terms of laws and administrative processes that there are serious risk issues in the current Saint Kitts and Nevis local procurement system. Guidance for procurements is scattered in various outdated procurement regulations and procedures. There is a lack of appropriate legislation, shortage of basic skills, and inadequate organization. The existing procurement regime, in the form of regulations and rules emanating from the Minister of Finance, does not have the status of law as administrative instruments can easily be superceded without regard to: (i) the concerns of economy, efficiency, competition, and transparency in procurement, and (ii) the rights of suppliers/contractors. It does not contain those standard provisions normally included in a procurement law similar to the UNCITRAL model. As an example, under government-funded projects, the existing procurement procedures (e.g., approved list of suppliers, contractors and consultants, the general use of selective tendering as the default procurement method) are not conducive to the procurement of goods, works and services, with due regard for competition and transparency. There are also delays in project execution because of lack of proper project design and detailed engineering design before tendering for procurement contracts, lack of adequately trained professionals, and weak procurement planning in such areas as procurement planning, managing the bidding process, contract award and contract administration.

### **Action Items**

- Provide the necessary legislative drafting expertise to the Government of Saint Kitts and Nevis to enable it to replace the outdated regulatory framework and institutional arrangements that presently govern the existing procurement system;
- CIDA should assist the Government of Saint Kitts and Nevis with the training of existing professional staff in critical areas such as procurement, project planning and project and contract management;
- Initiate policy dialogue with the Government of Saint Kitts and Nevis with a view to having it consider the abolition of the existing centralized Tender Board and decentralizing procurement functions to the ministries, departments and agencies. As an accompanying measure, the government would also be asked to reduce the associated bureaucracy, curtail inefficiencies, and devolve procurement oversight to an autonomous policy and regulatory body;
- Provide technical assistance services to enable the Government of Saint Kitts and Nevis to establish a formal procurement system and issue guidelines requiring:
  - Preparation of appropriate procurement plans;
  - Adoption of realistic budgets;
  - Use of bidding documents with clear post qualification requirements;
  - Advertisement of contracts on a regional basis;
  - Inclusion of technically competent staff in evaluation committees;
  - Implement efficient, secure and transparent procurement record management systems;



- Develop a comprehensive set of tools to facilitate implementation of revised procurement systems (e.g. standard bidding documents, handbook of public procurement procedures)
- Develop contract administration tools and capacity;
- Train staffs of the Accountant General and Director of Audit to strengthen the accounting and auditing functions.
- Enhance the accounting and auditing functions through the purchase and installation of technology (e.g. computers, networks and computerization of functions) ;
- Introduce prevention of corruption legislation relating such as whistleblower protection and freedom of information
- Establish appropriate anti-corruption agencies;
- Train appropriate staff (including prosecutors from the office of the DPP) in anti-corruption investigative techniques
- Establish a corruption hotline with open access to the public for reporting corruption cases to be investigated.

### **Access to Information**

While no laws provide for public access to government information, the government maintains a Website<sup>60</sup> with limited information concerning government actions and structure. While this website can be enlarged in the future to provide greater information to the citizenry, we are of the view that much more will be needed than an enlarged website to satisfy the need of the citizens for critical information on how the government is being run than can be adequately presented on an Internet website, no matter how sophisticated it is. This view was borne out by a majority of the stakeholders interviewed in Saint Kitts and Nevis who were of the view that a predictable regime, governed by law, was what was required to enable governmental information to be available to the citizens over time. Such a system would need to be so structured that information was available to citizens not based on individual preference, but would be available under compulsion of law. It is recommended that CIDA assist the Government of Saint Kitts and Nevis in establishing a freedom of information regime that is in accordance with the wishes and expectations of the stakeholders and wider citizenry.

### **Action Items**

- Provide technical assistance in the form of legislative drafting support that allows the Government of Saint Kitts and Nevis to refine its existing Freedom of Information Draft Legislation, which has been in draft form for a number of years. This technical assistance should be delivered in conjunction with other assessment countries that have identified a need for new Freedom of Information/Access to Information Legislation, to ensure that to the maximum extent possible, the laws on freedom/access to information are harmonised across the region;
- Assist the Government of Saint Kitts and Nevis with the necessary technical assistance and personnel training that would allow it to convert more information on governmental procedures and processes into electronic form. This converted information can be used to expand the existing government website as well as be retained by government line ministries as part of their future information outreach intentions;

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<sup>60</sup> [www.gov.kn](http://www.gov.kn)

- Assess the Central Planning Unit with a view to establishing how the development and maintenance of government statistical information is being treated. It will not be possible to have an efficient freedom of information regime that is not based on accurate statistical and other information relating to government's records and processes;
- Plan to provide the necessary computer software and hardware that will enable line ministries to developed an interconnected communication system with respect to the processing and delivery of information to the wider public under the proposed new freedom of information regime;
- Work with the Government of Saint Kitts and Nevis to identify and train relevant persons in each line ministry to enable them to be critical information interface officers with members of the public when the freedom of information system becomes fully operational.

### **Legislative Drafting**

Like most of our assessment stakeholders in other countries, the stakeholders interviewed in Saint Kitts and Nevis invariably mentioned the dearth of legislative drafting expertise available to the government in the pursuit of its development mandates in various sectors. Areas of development in democracy strengthening that have suffered from the lack of drafting skills in the past are: Freedom of Information, Environmental Planning and Broadcasting Legislation. While there is need in almost all of the assessment countries for more legislative drafting assistance, the reality is that it would be most beneficial for the region if legislation could be drafted on a more centralized basis to enable the production of legislation for the various countries in a harmonised manner which reflects the true legal traditions across regional countries.

### **Action Items**

- It is recommended that CIDA seek to engage the CARICOM Secretariat in a dialogue whose objective would be to re-energise the existing CARICOM Regional Legislative Drafting Facility based in Georgetown, Guyana, which was established to perform a regional legislative drafting function for CARICOM Countries. This re-energising process would take into consideration the significant work done regionally by the Drafting Facility in critical areas such as the Caribbean Single Market negotiations, and the harmonization of critical regional legislative enactments in the CARICOM Countries;
- The CARICOM Secretariat would be encouraged to place the Regional Legislative Drafting Facility under its regular recurrent budget in the interest of ensuring the sustainability of its operations over time;
- The daily workings of the Legislative Drafting Facility would be more closely brought under the supervision of the CARICOM Secretariat General Counsel to ensure that its operations are more closely aligned with the needs of the wider CARICOM Countries;
- Renewed efforts would be made to recruit the services of a full-time Director of the Facility with sufficient standing in CARICOM Countries to ensure the seamless acceptance and implementation of its legislative drafting mandates throughout the region.

## **Civil Society Strengthening**

### **○ Chamber of Commerce**

The Saint Kitts Chamber of Commerce has dynamic leadership and is presently a civil society watchdog on government operations in many areas such as the provision of incentives to overseas businesses by government, the possibility of establishing a tripartite (government, private businesses, and trade unions) business committee to spur national development, the development of an access to information regime, the drafting and passage of integrity legislation which would require that Parliamentarians declare their assets and the appointment by government of an Ombudsman. The Chamber could utilize its advantageous standing as being regarded as the pre-eminent civil society organization in Saint Kitts exercising a watchdog role over possible governmental excesses and or inaction, through the financing of a number of strengthening actions by CIDA. These actions are identified in the “Action Items” section below.

## **Action Items**

- Convene local and regional training courses in negotiations, lobbying and establishing action partnerships in order to strengthen the ability of personnel in the Saint Kitts Chamber of Commerce, and wider region, to more effectively undertake its (their) civil society watchdog role(s);
- Assist the Saint Kitts Chamber of Commerce build its research capabilities on governance matters through the provision of the appropriate software and hardware to enable it to establish an internal research unit.
- **Bar Association**

The Saint Kitts and Nevis Bar Association was identified as in need of assistance to enable it to serve the members of the public under the auspices of ethical guidelines which are widely known and which can be equitably enforced regionally by the members of the Bar themselves. It was thought that the best way to achieve this state of affairs was through the drafting and enforcement of a Code of Ethics for the members of the legal profession in Saint Kitts and Nevis.

## **Action Item**

- CIDA to provide technical assistance to the Saint Kitts and Nevis Bar Association, the OECS Bar Association and the regional Organization of Commonwealth Caribbean Bar Associations, to enable these organizations to work together to draft a Code of Ethics for the Bar in Saint Kitts and Nevis, and the wider Region, which could be enacted into the national legislation of each Caribbean Country which does not presently have a Code of Ethics governing the operations of its Bar Association.

## **Public Accounts Committee**

The Standing Public Accounts Committee of the National Assembly consists of not less than three and not more than five members of the National Assembly.<sup>61</sup> The Committee is by law chaired by the Leader of the Opposition. Over the past several years the Committee has not met to transact its business, and the assessment team was apprised by stakeholders of the uneasiness being experienced by citizens as to how certain aspects of

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<sup>61</sup> Statutory Rules and Orders No. 30 of 1969

government business over which the committee has jurisdiction, are being carried out. While there seems to be no simple explanation as to the inaction of the Committee over time, we believe that the concern of the stakeholders is justified as critical functions such as the review of the Annual Reports of the Director of Audit fall within its review and discussion responsibilities. To the extent that these responsibilities are not being carried out at regular intervals, then to that extent is the governance climate of Saint Kitts and Nevis being impaired.<sup>62</sup>

### **Action Items**

- CIDA should enter into dialogue with the Government of Saint Kitts and Nevis as well as with the Leader of the Opposition to see in what way it could assist in re-starting the operations of the Public Accounts Committee;
- CIDA could assist the Government of Saint Kitts and Nevis in financing the attendance of members of the Public Accounts Committee to relevant training programs relating to being a member of a Public Accounts Committee at training venues in Canada, the Commonwealth Parliamentary Association and at the Assembly of Commonwealth Caribbean Parliamentarians when this latter body starts to meet in the Caribbean Region on a periodic basis;
- CIDA could assist both the Government of Saint Kitts and Nevis and the Leader of the Opposition to determine in what ways the legislative framework of the Public Accounts Committee could be strengthened so that in future the guidelines for the functioning of the Public Accounts Committee are more easily ascertainable;
- CIDA could assist the PAC in Saint Vincent as well as regional PAC's, to design a mechanism that would ensure that their performance can be periodically disclosed to the public.<sup>63</sup>

### **SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**

**(Based on information obtained from engagement with Saint Kitts and Nevis stakeholders and donor partners during Mission to Saint Kitts and Nevis April 23 – April 25, 2008)**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
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<sup>62</sup> See World Bank Institute; Parliament Strengthening Program Retrospective, Pg. 19

<sup>63</sup> The World Bank FCAA Country Financial Accountability Assessment for Antigua & Barbuda, Dominica, Grenada, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, pg. 7

<p>1.The Government of Saint Kitts and Nevis has had legislation drafted relating to: (a) Access to Information; (b) The establishment of an Ombudsman</p> <p>2.Civil Society Organisations have no representation in a number of critical areas where their contributions could make a difference, such as the Public Accounts Committee, which is chaired by the Leader of the Opposition and has both opposition and government membership.</p> <p>3.There is a strong Chamber of Commerce that is willing an able to make a significant contribution to strengthening the democratic environment in Saint Kitts and Nevis.</p> <p>4.Civil Society still willing to step up to the task of nation building.</p> <p>5. The utilization of a high percentage of women (62%) in strong senior-level positions in the public service (e.g. Permanent Secretaries in Finance, Sustainable Development, National Security, Consumer Affairs &amp; Commerce, legal&amp; justice).</p> <p>6.An active media with few legislative hindrances on its free operation.</p>	<p>1.The legislation drafted for the establishment of an Access to Information Regime has not be approved as part of the national law and there is some civil disquiet as to the choice of government of an Ombudsman.</p> <p>2. The private sector, including the Saint Kitts and Nevis Chamber of Commerce, is still weak and needs to have technical assistance and training support to enable it to reach its full potential for being a critical civil society watchdog for democracy.</p> <p>3. Weak statistics and baseline indicators affect planning, monitoring and evaluation, and implementation of reforms.</p> <p>4. A seeming lack of political will to effect certain fundamental changes to the governance regime. An important example of this seems to be the absence of integrity legislation that would require the declaration of the assets of public officers and the non-implementation of an access to information regime, which has been under discussion for several years.</p> <p>5.The absence of Codes of Conduct governing the news media.</p> <p>6.A public procurement system that has a weak legal framework governing its operations and which has many loopholes for its abuse.</p> <p>7.The dearth of legislative drafting skills available to the government weakens its ability to have an active and current legislative agenda for development.</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1. Opportunity to create space for civil society inputs into governmental decision-making on governance issues and to enable the monitoring of the progress being made on governmental compliance with various international commitments that have good governance implications.</p> <p>2.Integration of environmental governance into</p>	<p>1.The existing procurement of goods and services system provides real opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in system administrative procedures and their lack of transparency.</p> <p>2.The society is increasingly being beset by violent criminal acts many of which have their origins in narcotics trafficking. If these</p>

<p>sustainable development planning at national and local levels.</p> <p>3. The present Prime Minister of Saint Kitts and Nevis has identified areas of cooperation that his government can forge with CIDA, which are within the purview of CGAP.</p> <p>4. The establishment of a formal Freedom of Information regime for Saint Kitts and Nevis provides real prospects for the wider sharing of government development information with the citizens who will be empowered to participate more actively in the governance of their country.</p> <p>5. CGAP provides an opportunity to provide significant technical assistance to the Government of Saint Kitts and Nevis to assist it to modify its procurement of goods and services system that has been identified as a key constraint to the effectiveness of governance in the country.</p>	<p>acts escalate beyond the ability of the state's security apparatus to deal with them, the economy will suffer grave economic consequences due to the necessity to pay for the importation of outside resources to deal with them.</p> <p>3. The dearth of legislative drafting expertise in Saint Kitts and Nevis, and the wider Caribbean, acts as a serious retardant to the country establishing the necessary legislative framework, which is the precursor to the development of new systems of governance in the country.</p> <p>4. The inability of the government to obtain persons of the necessary intellectual calibre to enable a fast-forwarding of its development plans.</p> <p>5. The interruption of the economy by a natural disaster such as a hurricane or earthquake.</p> <p>6. The continued emigration of skilled personnel overseas primarily to such countries as Canada, the United States and the United Kingdom.</p>
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## **Antigua and Barbuda**

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 83,000. In the 2004 parliamentary elections, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Mr. Baldwin Spencer became Prime Minister.

### **Public Sector Procurement of Goods and Services**

The financial regulations for the contracts system are quite clear. The award of contracts is administered under the Tenders Board Act. Under the Act, a Tenders Board has the sole and exclusive authority to invite, consider and accept or reject offers for the supply of articles or for the undertaking of works in relation to government and statutory boards. Under Section 11(3) members of the Tenders Board who are members of companies, firms or who are partners of any business or who is employed by any person, or who is married to a person who has submitted an offer to the Board, for the supply of articles or for the provision of service in connection with a subject under consideration by the Board, are required to disclose/declare the fact and to excuse themselves from any consideration or discussion or vote on any question relating to that offer.

Under Section 20 (1) of the Act, the tender's board must:

- Invite members of the public to make offers by notice in the Gazette and in local or overseas newspapers;
- With the approval of the Minister, invite such bodies or persons on a shortlist to tender;
- The Act requires that the Board accept the lowest offer except where it has good reason to justify the acceptance of an offer higher than the lowest offer. However the Board must inform the Minister through the submission of a report. This therefore provides discretion to the Board;
- The Board is also required to publish in the Gazette, the name of the person/body that is awarded the contract, the value of the tender, and the date on which the award was made.

Despite the above contract regime, many stakeholders in Antigua & Barbuda were of the view that the provisions and procedures for the proper management of contracts were inadequate. Past Commissions of Inquiry were of the view that there is an unusual governmental i.e. Executive involvement in the awarding of contracts. This seems to be borne out by the Tenders Board Amendment Act, 2002 which provides that “Whenever articles or works or any services in connection therewith are required to be supplied or undertaken on behalf of the Government or statutory body to which this Act applies, the Government or such statutory body shall apply in writing to the Board to- grant it exemption from the tender procedure under the Act.”<sup>64</sup> Two high-profile Commissions of Inquiry, namely the Blom-Cooper Report (1990) and the Royal Commission into the Medical Benefits Scheme, July 2002, have condemned such practices in the country.

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<sup>64</sup> Section 3 (1) (b)

## Action Items

- CIDA should encourage the Government of Antigua and Barbuda to once again review the Tenders Board Act with a view to eliminating those exceptions under it that reduce transparency in government procurement transactions;

In order to effect the thorough revision of the Tenders Board Act and any other procurement enactments that negatively affect the transparency of the procurement process, CIDA should provide the services of a legislative draftsman who is prepared to offer his/her services to the wider Caribbean in the interest of harmonizing the procurement laws of all regional countries that have the same needs as Dominica, Saint Kitts and Nevis, Antigua and Barbuda and Saint Lucia.

## Access to Information

As governments worldwide move towards openness and transparency, the development of legislation to facilitate access to information is an essential requirement for modernization of the public sector and for effective governance. Access to information legislation is one way to ensure integrity in public life. Over 68 countries have approved national legislation and many are actively involved in the implementation of these laws. Globally the move to openness is supported by statements aimed at ensuring universal and equitable access to information as a basic human right. Factors influencing the approval of this legislation have included internal and external pressures from civil society, local and international press associations, and regional and international organizations. These laws mainly have an overall objective of mitigating corruption and provide the general public with the ability to request documents and other materials held by all government agencies and other agencies receiving public funds. The exemptions identified under the laws are usually based on ensuring national security.

In the English-speaking Caribbean, Antigua and Barbuda along with, Belize, Jamaica, and Trinidad and Tobago have passed access legislation as indicated in Table 2 in this Report. The Antigua Freedom of Information Act, 2004, speaks about the appointment of an Information Commissioner under Section 35 (1) thus: **“The Governor General acting on the recommendation of the Prime Minister and with the approval of both Houses of Parliament signified by resolution, shall appoint an Information Commissioner for the purposes of this Act on such terms and conditions as may be specified in the instrument of his appointment.”** While the Information Commissioner has substantial powers over public authorities<sup>65</sup> including a power to investigate,<sup>66</sup> it should be noted that he is required to provide Annual Reports and other requested information to the Minister of Public Information under Section 39 (1) of the Act. It is the Minister of Information who has the responsibility to lay the Annual Reports before the House of Representative, **“as soon as practicable after he has received the report.”**<sup>67</sup> It is our view that the Freedom of Information Act as drafted provides too much discretion to the Minister to present annual reports to the House of Representatives. This situation could lead to abuse by future political administrations.

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<sup>65</sup> Section 43 (1)

<sup>66</sup> Section 44

<sup>67</sup> Section 39 (2)



## Action Items

- CIDA to engage in policy dialogue with the Government of Antigua and Barbuda with respect to the revision of the existing Freedom of Information Act to embrace the possibility of the Information Commissioner providing his Annual Reports directly to the Speaker of the House of Parliament, within a specified time limit;
- CIDA should be prepared to provide the Government of Antigua with the technical assistance services of a legislative draftsman who is able to appropriately modify the existing Freedom of Information Act in harmony with the provisions of other regional models;
- With respect to the full implementation of the provisions of the Freedom of Information Act, CIDA should contemplate providing the following assistance:
  - Provide financing to enable academic training at the Degree level and exchanges between Antiguan and other records management and archive professionals in the wider Caribbean Region. As previously recommended under the country assessment for Suriname, such training could be provided by the Academy of Learning in Suriname in conjunction with the University of the West Indies (UWI), which already provides regional journalistic training through the auspices of its Caribbean Media Centre (CARIMAC), located at the Jamaica Campus of the University of the West Indies;
  - Provide in-country Archival training to relevant members of public service staff at different levels. This is especially the case for line Ministry information officers, one of whom is required by the Act to be placed in each line Ministry;
  - Provide technical assistance for the conservation and restoration of archival records in the form of paper, audio, video and film;
  - Provide the necessary computer software, hardware and networking technical assistance to enable the networking of the Freedom of Information system throughout the public sector; and

Provide funding to enable the conduct of public awareness programs to apprise the wider public of the intent and workings of the Freedom of Information Act.

## Corruption Prevention Act, 2004

The Act seeks to make provision for the prohibition of corruption and sets out penalties for persons who are found guilty of committing such acts. Under Clause 9 of the Act, the offence of corruption is presumed if money is paid to or received by an agent by or from a person holding or seeking to obtain a contract from a public body. The defence of the inability of the accused to do or lack of authority to perform the act for which the property, benefit or advantage was received is not recognized under the Bill as a defence. It is important to note that section 16 of this Act states categorically that “No prosecution shall be brought under the provisions of this Act unless the consent of the Director of Public Prosecutions is obtained.” This is likely to be a challenge, as the Office of the Director of Public Prosecutions in Antigua is a small one with limited staff all the while having the supervision of all prosecuting attorneys and police prosecutors (non-lawyers) in the court system. We should also the provision of Section 17 of the Act that states “A person shall not be exempt from liability under this Act by reason of the invalidity of his appointment or

election of himself or another person as a public official.” We are of the view that in order to assist the Government of Antigua & Barbuda implement the Corruption prevention Act, it will be necessary to implement the following Action Item below:

### **Action Items**

- Provide the Office of the Director of Public Prosecutions with the necessary computer hardware and software that would allow that office to function with greater efficiency;
- Enter into policy dialogue with the Government of Antigua and Barbuda with a view to terminating the long-standing practice of having police officers (not trained lawyers) handle the prosecutions of criminal cases in the Magistrates Courts. As the Magistrate’s Courts handle 90% of all criminal cases entering the court system, the presence of police officers prosecuting criminal cases that have been initiated by the police themselves, sends a strong negative signal on the impartiality of the governance systems of the State.

### **Integrity in Public Life Act, 2004**

This Act provides for the establishment of an Integrity Commission that will receive annual declarations of the affairs of persons holding specific positions in public life. The intent of the Act is to establish probity, integrity and accountability in public life. The Act also establishes a Code of Conduct for public officials. The Commission will be comprised of three persons who are all appointed by the Governor General in his own discretion. The Commission and its staff are not subject to the control or direction of any other person or authority in the discharge of its functions. Declarations filed with the Commission are confidential and it is a criminal offence for anyone to disclose it to an unauthorized person. While the House of Representatives has passed this Act, the Governor General has not yet proclaimed it as law and its provisions are not yet the law of the land. When the Act is proclaimed as law and become applicable to all the citizens, there will be a requirement for financial assistance to establish the apparatus that will be needed to ensure that the law is effectively implemented and shows results over time. It is believed at this time that the Commission establishment costs for government will revolve around the following areas of expenditure:

### **Action Items**

- Establish enhanced computer capabilities and networks for the Commission which allow for:
  - Mandatory electronic filing;
  - Legal document imaging and indexing;
  - The imaging of reports for Internet access;
  - Migrating relevant databases to a new client server environment;
  - Computer programs for managing legal operations;
  - Establishment of an Internet Website;
  - Developing a Commission-wide document management system; and an operational case management system.
- Develop a training regime for Commission staff at the junior, middle and senior levels. Subject areas should include risk analysis, public education, financial management, procurement management and internal auditing. Training programs should contemplate the attendance

of personnel from other areas of the public service who have responsibilities for overseeing other elements of the national integrity systems, such as personnel from offices of the Director of Audit and Accountant General;

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- Consider the networking of the above computer system to the Director of Audit's office to enable that office to generate audit reports more expeditiously for reporting to Parliament. At this time, this department is behind in its reporting requirement to Parliament.

### **Public Accounts Committee**

According to Section 98 of the 1981 Antigua and Barbuda Constitution:

**“ The House shall, at the commencement of each session, appoint a Public Accounts Committee from among its members, one of whom shall be a member for Barbuda in the House, whose duties shall be to consider the accounts referred to in section 97(2) of this Constitution in conjunction with the report of the Director of Audit and in particular to report to the House-**

- a. in the case of any excess or unauthorised expenditure of public funds the reasons for such expenditure; and**
- b. any measures it considers necessary in order to ensure that public funds are properly spent,**

**and any other such duties relating to public accounts as the House may from time to time direct.”**

Section 97 (2) of the Antigua and Barbuda Constitution mentioned above, states as follows:

**“ The Director of Audit shall-**

- (a) satisfy himself that all monies that have been appropriated by Parliament and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it; and**
- (b) at least once every year audit and report on the public accounts of Antigua and Barbuda, the accounts of all officers and authorities of the Government, the accounts of all courts of law in Antigua and Barbuda (including any accounts of the Supreme Court maintained in Antigua and Barbuda), the accounts of every Commission established by this Constitution and the accounts of the Clerk to the House and the Clerk to the Senate.**

The above constitutional provisions have direct relevance to the Public Accounts Committee (PAC) of Antigua and Barbuda, which is comprised of members from the governing as well as the Opposition Party. The Leader of the Opposition chairs the PAC. All the available evidence indicates that the PAC meets infrequently, reports from the Director of Audit are not being discussed by the PAC and that the majority of public bodies are running three to four years in submitting their reports to Parliament. There are no official guidelines that provide guidance to PAC members as to how to fulfill their constitutional obligations to the country. Having regard to its critical constitutional mandate to consider the accounts of public bodies, it is very important to a strengthened system of governance that the PAC exercises its responsibilities in the most efficient way possible. The following action items are therefore recommended below for PAC performance improvement.

## **Action Items**

- Assist the Government of Antigua and Barbuda with the necessary legislative drafting assistance which enables the drafting of PAC operational guidelines for its PAC as well as guidelines for PAC's in the other assessment countries;
- With regard to the legislative intervention recommended above, the drafter should establish consultative links with the Government of Grenada which has had an energized and active PAC comprised solely of Opposition Party members;
- Educate PAC members on their legal and other obligations, through formal training courses on Parliamentary Procedures. These courses should be provided regionally for all PAC members in the assessment countries. Principal trainers for these courses might be the Commonwealth Parliamentary Association, the Parliamentary network on the World Bank, a re-energised Association of Commonwealth Caribbean Parliamentarians or the equivalent Canadian institution in this area;
- Courses on the reading of financial statements should also be offered to PAC members in Antigua and Barbuda, as well as regionally, through the auspices of a regional institution such as the Caribbean Institute of Supreme Audit Institutions (CAROSI);

Design a public awareness program on the rights, responsibilities and importance to the democratic system of the PAC, which would be spearheaded by civil society organisations in Antigua and Barbuda such as the Antigua and Barbuda Chamber of Commerce and Industry.

## **Civil Society**

Civil society organizations in Antigua and Barbuda have taken policy positions on numerous issues that are of concern to the wider society and private sector bodies such as the Antigua and Barbuda Chamber of Commerce and Industry have had an adversarial relationship with the past government. Relationships with the new government are more amicable and there seems to be greater governmental willingness to engage with the private sector. Government has made a start in this direction with invitations being made to the Chamber to participate in various governance task forces. Based on the increasingly close rapport between the Government of Antigua and Barbuda and the private sector, we are of the view that the climate might be right for the private sector to broach the possibility of government developing a national development plan for the country that has substantial input from the private sector.

## **Action Items**

- Private sector groups approach government with the possibility of having a national development plan for Antigua and Barbuda drafted with substantial private sector input;
- Civil society organizations in Antigua and Barbuda to prepare funding proposals to CGAP at the appropriate time which seek the provision of financial assistance for assisting the organizations to establish partnerships which enable the contribution of their expertise in the drafting of a National Development Plan for Antigua and Barbuda.

**SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Antigua stakeholders and donor partners during Mission to Antigua and Barbuda)**  
**April 26 – April 29, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
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<p>1.The Government of Antigua and Barbuda has had legislation drafted relating to: (a) Corruption Prevention; (b) Freedom of Information; (c) Integrity in Public Life; and (d) Finance and Audit</p> <p>2.Civil Society Organisations have no representation in a number of critical areas where their contributions could make a difference, such as the Public Accounts Committee, which is comprised of Government and Opposition members.</p> <p>3.The Chamber of Commerce that is willing to make a significant contribution to strengthening the democratic environment in Antigua.</p> <p>4.Civil Society still willing to step up to the task of nation building.</p> <p>5.The utilization of a high percentage of women in strong senior-level positions in the public service (e.g. President of the Senate, Speaker of the House of Representatives; Permanent Secretaries in Legal Affairs and Justice, Foreign Affairs, Health, Labour, Youth Development and Social Transformation).</p> <p>6.An active media with few legislative hindrances on its free operation.</p> <p>7.The government has undertaken an aggressive legislative drafting agenda aimed at modernizing its laws in critical governance areas such as Parliamentary Integrity and Freedom of Information.</p>	<p>1.The legislation drafted for the establishment of Corruption Prevention, Freedom of Information; an Integrity Commission and Finance and Audit, have not been approved and there is some comment on the part of citizens that they would like to see these Acts activated through promulgation by the Governor General.</p> <p>2. The private sector, including the Antigua Chamber of Commerce, is still weak and needs to have technical assistance and training support to enable it to reach its full potential for being a critical civil society watchdog for democracy.</p> <p>3. Weak statistics and baseline indicators affect planning, monitoring and evaluation, and implementation of reforms.</p> <p>4. A seeming lack of political will to effect certain fundamental changes to the governance regime. An important example of this seems to be continued non-compliance of critical governmental figures with recently enacted integrity legislation that requires the declaration of the assets of public officers.</p> <p>5.The absence of Codes of Conduct governing the news media and such critical opinion-shaping organizations as the Bar Association.</p> <p>6.A public procurement system that has a weak legal framework governing its operations and which has many loopholes for its abuse.</p>
<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1. Opportunity to create space for civil society inputs into governmental decision-making on governance issues and to enable the monitoring of the progress being made on</p>	<p>1.The existing procurement of goods and services system provides real opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in</p>

<p>governmental compliance with various international commitments that have good governance implications.</p> <p>2.Integration of environmental governance into sustainable development planning at national and local levels.</p> <p>3. The present Prime Minister of Antigua and Barbuda has identified areas of cooperation that his government can forge with CIDA, which are within the purview of CGAP.</p> <p>4. The establishment of a formal Freedom of Information regime for Antigua &amp; Barbuda provides real prospects for the wider sharing of government development information with the citizens who will be empowered to participate more actively in the governance of their country.</p> <p>5.CGAP provides an opportunity to provide significant technical assistance to the Government of Antigua &amp; Barbuda to assist it to modify its procurement of goods and services system that has been identified as a key constraint to the effectiveness of governance in the country.</p>	<p>system administrative procedures and their lack of transparency.</p> <p>2.The society is increasingly being beset by violent criminal acts many of which have their origins in narcotics trafficking. If these acts escalate beyond the ability of the state’s security apparatus to deal with them, the economy will suffer grave economic consequences due to the necessity to pay for the importation of outside resources to deal with them.</p> <p>3. The dearth of legislative drafting expertise in Antigua and Barbuda, and the wider Caribbean, acts as a serious retardant to the country establishing the necessary legislative framework, which is the precursor to the development of new systems of governance in the country.</p> <p>4. Due to low salaries and other conditions of work, the government is unable to obtain persons of the highest intellectual calibre to fast-forward its development plans.</p> <p>5.The intrusion of an election on the development process just as the new government is settling down and understanding the nuances of governing the country.</p> <p>6. The interruption of the economy by a natural disaster such as a hurricane or earthquake.</p> <p>7. The continued emigration of skilled personnel overseas primarily to such countries as Canada, the United States and the United Kingdom.</p>
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## Grenada

Grenada is a parliamentary democracy with a bicameral legislature. Grenada and two smaller islands, Carriacou and Petite Martinique, have a population of approximately 105,000. In 2003, Prime Minister Keith Mitchell's New National Party (NNP) won eight of 15 parliamentary seats in generally free and fair elections.

### Public Sector Procurement of Goods and Services Act, 2007

The Government of Grenada has passed legislation<sup>68</sup> that establishes a framework for the conduct of procurement and establishes a Public Procurement Authority that will regulate and harmonise the public procurement processes in the Public Service. The Act also alludes to the fact that one of its purposes is to promote economic development, including capacity building in the field of public procurement, by ensuring value for money in public expenditures and the participation in public procurement by qualified suppliers, contractors, consultants and other qualified providers of goods, works and services. While the Act is laudable as to the nature, scope and extent of its provisions, it has not yet been promulgated into law by the Governor General and an opportunity exists for CIDA to assist in the establishment of the procurement infrastructure envisaged by the Act to make efficient and transparent public procurement a reality in Grenada.

### Action Items

- Assist the Government of Grenada in the drafting the guidelines for the establishment of the Secretariat for the new Procurement Authority required by the Act. The Authority “shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform;
- CIDA should assist the Government of Grenada with the training of a new professional cadre who will be able to provide the new procurement system with the necessary management and professional skills. Training programs should be provided in such areas as procurement planning and contract administration;
- Provide technical assistance services to enable the Government of Grenada to issue guidelines requiring:
  - Preparation of appropriate procurement plans
  - Adoption of realistic budgets
  - Use of bidding documents with clear post qualification requirements
  - Advertisement of contracts on a regional basis
  - Inclusion of technically competent staff in evaluation committees
  - Implement efficient, secure and transparent procurement record management systems
  - Develop a comprehensive set of tools to facilitate implementation of revised procurement systems (e.g. standard bidding documents, handbook of public procurement procedures)
  - Develop contract administration tools and capacity
  - Train staffs of the Accountant General and Director of Audit to strengthen the accounting and auditing functions.

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<sup>68</sup> Public Procurement and Contract Administration Act, 2007



- Enhance the accounting and auditing functions through the purchase and installation of technology (e.g. computers, networks and computerization of functions)
- Introduce prevention of corruption legislation relating such as whistleblower protection and freedom of information
- Establish appropriate anti-corruption agencies
- Train appropriate staff (including prosecutors from the office of the DPP) in anti-corruption investigative techniques
- Establish a corruption hotline with open access to the public for reporting corruption cases to be investigated.

### **Integrity in Public Life Act, 2007**

The Government of Grenada has passed a Bill to govern the conduct of public officers in public life. Like the Public Procurement and Contract Administration Act, 2007 above, the relevant Minister of Government has not yet issued regulations under the Act that would allow its provisions to come into force. The Government of Grenada is keenly interested in receiving relevant assistance in establishing the infrastructure, which would make the administration of the Act a reality. It is proposed that CIDA provides relevant assistance to the Government of Grenada in accordance with the Action Items stated below.

#### **Action Items**

- Provide training assistance to members of the Integrity Commission that will be established under the new Act. This training assistance should be specifically directed to the analysis of financial information with particular reference to the attributions of value made on annual declarations of assets by public service officers.

### **Prevention of Corruption Act, 2007**

The Government of Grenada has passed the above Act that governs the conduct of persons in public life and the prevention of corruption.

#### **Action Items**

Funding should be provided to obtain that legal technical assistance which might be needed to assist in the preparation of strong cases in the corruption areas that can be successfully prosecuted in court by the Director of Public Prosecutions. This legal technical assistance:

- Should be deployed for a reasonable period of time to ensure that the staff of the new Corruption Prevention Commission is seized with the importance of carefully preparing their cases prior to their submission to the Director of Public Prosecutions;
- Funding should be provided to enable key members of staff of the new Corruption Prevention Commission to attend relevant Risk Management training courses in Canada.

### **Ombudsman Act, 2007**

The Government of Grenada has passed the above Act to provide for the appointment of an Ombudsman for Grenada and to define his/her functions and powers.

## **Action Items**

- CIDA is asked to convene a meeting of Caribbean Ombudsmen with a view to assisting them to exchange views on their respective obligations to the citizens under their respective formation Acts of Parliament.

## **Audit Act, 2007**

The Government of Grenada has passed an Act to reform the law relating to the Office of Director of Audit and to provide for matters related or incidental thereto.

## **Action Items**

- Through policy dialogue between CIDA and the Government of Grenada, the Public Accounts Committee should be encouraged to establish a website where current information on the new status and powers of the Director of Audit is displayed. The website should also provide ongoing information on the status of all government procurements, including who are the beneficiary of public service contracts for the supply of goods and services;
- Any strengthening of the news media should include as a focal point of training information, the need to target the deliberations of the Public Accounts Committee as a critical information point for obtaining newsworthy information on the annual reports of the Director of Audit as well as the findings of other critical National Integrity Institutions in Grenada.
- The watchdog functions of the Office of the Director of Audit could be strengthened through the provision of appropriate training and technical assistance that seek to form stronger linkages between it and other avenues of good governance such as the media. The need for the Director of Audit to have greater implementation attention paid by the Public Accounts Committee to reports that identify issues which could be construed as being of a corrupt nature, is likely to be among the topical issues which we would expect to be discussed by a media more seized with anti-corruption issues.

## **Civil Society**

The Inter Agency Group of Development Organisations (IAGDO) <sup>69</sup> is the umbrella grouping of development NGO's in Grenada. IAGDO was formed in 1988, with the objective of providing a united and collaborative approach to community development. It is believed that IAGDO can substantially contribute to the success of the interventions proposed below.

## **Action Items**

- IAGDO could usefully participate with Government of Grenada to utilize grant funding to prepare an NGO database;

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<sup>69</sup> Comprised of the Agency for Rural Transformation Ltd.; Grenada Community Development Agency; Grenada Education and Development Programme; Grenada National Council for the Disabled; Grenada National Organisation of Women; Grenada Save the Children Development Agency Ltd.; New Life Organisation

- IAGDO could work with Government of Grenada to mainstream gender considerations into the administrative apparatus of the Grenada Public Service. This would be especially critical in the present governmental environment where the Government of Grenada is seeking to establish new organizations and commissions under the auspices of government's new integrity legislation;
- Establish a liaison relationship with the Grenada Ministry of Social Development in order to make the necessary inputs into NGO legislation currently being prepared in draft by that Ministry.

### **Private Sector**

The Grenada Chamber of Industry and Commerce has established a Government Services Committee in an effort to partner with the Public Sector to raise efficiency levels in Public Sector service areas that are critical to the performance of the Private Sector. In a meeting held in August 2007, the following areas were identified as priorities by the participants in the meeting:

- Immigration
- Law Enforcement
- Traffic
- Licensing of Drivers
- Duties
- Physical Planning

### **Action Items**

- Seek Grenada Chamber of Industry and Commerce assistance in refining the Government Services Committee concept with a view to mainstreaming its use in the wider private sector groups in the assessment countries. Mainstreaming efforts should take place through the regional Caribbean association of Industry and Commerce. Which has professional linkages with all the companies in the assessment countries.
- In addition to the Government Services Committee established above, it is recommended that CIDA assist the Government of Grenada, Private Sector and the Trade Unions establish a Tripartite Committee whose aim is to have dialogue and take action to implement specific consensus activities related to national development.

**SWOT ANALYSIS FOR GOVERNANCE**  
**(Based on information obtained from engagement with Grenada stakeholders**  
**during Mission to Grenada)**  
**April 30 – May 2, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<p>1.The Government of Grenada has had legislation drafted relating to: (a) Public Procurement and Contract Administration; (b) Integrity in Public Life; (c) Public Finance Management; (c)The Ombudsman (d) Audit; and (e) Prevention of Corruption.</p> <p>2. A Chamber of Commerce that is willing to make a significant contribution to strengthening the democratic environment in Grenada.</p> <p>3. Private sector and wider Civil Society still willing to step up to the task of nation building.</p> <p>4.An active media with few legislative hindrances on its free operation.</p> <p>5.The government has undertaken an aggressive legislative drafting agenda aimed at modernizing its laws in critical governance areas such as Procurement and Contract Administration.</p> <p>6. An active Public Accounts Committee which meets regularly and which is solely comprised of representatives from the Opposition Party.</p>	<p>1.The legislation drafted for the establishment of Corruption Prevention, Freedom of Information; Integrity in Public Life, the Ombudsman; and Audit and Public Finance Management, have not been approved and there is some comment on the part of citizens that they would like to see these Acts activated through promulgation by the Governor General.</p> <p>2. Civil Society Organisations have no representation in a number of critical areas where their contributions could make a difference, such as the Public Accounts Committee, which is comprised solely of Opposition members.</p> <p>3. Weak statistics and baseline indicators affect planning, monitoring and evaluation, and implementation of reforms.</p> <p>4. The perception on the part of government representatives that civil society and private sector disagreement with established policies amounts to support of the political views of the Opposition Party. As a result of this pervasive perception, good civil society and private sector suggestions for improvement of the national economy are discarded by government as unworthy of implementation.</p> <p>5. Journalists at the news media have limited training and only two are formally trained.</p> <p>6. The absence of a Code of Conduct governing the news media.</p> <p>7. A public sector procurement system that has a weak legal framework governing its operations and which has many loopholes for its abuse.</p>

<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1. Opportunity to create space for civil society inputs into governmental decision-making on governance issues and to enable the monitoring of the progress being made on governmental compliance with various international commitments that have good governance implications.</p> <p>2. Integration of environmental governance into sustainable development planning at national and local levels.</p> <p>3. The present Prime Minister of Grenada has identified</p>	<p>1. The existing procurement of goods and services system provides real opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in system administrative procedures and their lack of transparency.</p> <p>2. The dearth of legislative drafting expertise in Grenada, and the wider Caribbean, acts as a serious retardant to the country establishing the necessary legislative framework, which is the precursor to the development of new systems of governance in the country.</p>

Prepared by Dennis Darby, Attorney-at-Law  
 CIDA Lead Consultant, CGAP

<p>areas of cooperation that his government can forge with CIDA, which are within the purview of CGAP.</p> <p>4. CGAP provides an opportunity to provide significant technical assistance to the Government of Grenada to assist it to modify its procurement of goods and services system that has been identified as a key constraint to the effectiveness of governance in the country.</p>	<p>3. The low salary rates being paid by the government to public officials, has made it unable to obtain persons of the necessary intellectual calibre to enable a fast-forwarding of its development plans.</p> <p>4. The intrusion of an election on the development process just as the new government is settling down and understanding the nuances of governing the country.</p> <p>5. The interruption of the economy by a natural disaster such as a hurricane or earthquake.</p> <p>6. The continued emigration of skilled personnel overseas primarily to such countries as Canada, the United States and the United Kingdom.</p> <p>7. The lack of a strong policymaking and information analysis framework in the public service.</p>
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### **Saint Vincent and the Grenadines**

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 118,000. In December 2005 Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair.

#### **Public Sector Procurement of Goods and Services**

- The Government of Saint Vincent and the Grenadines has engaged in forward thinking on the matter of procurement and in that regard has drafted and passed a new Procurement Act the provisions of which are intended to modernize the existing procurement structure and ensure that procurement guidance is not scattered among numerous and outdated procurement regulations and procedures, as is presently the case. At the time of writing this assessment, the regulations to be drafted under the new Procurement Act which would allow its provisions to be binding on the country and its citizens had not yet been drafted. As a result, the existing rules, practices and procedures relating to public sector procurement remain in force.<sup>70</sup> These provisions basically provide that for local procurements, tenders issued by the Central Tenders Board should be advertised, i.e. individual contracts exceeding EC\$250,000 (US\$92,593 equivalent). In practice,

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<sup>70</sup> Rules 6 & 7 read with Rule 2 of the St. Vincent and the Grenadines Purchase and Tenders Procedure issued on November 21, 1967 under Circular No. 32/67

advertisements of bidding opportunities are undertaken by some Ministries of Government (e.g. Ministry of Health), but not by others. As with other OECS Countries that have passed/implemented legislation relating to procurement, even when the new Procurement Act in Saint Vincent and the Grenadines comes into force, the government will require significant financial assistance to establish a new procurement system which satisfies the need of the country for a strong system operating with the benefit of trained professionals, strong procurement planning and strong contract management. It is believed that CIDA could usefully provide assistance to the government in the Action Items areas identified below.

### **Action Items**

- Provide technical assistance services to prepare a complete set of administrative tools for the new procurement act, such as contract and evaluation forms, handbook of public procurement procedures, guidelines and procedures;
- Provide technical assistance to design an organizational structure for procurement staff and establish management information systems;
- Conduct a training needs assessment and develop training programs for all procurement and administrative personnel in the new system;
- Prepare training modules for auditing the new system and the training of audit staff in this regard;
- Undertake an analysis of what, if any, procurement functions could cost-effectively be decentralized to ministries, departments and agencies with procurements oversight being left to autonomous policy and regulatory bodies.

### **Public Accounts Committee**

The Leader of the Opposition chairs the Public Accounts Committee in Saint Vincent and the Grenadines, like the PAC's around the region. One of its critical democratic tasks is to review the annual reports submitted to the Parliament by the Director of Audit. These reports provide detailed accounts of how government bodies have spent the taxpayer funding that has been entrusted to them. The PAC for Saint Vincent and the Grenadines has unfortunately not had sittings for the last seven (7) years to debate any Annual Reports submitted by the Director of Audit. While it can be argued that the last Director of Audit Report was published in 2003, this does not lessen our concern that the inability of the PAC to meet for such a long time period sends negative signals to both persons inside and outside the country that there is something wrong with the governance process in Saint Vincent and the Grenadines. Indeed, the assessment team has learned that the European Union has indicated that a significant portion of its money for Saint Vincent and the Grenadines cannot be accessed without a new financial structure being put in place. As the preparation and review of annual Director of Audit Reports is a critical feature of the accountability of the financial system, it would be in the interest of Saint Vincent and the Grenadines to make current its Audit Reports and to re-activate the PAC to perform its functions.

### **Action Items**

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- CIDA should provide the technical assistance that would allow the Office of the Director of Audit to make its audit reports current. It is our belief that the production of current Audit Reports might be a catalyst for the PAC to start meeting more regularly on the presumption that its members would be more interested in reviewing current audit reports;
- Simultaneously with the production of more current audit reports, it would be helpful for CIDA to engage in policy dialogue with the Government of Saint Vincent and the Grenadines to ascertain its interest in altering the quorum requirements for PAC meetings to enable the PAC to be less susceptible to the presence of a government majority before meetings can be convened. It should be borne in mind that the PAC in Grenada has been functioning quite well with the PAC being comprised of a majority of Opposition members;
- The Prime Minister of Saint Vincent and the Grenadines has indicated an intention to draft a PAC Oversight Act, which would determine how the PAC would convene, etc. Legislating PAC functioning would be a unique way to solve the problem of PAC non-functioning and might represent a regional model that could be emulated in other assessment countries where the activities of the PAC are moribund. CIDA should also explore this possibility in its policy dialogue with the Prime Minister.
- CIDA should assist the Government of Saint Vincent and the Grenadines to study the Barbados PAC, which has largely overcome its meeting difficulties by the introduction of legislation <sup>71</sup>, which allows the assignment of independent Government Senators as part of the PAC. This measure has enabled the PAC to have a meeting quorum when meetings are needed.
- CIDA should encourage the Government of Saint Vincent and the Grenadines to consider the spearheading of a Caribbean Association of Public Accounts Committees to foster networking and information sharing between PAC's in the Eastern Caribbean. These PAC's and their staff members would meet annually to share experiences and to strengthen their implementation objectives. <sup>72</sup>

### **Civil Society Organisations**

Civil society organizations in Saint Vincent and the Grenadines are nascent in development and have not in the past been used to develop partnerships to achieve their governance and other development objectives. The development of the sector could be considerably enhanced were these organisations to be viewed less suspiciously by government representatives when they adopt positions which might be contrary to stated policy positions. It is our view that a Code of Conduct for civil society organisations would go a far way in establishing the parameters for both groups to forge a closer understanding of each other. It would also be useful if a database of regional and local NGO's was developed which is accessible via the Internet and which provides relevant details of all NGO's in the assessment countries, by country. The NGO Act of Belize in our view a good model to adopt for ensuring that both NGO's and government have common parameters within which to play their essential societal roles. We have been advised that the Government of Saint Vincent and the Grenadines has already drafted an NGO Act which closely parallels the NGO Act in Belize, and that the provisions of the Belize NGO Act were consulted in its drafting.

### **Action Items**

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<sup>71</sup> Barbados Public Accounts Committee Act, 2003

<sup>72</sup> In Canada, all jurisdictions meet annually to share and transfer knowledge- through the Canadian Council of Public Accounts Committees



- Provide technical assistance, hardware and software to the Caribbean Association of Industry and Commerce (CAIC) in Trinidad & Tobago to enable it to develop a website which contains full details of all the NGO's in the assessment countries, including Saint Vincent and the Grenadines. This website should provide information on (i) when the particular NGO was formed; (ii) its formation objectives; (iii) the types of activities that it has implemented; and (iv) the results that were obtained from the activities that were implemented;
- Provide the necessary technical assistance to the Saint Vincent and the Grenadines Chamber of Commerce to enable it to spearhead the development of a Code of Conduct for Private Sector Organisations in Saint Vincent and the Grenadines. In developing this Code of Conduct, it would be useful if national and regional partnerships were developed with the wider private sector community and that relevant members of the government be encouraged to make an inputs into the process. The objective of having this Code drafted and self-regulated by the Chamber is to ensure that there are common parameters of conduct that can be consulted and relied on in the event that there are any misunderstandings between the Private Sector and government representatives in the future;
- Provide technical assistance, software and hardware for the development of a mechanism within the CAIC that can be used by the regional private sector and NGO communities for the formal delivery of comments to governments on written and oral statements of governmental policy. Such a mechanism would have to be accepted by all three parties and when established, would eliminate the present feeling among representatives of government that when the private sector and NGO communities offer comments and advice on government policy that these comments are being advanced from quarters which have not been elected by the people to govern the countries.

**Freedom of Information**

The Freedom of Information Act in Saint Vincent and the Grenadines was drafted to enable the wider citizenry to obtain information on governmental actions on a systematic basis. This Act has not yet had its Regulations drafted and is not yet the law of the land. While it would be useful to have an effective Freedom of Information regime in Saint Vincent and the Grenadines, it is realized that the Government's contention that it does not have the funding at this time to implement the provisions of the Act, should be taken into account by CIDA.

**Action Item**

- CIDA to obtain cost estimate for the establishment of a Freedom of Information regime in Saint Vincent and the Grenadines including cost information on its sustainability in future years after possible CIDA assistance to its establishment ends.

**SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Saint Vincent and the Grenadines during Mission to Saint Vincent and the Grenadines)**  
**May 3-6, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
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<p>1.The Government of Saint Vincent and the Grenadines has had legislation drafted relating to: (a) Procurement and Contract Administration; (b) Financial Administration Act; (c) Audit Act; and (d) Freedom of Information Act.</p> <p>2. A Chamber of Commerce that is willing to make a significant contribution to strengthening the democratic environment in Saint Vincent and the Grenadines.</p> <p>3. Private sector and wider Civil Society are still willing to step up to the task of nation building.</p> <p>4.An active media with few legislative hindrances on its free operation.</p> <p>5.The government has undertaken an aggressive legislative drafting agenda aimed at modernizing its laws in critical governance areas such as Procurement and Contract Administration.</p>	<p>1.The regulations for the establishment of Public Procurement and Contract Administration, Financial Administration, Audit and Freedom of Information, have not been signed and these important pieces of legislation are not yet the law of the land.</p> <p>2. Civil Society Organisations have no representation in a number of critical areas where their contributions could make a difference, such as the Public Accounts Committee, which is comprised of both government and opposition members.</p> <p>3. Weak statistics and baseline indicators affect planning, monitoring and evaluation, and implementation of reforms.</p> <p>4. The perception on the part of government representatives that civil society and private sector disagreement with established policies amounts to support of the political views of the Opposition Party. As a result of this pervasive perception, good civil society and private sector suggestions for improvement of the national economy are discarded by government as unworthy of implementation.</p> <p>5. Journalists in the news media have limited training in how to effectively carry out their responsibilities.</p> <p>6. The absence of a Code of Conduct governing the news media and the NGO community in general.</p> <p>7. A public sector procurement system that has a weak legal framework governing its operations and which has many loopholes for its abuse.</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1. Opportunity to create space for civil society inputs into governmental decision-making on governance issues and to enable the monitoring of the progress being made on governmental compliance with various international commitments that have good governance implications.</p>	<p>1.The existing procurement of goods and services system provides real opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in system administrative procedures and their lack of transparency.</p>

<p>2. The present Prime Minister of Saint Vincent and the Grenadines has identified areas of cooperation that his government can forge with CIDA, which are within the purview of CGAP.</p> <p>3. CGAP provides an opportunity to provide significant technical assistance to the Government of Saint Vincent and the Grenadines to assist it to modify its procurement of goods and services system that has been identified as a key constraint to the effectiveness of governance in the country.</p>	<p>2. The interruption of the economy by a natural disaster such as a hurricane or earthquake.</p> <p>3. The continued emigration of skilled personnel overseas primarily to such countries as Canada, the United States and the United Kingdom.</p> <p>4. The lack of a strong policymaking and information analysis framework in the public service.</p> <p>5. A Public Accounts Committee which has not been convened in seven years and during that time has not had the opportunity to review the annual reports of the Director of Audit on how well taxpayer's money has been spent over the years.</p>
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## **Saint Lucia**

Saint Lucia is a multiparty, parliamentary democracy with a population of approximately 168,000. In generally free and fair elections in December 2006, former prime minister Sir John Compton returned to power when his United Workers Party (UWP) defeated the previously ruling Saint Lucia Labour Party (SLP), winning 11 seats in the 17-member House of Assembly. On September 11, Stephenson King was appointed prime minister following Sir John's death two days earlier.

### **Public Procurement of Goods and Services**

The procurement system in Saint Lucia is like that of the other OECS Assessment Countries, in that it is governed by archaic laws and procedures which make its functioning not very transparent or equitable. Under existing regulations,<sup>73</sup> tenders issued by the Tenders Board are to be advertised for individual contracts exceeding EC\$100,000 (US\$37,037). In actual practice, advertisements are not undertaken, and there are no legal requirements for publication of contract award information. Like the other OECS Countries mentioned in this assessment, even in those situations where bidding on a contract takes place and unsuccessful bidder are advised that they have not been successful, they are not provided with information about the name of the winning bid or contract price. The general public is also not notified of the description and amount of the contract, or the name of the successful bidder. The procurement situation is further complicated in Saint Lucia having regard to the fact that companies are increasingly going to the banks to obtain private financing and having done so approaching government with the possibility of having well-needed public works to be done if government would agree to a "Build, Own, Operate and Transfer" (BOOT) principle which has the government assuming the debt on the transaction when the particular activity has been transferred to it after a period of years. This strategy, while having the ability to get critical infrastructure completed, does have a long-term effect on the public debt of Saint Lucia. A comprehensive review of the procurement system in Saint Lucia would enable the government to take these new ways of financing into account as currently there is no bidding process which is undertaken once government accepts the proposal of a particular firm to undertake a "BOOT" activity.

### **Action Items**

- Provide technical assistance services to enable the Government of Saint Lucia to:
  - Draft new comprehensive legislation governing the entire procurement process;
  - Prepare appropriate procurement plans;
  - Adopt realistic budgets;
  - Use bidding documents with clear post qualification requirements;
  - Advertise contracts on a regional basis;
  - Include technically competent staff in evaluation committees;
  - Implement efficient, secure and transparent procurement record management systems;
  - Develop a comprehensive set of tools to facilitate implementation of revised procurement systems (e.g. standard bidding documents, handbook of public procurement procedures, use of BOOT systems);
  - Develop contract administration tools and capacity;

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<sup>73</sup> Regulation 13 read with Regulation 16 of the Procurement and Stores Regulations, 1997

- Train staffs of the Accountant General and Director of Audit to strengthen the accounting and auditing functions;
- Enhance the accounting and auditing functions through the purchase and installation of technology (e.g. computers, networks and computerization of functions);
- Introduce prevention of corruption legislation relating such as whistleblower protection and freedom of information;
- Establish appropriate anti-corruption agencies;
- Train appropriate staff (including prosecutors from the office of the DPP) in anti-corruption investigative techniques; and
- Establish a corruption hotline with open access to the public for reporting corruption cases to be investigated.

### **Access to Information**

The Government of Saint Lucia is presently in the process of preparing draft legislation that will provide for the establishment of a Freedom of Information Regime, which will provide information on government processes and documents to the members of the public. The legislation is likely to be approved by Parliament as the intention of establishing a Freedom of Information Regime was specifically discussed in the 2008 Throne Speech. Assistance is therefore likely to be needed from CIDA under the following Action Items.

### **Action Items**

- CIDA to obtain cost estimate for the establishment of a Freedom of Information regime in Saint Lucia, including cost information on its sustainability in future years after possible CIDA assistance to its establishment ends.

### **Public Accounts Committee**

The Public Accounts Committee, as in many of the other assessment countries, is not functional in Saint Lucia. Compounding this problem is the fact that the post of Director of Audit is vacant. It should however be noted that the past Director of Audit has been commissioned by the Government to assist in the streamlining of the financial administration system of the country. While this is a positive development, we reiterate as we have done for the other assessment countries in similar circumstances, that the absence of a fully functional PAC does not bode well for the functioning of democracy in the country and some means must be found to re-energise it. The Government of Saint Lucia is presently undertaking a Constitutional Reform process and has an opportunity to inject into the process recommendations for PAC reform. The Constitutional review process started this year and will go on for one year.

### **Corporate Governance**

The Government of Saint Lucia is interested in fostering a relationship between private sector companies and statutory corporations and other corporations run by government to enable the latter to benefit from best corporate practices in the private sector. It is believed that a CIDA-funded governance and accountability program could facilitate this relationship by undertaking the following action items:

### **Action Items**

- Provide financial assistance to the Government of Saint Lucia to develop a curriculum and implement training programs for personnel at all levels of Statutory and other Companies in the public service; and

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- Upon the formation of the proposed Caribbean Business Council, the Council should be asked by the Government of Saint Lucia to include its personnel in its Statutory and other Corporations into its regional training programs.

**SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**  
**(Based on information obtained from engagement with Saint Lucia during Mission to Saint Lucia)**  
**May 7-11, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<p>1.The Government of Saint Lucia is presently working on (a) Draft legislation relating to Freedom of Information; and (b) Has drafted reforms to its Constitution that are currently being discussed widely with its citizens, including its Diaspora. The constitutional reforms propose changes to the present public service system to promote better governance and transparency.</p> <p>2. A retired Director of Audit has been recruited by Government as a consultant to continue to strengthen the financial administration of public sector entities.</p> <p>3.The CARICOM Regional Legislative Drafting Facility Unit, based in Saint Lucia, continues to perform its function of drafting and harmonizing laws for the OECS Countries.</p> <p>4.An active media with few legislative hindrances on its free operation.</p>	<p>1.Legislation previously drafted under ECEMP relating to the establishment of a reformed procurement system has not been made law.</p> <p>2. There is no functional Public Accounts Committee so reports on the expenditures of taxpayers moneys cannot be reviewed, debated and consequential recommendations for improvement implemented.</p> <p>3. Weak statistics and baseline indicators affect planning, monitoring and evaluation, and implementation of reforms.</p> <p>4. The legal staff member attached to CARICOM Legislative Drafting Facility Unit, is also acting in the capacity of providing legal advice to the OECS Secretariat which impairs her ability to provide maximum attention to her law revision and harmonization responsibilities.</p> <p>5. Journalists in the news media have limited training in how to effectively carry out their responsibilities.</p> <p>6. The absence of a Code of Conduct governing the news media and the NGO community in general.</p>

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<b>OPPORTUNITIES</b>	<b>THREATS</b>
<p>1. An Opportunity has been created for civil society to make a significant contribution to the future governance of the country through an ongoing constitution reform consultation process.</p> <p>2. The Cabinet Secretary of Saint Lucia has identified areas of cooperation that his government can forge with CIDA, which are within the purview of CGAP.</p> <p>3. CGAP provides an opportunity to provide significant technical assistance to the Government of Saint Lucia to assist it to modify its procurement of goods and services system that has been identified as a key constraint to the effectiveness of governance in the country.</p>	<p>1. The existing procurement of goods and services system provides real opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in system administrative procedures and their lack of transparency.</p> <p>2. The interruption of the economy by a natural disaster such as a hurricane or earthquake.</p> <p>3. The continued emigration of skilled personnel overseas primarily to such countries as Canada, the United States and the United Kingdom.</p> <p>4. The lack of a strong policymaking and information analysis framework in the public service.</p> <p>5. A Public Accounts Committee which has not been convened recently and which has not had the opportunity to review the annual reports of the Director of Audit on how well taxpayer's money is being spent.</p>

## **Barbados**

Barbados is a parliamentary democracy with a population of approximately 278,000. In the 2003 elections, which were considered generally free and fair, citizens returned the Barbados Labour Party (BLP) to a third successive term in office over the opposition Democratic Labour Party (DLP). On January 15, 2008, the Opposition DLP won 20 of the 30 seats in national elections that were free and fair. Mr. David Thompson is now Prime Minister.

The Government of Barbados had established an advisory board on governance to address disclosure/privacy and freedom of information issues. A Senior Minister of Government heads this committee, and a researcher has already begun work with respect to gathering relevant information and providing it to the board. The Government of Barbados is interested in the following areas:

- Freedom of Information
- Integrity Legislation
- Establishing a Contractor General
- Corporate Governance

### **SWOT ANALYSIS FOR GOVERNANCE PROGRAMMING**

**(Based on information obtained from engagement with Barbados during Mission to Barbados)**

**May 13-16, 2008**

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
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<p>1.The Government of Barbados has presently (a) Drafted legislation relating to Freedom of Information; and (b) Enacted Records Management Act and Regulations which pave the way for the strengthening of the records management systems which can be of tremendous benefit to a freedom of Information regime when it is place.</p> <p>2. Barbados has an independent press, an effective judiciary and a functioning democratic political system.</p> <p>3. In 2007, one-third of the cabinet Ministers were women, including the Deputy Prime Minister.</p> <p>4.An active media with few legislative hindrances on its free operation.</p> <p>5.The IADB is working with the Government to strengthen the procurement and justice systems.</p> <p>6. A number of domestic human rights groups operate without government restriction.</p>	<p>1.There is no law yet passed establishing a freedom of information regime.</p> <p>2.The procurement system needs to be strengthened with respect to the acquisition of works and services.</p> <p>3.The records management system needs to be strengthened to enable the effective operation of a Freedom of Information Act.</p> <p>4.The government has not enacted integrity Legislation which would require Parliamentarians and other government functionaries to declare their assets on a periodic basis.</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1. An Opportunity has been created to assist the Barbados government in establishing a Freedom of Information regime during the period when its procurement and justice systems are being modernized by the IADB.</p> <p>2. Government representatives have identified areas of possible cooperation with CIDA which would be within the purview of CGAP.</p>	<p>1.The existing procurement of works and services system provides opportunities for corrupt persons to avail themselves of significant state resources due to the weaknesses in system administrative procedures and their lack of transparency.</p> <p>2.The interruption of the economy by a natural disaster such as a hurricane earthquake or sharp decline in tourist arrivals.</p>

#### 4. Summary of Mission Findings

Areas of Focus	Project/ Program	Stakeholders working in sector	Countries	Anticipated Results	Approach	Duration and Timeline	Responsible Officers
1.Strengthen governance legislative frameworks and enforcement systems for public bodies involved in strengthening accountability	Legislative Drafting	CARICOM Regional Legislative Drafting Facility; OECS Secretariat Legal Unit; Beneficiary countries legislative drafting offices; UWI Faculty of Law; UWI Distance Education Centre; University of Guyana, Faculty of Law	Jamaica, Belize; Trinidad & Tobago; Suriname; Antigua & Barbuda; Dominica; Grenada; St. Kitts & Nevis; St. Lucia; St. Vincent & the Grenadines	The provision of legislative drafting services which produce harmonized governance related legislation in beneficiary countries	Establish dialogue with CARICOM Secretary General and General Counsel to have the regional legislative drafting facility placed on the recurrent budget of the Secretariat; appoint a suitable full-time Director of the Facility. Facility makes outreach to countries.	Two years	CIDA PTL and FTL
2. Public Accounts Committees processes streamlined and made more efficient	Parliamentary Strengthening	Commonwealth Parliamentary Association; Canadian Council of Public Accounts Committees, Global Organization of Parliamentarians Against Corruption	6 independent OECS Countries	Implementation plan will be prepared before commencing activities.	Training will be conducted for public sector personnel in each assessment country on the basis of a regional training plan The training curriculum will have inputs from various sources.	Two Years	CIDA PTL and FTL

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<p>3. Male and female parliamentarians trained in appropriate transparency and accountability mechanisms and policies</p>	<p>Regional governance training</p>	<p>UWI Gender Unit; UWI School of Business; Caribbean Association of Feminine Research and Action; CARICAD; Commonwealth Parliamentary Association; Association of Commonwealth Caribbean Parliamentarians</p>	<p>Jamaica, Belize, Trinidad &amp; Tobago, Guyana, Suriname, 6 independent OECS Countries</p>	<p>Training of parliamentarians in specialized and general transparency and accountability courses. A number of trainees will also be exposed to current train the trainers' techniques as part of planning for their future dissemination to others of the training provided.</p>	<p>It is envisaged that parliamentarians will undergo training courses in fora that will be conducive to actual participation on their part.</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>
<p>4. NGO's and CSO's more active as democracy watchdogs</p>	<p>NGO and CSO strengthening initiatives</p>	<p>Caribbean Association of Industry and Commerce, national Chambers of Commerce; CARICOM Secretariat; Caribbean Policy Development Centre; Capri</p>	<p>Jamaica, Trinidad and Tobago, Guyana, Suriname, 6 OECS Countries; Barbados</p>	<p>NGO's and CSO's acquire the internal and external capacity to effectively act as a check and balance to the overwhelming power of the States to take actions which might be inimical to regional democracy</p>	<p>CSO's and NGO's would be trained in such a fashion that they have the capacity to meet the requirements of the "Toolkit for strengthening partnerships."<sup>1</sup></p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>

<p>5. News media strengthened and their personnel better trained to undertake their reporting duties</p>	<p>Strengthening regional news media</p>	<p>Inter-American Press Association; UWI Caribbean Institute of Media Communications (CARIMAC); Association of Caribbean Media; Eastern Caribbean Press Council; University of the West Indies Distance Education Centre; UWI Cave Hill School of Business; Canadian Journalists for Free Expression.</p>	<p>Jamaica; Belize; Trinidad &amp; Tobago; Guyana; Suriname; 6 OECS Countries; Barbados</p>	<p>Assist the regional news media to more effectively use investigative journalism as a tool for strengthening governance and accountability in regional countries. Journalists, reporters and their editors will conduct their duties in a more professional manner.</p>	<p>Potential training services providers in this area will provide proposals to CIDA as to how they could effectively achieve the results identified for this area of assistance</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>
<p>6. Diaspora Reintegration</p>	<p>Diaspora Outreach</p>	<p>Ministries of Foreign Affairs; Diaspora Integration Units; Diaspora Organisations in Canada</p>	<p>Jamaica; Dominica</p>	<p>Assist the Governments of Jamaica and Dominica to strengthen and enlarge their Diaspora information to include regional Diaspora information and provide regional access to such information</p>	<p>A direct outreach will be made to Caribbean Diaspora groups in Canada with a view to making them aware of the characteristics of the new Diaspora system proposed. All information from these groups will be computerized</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>

7. Public procurement systems more transparent and efficient	Improvement of government procurement systems for works and services.	CARICOM Regional Legislative Drafting Facility; the Caribbean Procurement Institute, based in Trinidad, Chapter of Transparency International based in the Caribbean, Caribbean Development Bank	6 OECS Countries	Country procurement systems have a legislative framework within which to operate efficiently and do operate in a transparent and efficient fashion	It is proposed that the CARICOM Regional Legislative Drafting Facility; the Caribbean Procurement Institute and Transparency International work in coordination in the OECS Countries, based on a mutually agreed implementation plan.	Over the life of the program	CIDA PTL and FTL
8. Improved Access to government information by citizens	Improved/new structures which enable citizens to obtain current information on government operations	CARICOM Legislative Drafting Facility; Canadian Association of Journalists; regional Attorneys General; CARICAD; Capri;	Jamaica; Belize; Trinidad & Tobago; 6 OECS Countries; Barbados	Existing Freedom of Information regimes are strengthened with revised legislation. Countries without Access to/Freedom of Information Acts are assisted to establish one and operationalise the system	Countries without Access to/Freedom of Information Acts will be provided with harmonized legislation by the Drafting Facility. These Acts will be reviewed and taken to Parliament for passage into national legislation by the relevant training parties e.g. Attorneys General. Canadian Association of Journalists	Over the life of the program	CIDA PTL and FTL

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<p>9. Corporate governance principles infused into public sector companies through the medium of private sector companies</p>	<p>Sharing of corporate governance principles</p>	<p>CARICAD, Caribbean Development Bank; Eastern Caribbean Central Bank/Eastern Caribbean Stock Exchange Corporate Governance Secretariat; National chambers of commerce; Suriname Business Forum; Caribbean Business Council; Cave Hill School of Business; Canadian private sector companies, Commonwealth Association of Corporate Governance, Caribbean Technical Working</p>	<p>Jamaica, Belize, Trinidad &amp; Tobago, Guyana, Suriname, 6 OECS Countries, Barbados</p>	<p>All levels of management and other staff of Statutory and other Corporations owned by regional governments benefit from training and mentoring in private sector governance principles provided by representatives of regional and Canadian private sector firms</p>	<p>Initiate dialogue between regional private sector and public sector company representatives and relevant partners with a view to the articulation of a systematic training program for private sector firms in corporate governance areas of mutual interest which can be implemented over time by a selected expert trainer</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>
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<p>10.Support to women’s participation and representation in democratic politics in accordance with internationally accepted gender equality principles</p>	<p>Women in Parliament</p>	<p>Group on Corporate Governance</p> <p>Group of Women Parliamentarians in the Americas; national gender offices in assessment countries; Caribbean Policy Development Centre</p>	<p>Jamaica, Belize, Trinidad &amp; Tobago, Guyana, Suriname, 6 OECS Countries, Barbados</p>	<p>Women parliamentarians will act more proactively in ensuring that gender rights are advanced in Parliaments</p>	<p>Seek to strengthen legislation on domestic violence; Ensure that governments enter into and honour international conventions in the interests of gender rights and equality, e.g.MDG, BPA, etc.</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>
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<p>11. Governance and Accountability Justice System Reforms</p>	<p>Undertaking justice reforms which support governance and accountability strengthening initiatives</p>	<p>CIDA Justice Undertakings for Social Transformation Project (Jamaica); CIDA Judicial and Legal Reform Project (OECS); CARICOM Regional Legislative Drafting Facility; national Offices of Directors of Public Prosecutions; Regional and National Bar Associations; Justice Canada</p>	<p>Jamaica, Belize, 6 OECS Countries</p>	<p>Criminal penalties are incorporated into national legislation governing national integrity institutions, which are prosecuted by Offices of the Director of Public Prosecutions in targeted assessment countries. Regional and National Bar Associations draft and implement codes of conduct governing the conduct of lawyers in the exercise of their professional responsibilities.</p>	<p>Revised laws for national integrity organizations will have specific provisions making some breaches criminal offences. These offences will be prosecuted by the Offices of the Directors of Public Prosecutions which will need to have their case management systems streamlined and their prosecutors trained in various areas relating to specialized cases, e.g. corruption cases. Regional and National Bar Associations provided with the necessary assistance to enable them to draft and implement professional codes</p>	<p>Over the life of the program</p>	<p>CIDA PTL and FTL</p>
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12. Monitoring and evaluation	Overall Program			Monitor overall implementation progress of program and the achievement of results under each program outcome	of conduct.		CIDA PTL and FTL
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**Appendix 8(a)**  
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Mr. Justice Duke Pollard, Mr. Justice Adrian Saunders, Mr. Justice James Witt, Madam Justice Desiree Bernard,	Caribbean Court of Justice, Port of Spain.	Tel: (868) 6232225; 6242256	<a href="mailto:dpollard@caribbeancourtjustice.org">dpollard@caribbeancourtjustice.org</a>

Mr. Justice Rolston Nelson			
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**Appendix 8 (e)**  
**Approved Workplan**  
**Project Design – Strengthening Governance and Accountability Project**

**Background**

The Government of Canada has decided that the Caribbean Community will be a region of focus for international development assistance for the next ten years. In line with this priority, CIDA has approved a Strategic Programming Framework for the region (2007/8-2017/18). The purpose of the Programme is to “*strategically address the root causes of vulnerability and institutional weakness by supporting the region as a whole so that it can be more self-reliant in ten years*”.

Programming will be focused on three themes – (i) Regional Democratic Governance; (ii) Regional Economic Renewal and (iii) Regional Human Capital Formation. The purpose of this consultancy is to support project development under the theme of Regional Democratic Governance.

There is general recognition by Caribbean partners of the need to improve regional democratic governance; improved transparency and accountability of public information especially in relation to the use of national resources as well as the need for governments to better engage with civil society and the media to formulate consensual partnerships. This includes fostering of better relationships and understanding about the role and function of government, and the role and function of civil society in the development and decision-making processes.

The intention is for CIDA to support initiatives that will improve Governance capacity in public institutions and involve civil society as an integral part in improving governance for more efficient, transparent and effective management of national resources. CIDA requires that a regional project be developed to fulfill this purpose that meets the needs of regional stakeholders and takes advantage of potential synergies with other CIDA programmes and those of IDPs in the region. Depending on the design, the implementation phase of the project could be for a period ranging from 5 - 10 years. CIDA has identified an indicative budget of CDN\$19.45 M for this initiative.

Based on CIDA’s expected results from the programme, initial indications are that the project will likely include initiatives that will:

Improve national and regional structures and institutional capacity (potential beneficiaries could include (regional institutions, legislative bodies, national oversight bodies, statutory Boards, public bodies, ministries and agencies) enable citizens and non-state actors to become better informed and more involved in planning, implementing and monitoring key programmes (potential beneficiaries could include the media, civil society, professional associations)

**Project Overview, Management and Work Plan Summary Matrix**

The purpose of this assignment is to conduct in-country research in twelve CARICOM Member States (with the exception of Haiti), and technical analyses to feed into the development of a Project Approval Document (PAD) for the CGAP. The PAD will contain specific design and implementation recommendations for the project based on these country assessments. The PAD will be the major output of this assignment. While the project is focused on Democratic Governance, environmental sustainability and gender equity considerations will be built into the programme as cross-cutting themes. The assignment will be undertaken by two consultants (Lead consultant who is a Democracy and Governance Specialist/Attorney and a Regional Governance Specialist). The consultants will work with a CIDA team including a Project Team Leader, Project Field Leader, CIDA field officers and other specialists.

Specific outputs of this consultancy will include a Field Mission Report, a draft Project Approval Document (PAD), a report on a consultative meeting(s) with Regional Stakeholders at which the draft PAD will be shared and a complete PAD with appropriate Annexes, including indicative budget and work breakdown structure.

### **Approach and Data Gathering Methodology**

In December 2007, CIDA officers from CIDA Headquarters and the Development Section of CHC Bridgetown, undertook a brief scoping mission in the OECS (St. Lucia and Antigua) to obtain a better understanding of the challenges and issues with respect to governance and accountability. Among the key issues identified by national partners were:

- (a) Harmonization and streamlining of procurement systems;
- (b) Strengthening of Parliamentary Oversight Commissions/Committees;
- © Strengthening the effectiveness of statutory boards;
- (d) Strengthening the effectiveness of Professional Associations;
- (e) Access to Information; and
- (f) Strengthening the role of civil society including the media in Governance.

The consultants will build on these initial findings, but will approach the design of the proposed Project with an open mind with respect to possible programme focus, content and design.

The consultancy will involve:

1. Country visits and assessments
2. Meetings with representatives from regional bodies
3. Document review and analysis
4. Gender and Environmental Analyses
5. Institutional Analyses
6. Other stakeholder consultations

### **Country visits and assessments**

The purpose of the country assessments is to meet with representatives from a broad cross-section of stakeholders including national governments, civil society organizations, private businesses and donor organizations that are interested in the governance strengthening/reform areas.

The intention is to seek the views of national stakeholders (including public sector, civil society, private sector and the media) and take those views into account in the formulation of recommendations that CIDA can usefully utilize in its final design and implementation of the proposed regional project. Key persons with whom meetings will be arranged are representatives that have a direct or indirect relationship in the crafting and implementation of policies that affect the governance environment.

The country assessments will identify the state of democratic governance in these countries; map existing institutions and processes supporting democratic governance and current and future needs that can be built on via CIDA support; potential beneficiaries and project partners (with indications of their strengths and weaknesses) as well as governance expertise. Additionally, critical socio-economic and other relevant data required for the analyses will be obtained in country as necessary.

Interviews of relevant representatives of the organizations located in the various assessment countries identified will be undertaken.

The consultant team members will undertake visits to:

- Jamaica
- Belize
- Trinidad and Tobago
- Barbados

Suriname  
Antigua  
Dominica  
Grenada  
St. Vincent and the Grenadines  
St. Kitts and Nevis  
St. Lucia  
Guyana (regional institutions meetings)

It is anticipated that the consultants will conduct joint assessment activities in Jamaica, Belize, Trinidad and Tobago, Barbados, and the six independent OECS Countries. The lead consultant will solely participate in meetings in Guyana and Suriname and the flexibility to split up and attend different country meetings where the circumstances so demand, will be retained throughout the course of the consultancy assignment. Guyana will be treated as a special case as it is involved with a Democratic Governance Institutional Assessment (DGIA) process. The CIDA Team in the development of the project will take recommendations from the DGIA into consideration. Access to a draft of this document, or the completed document, will be arranged by CIDA for the members of the Assessment Team.

It is proposed that a maximum of three working days be spent in each Assessment Country, with the exception of Jamaica, having regard to the large number of individuals and national and regional institutions in that country that are available to give us insights into a large number of similar strengthening governance and accountability problems which are present in varying degrees in all our proposed Caribbean Assessment Countries.

Although there will be no specific Country Assessment Visits taking place to Anguilla, the British Virgin Islands and Montserrat, it would be very useful to have representatives from those countries attend the proposed Regional Stakeholders Meeting in Barbados to apprise themselves of the way CIDA is approaching strengthening Governance and Accountability in the independent CARICOM Countries. In addition, CIDA might wish to encourage DFID to explore the possibility of providing future financial assistance to these countries should they wish to replicate any of the specific strengthening governance and accountability initiatives which are put forward as a result of the project design.

### **Meetings with regional bodies**

CIDA's intention is to develop a CARICOM regional project (for CARICOM countries except Haiti), although the project could be designed as a multi-country initiative (that is, covering only some of the CARICOM countries). Although the team will not undertake a field assessment in Guyana, a meeting will be held in Georgetown with CIDA Officers, relevant members of staff of the CARICOM Secretariat, including those from the CARICOM Regional Legislative Drafting Facility that was established four years ago under the auspices of the United States Agency for International Development.

Consultations will also include, but not be limited to, the OECS Secretariat (St. Lucia), the Eastern Caribbean Central Bank (St. Kitts) the Caribbean Development Bank (Barbados) and other local and regional organizations and donors engaged in governance strengthening and reform activities. Key stakeholders to be contacted are identified in Attachment 1.

The purpose of these meetings is to ascertain common regional governance needs, capacity needs of regional institutions with respect to governance issues and potential partners and beneficiaries at the regional institutional level.

### **Document Review and Analysis**

The consultants will undertake an extensive review of reports and analyses relating to governance in the Caribbean emanating from regional institutions, CIDA, International Organizations and the governance strategies and portfolios of other donor agencies with a Caribbean development mandate. While the Consultants will rely



on CIDA to identify key documents and provide the consultants with copies of these reports and analyses in e-format where available; we will also avail ourselves of the opportunities to obtain any additional documents which come to our attention as a result of our interactions with stakeholders during the mission and those we can resource ourselves from other reliable sources.

Document review will provide the consultants with background information, baseline information and reporting information. The consultants will review project files on the state of national and regional governance, project reports, evaluations, baseline studies and other relevant information provided by CIDA posts in Jamaica, Guyana and Barbados. The consultants will also review other relevant documents identified in the course of the assessment, including those originating from other donors who might be interested in the governance strengthening and reform areas. An analysis of the information contained in the documentation provided by CIDA has been undertaken which has led to the preliminary identification of key governance issues to which attention must be paid during the course of the consultancy assignment. These issues are identified in Attachment 4 to this work plan.

### **Gender and Environmental Analyses**

The Regional Governance Consultant has extensive CIDA experience in the Gender and Environment assessment areas and will be in a position to contribute to the production of these analyses. It is anticipated that Gender and Environment Specialists might join the team at a point convenient to CIDA, which allows them to participate in a representative sample of country assessments visits as well as the conclusion of the mission in Barbados.

#### **Gender**

In recent years, there have been a number of research and policy initiatives to ensure that gender equality (GE) issues are addressed in governance transformation and reform initiatives. Some of the areas of proposed focus for the project, namely strengthening the role of civil society in governance and strengthening the role of professional associations could have significant gender implications. Country visits and documentary reviews will identify key gender equality issues and existing gender analysis and equality mechanisms in use by both Government and civil society. The consultants will focus on the operation, programmes and policies of public institutions and the extent to which gender equality is taken into account and operationalised; and identify gaps that could be addressed within the context of the governance project. Additionally, focus will be placed on the extent to which gender inequality may play a role in the effectiveness of government, civil society and the media; and ways in which this may be addressed.

It is understood that CIDA will consider resourcing a regionally engaged GE Consultant, under another independent CIDA contract to assist the team with analysis and investigations that would lead to identifying GE result(s) and/or GE-related indicators. Alternatively, the CIDA HQ based GE analyst for the Caribbean program may undertake this role.

#### **Environment**

A Strategic Environmental Assessment (SEA) was conducted in November 2005 in support of the (CRDPF) which covers the period 2006/07-2010/2011. The SEA provides broad recommendations for mainstreaming environment into programming for "adjustment to globalization" (under the CRDPF focus area (FA) of Governance). The consultants will identify areas where there is a nexus between governance and environmental management (e.g. access to information by civil society on environmental/planning issues or involvement of civil society in environmental policy -making). A CIDA environment specialist will assist the Assessment Team with analysis and investigations which would lead to identifying possible environmental result(s)/indicators.

#### **Institutional analyses**

In order to come to grips with the optimum management structure for the proposed Project, it will be necessary to conduct institutional analyses of various organizations in the Caribbean Region that are potential partners or beneficiaries of the CIDA Programme. It would be ideal if these potential partners and beneficiaries have had

successful track records in implementing governance and or donor programs in the region. While the consultants cannot undertake full institutional analyses, strong attempts will also be made to obtain and utilize lessons learned from ongoing or concluded governance programs in the region that might have been implemented by CIDA or other members of the donor community in the Caribbean. The Strengthening Governance and Accountability Team is aware that CIDA has fielded/is fielding other teams which have been working on other project initiatives such as SEMCAR, CARTAC, Regional Justice, and new CCF, and all attempts will be made to obtain relevant information on lesson learned as well as specific national and regional organizational capabilities which might be useful in articulating recommendations on the implementation mechanisms that would be most appropriate for the Strengthened Democracy and Accountability Project. With particular reference to SEMCAR, the Governance Team will be seeking to meet with SEMCAR team representatives as we pass through their respective countries (Belize, Guyana, St. Lucia). Contact will also be initiated by E-mail with members of the SEMCAR Team.

### **Internal Consultations/Team meetings**

Consultations will be held with the members of CIDA's management team based at Headquarters and at Posts in Barbados, Guyana and Jamaica as well as with any specialists on gender, environment and Results Based Management recruited by CIDA to supplement the efforts of the consultancy team. The consulting team will debrief the CIDA team at appropriate intervals.

### **Consultations with International Development Partners**

The consultants think that it is advisable to meet with those donors/lenders who have, or are contemplating, Governance Strengthening and Accountability Programs in the English-speaking Caribbean Countries that are the subject of this consultancy. It is requested that the CIDA Posts in Jamaica, Barbados and Guyana assist the team in hosting a meeting of these donors in their respective countries to coincide with the assessment visits of the team. The donors/lenders who have, or are contemplating governance and accountability interventions, seem to be DFID, UNDP, USAID, the EU, CDB, the World Bank and the IDB.

In general, stakeholder interviews will among other things serve to:

Facilitate consultation with regional governance personnel in order to confirm their perceptions on the state of governance in the particular assessment country and what, if any, strengthening interventions are required to ameliorate or remove any specific problems or weaknesses that might be identified.

More deeply probe issues not adequately addressed in the documentation.

Corroborate/triangulate information contained in the documentation.

Identify additional sources of information.

Clarify issues arising from the documentation.

Ascertain the existing participation of Other Donors in the regional/national governance strengthening and reform areas.

Identify information on possible implementation mechanisms for an approved Strengthened Governance and Accountability Project.

Identify lessons learned and recommendations which could usefully inform the recommendations that will be made to CIDA with respect to governance strengthening initiatives which it might wish to implement nationally and/or regionally in the assessment countries.

Some interviews and follow-up discussion will take place via telephone or E-mail in those situations where critical stakeholders are unavailable for individual interviews or for participation in regional meetings.

It is expected that the approach proposed above will satisfy CIDA's requirements contained in the consultancy Terms of Reference that:

Consistent with the Paris Declaration on Aid Effectiveness and Donor Harmonization, the project will involve national and regional partners in the overall design, planning, and implementation.

Linkages and synergies with other CIDA and donor partner's initiatives as well as national and regional initiatives are identified, and where possible, opportunities for collaboration.

The successes, experiences and lessons learnt from CIDA and other donor partners guide the development of the project.

Cognizant of the strengths and weaknesses of national/regional partners, the project will utilize Canadian experts and national/regional personnel in technology transfer, capacity building and long-term sustainability.

### **Interview/meeting protocols**

Face-to-face interviews are the preferred method of operation; however, given time constraints and possible scheduling challenges, it might be necessary to conduct some interviews by telephone or E-mail. In order to enable free and frank discussion and sharing of information, the consultants will undertake to maintain the confidentiality of the responses of key informants. While persons interviewed will be listed in an appendix to any consultant reports, the reports will not attribute specific comments to interviewees.

A list of proposed interviewees/organizations includes:

The CIDA Project Team Leader based in Canada  
The Heads of Aid in CIDA Barbados, CIDA Jamaica and CIDA Guyana  
The CIDA Senior Development Officer based in Barbados  
The CIDA Governance Officer in Jamaica

The CIDA Governance Officer in Guyana  
Ministers of Government  
Chambers of Commerce in the Caribbean Region  
Trade Union Representatives  
Houses of Parliament  
Ombudsmen Offices  
Offices of Auditors General  
Caribbean Association of Supreme Audit Institutions  
Institute of Chartered Accountants of the Caribbean  
National Government Access to Information Offices  
The University of the West Indies  
Eastern Caribbean Central Bank  
News Media Organizations  
Public Defender Offices  
Speakers of Houses of Parliament  
Cabinet Secretaries  
Offices of Contractors General  
The CARICOM Secretariat  
CARICOM Regional Legislative Drafting Facility  
The OECS Secretariat  
Caribbean Development Bank  
Caribbean Regional Technical Assistance Centre  
National/Regional Bar Associations  
Caribbean Policy Development Centre  
Other Donors involved in Governance

NGO's engaged in corruption, human rights, local government and access to information issues

Attachment 1 lists persons identified for interview in each country being assessed as well as the appropriate representatives from regional institutions and other development partners.

A matrix of potential questions is attached as Attachment 2. This will serve as a guide during interviews and country assessments. All questions may not be used and are not likely to be asked of each person identified in the

stakeholder group. The questions asked will be dependent on the position and function of the person being interviewed and interview information needs. The questions are designed to allow for the sensitive broaching of the topic of corruption at the political level; as well as to enable us to (i) identify accountability and democratic governance mechanisms in use in the various countries; (ii) gaps in coverage and; (iii) discussion of possible solutions and opportunities for CIDA involvement.

Focus group meetings may be an appropriate option in those circumstances where it is impractical to have one-on-one interviews in assessment countries due to the exigencies of time or because of the large number of potential interviewees. Under such a scenario, the Assessment Team Leader would request the assistance of the CIDA FTL in setting up and facilitating any meetings required.

The Attachment 1 list of potential interviewees and their organizations might be enlarged once the consultancy assignment begins and interviewees provide more insights into the subtle nuances of governance in their respective countries.

Management of the assignment

### **Roles and responsibilities:**

The entire CIDA project team includes the PTL, FTL, the two regional governance specialists as well as representatives of the CIDA Posts in Barbados, Guyana and Jamaica. It is anticipated that CIDA Headquarters and post personnel such as the Project Team Leader (PTL) and Field Team Leader (FTL) will wish to be present at stakeholder interviews in the various countries in such numbers as are in accordance with CIDA's best interests and internal imperatives. The roles and responsibilities of each as we understand them are highlighted:

#### **CIDA - HQ**

The Project Team Leader (PTL), Dr. Cheryl Gopaul who, along with the FTL, will accompany the specialists on selected country visits, represents CIDA Headquarters in Canada. CIDA HQ will also be called upon to guide the consultant to identify Canadian experts/institutions that could be of future benefit to the project. CIDA's gender and environment specialists will also be available to provide technical support to the consultants. CIDA may also provide the services of an RBM consultant to support the team. CIDA will provide feedback on the Consultants' deliverables.

#### **CIDA - Barbados**

CIDA's office in Barbados, which covers Barbados and the East Caribbean, will be managing the consultancy contracts of the two regional governance specialists and the responsible officer is the Field Team Leader (FTL), Ms. Michele Gibson. She will also accompany the team on selected country visits.

CIDA Barbados will assist the Lead Consultant with the making of airline travel and hotel reservations for the entire country assessment itineraries. CIDA Barbados will provide travel tickets to the Lead Consultant and Regional Governance Specialist for travel to all the countries where country assessments will be conducted. The consultants will be responsible for paying their meals and incidentals and other costs in each Assessment Country visited.

#### **CIDA field offices (Jamaica, Barbados and Guyana)**

The CIDA offices in Jamaica, Trinidad, Guyana (with Barbados taking the lead) will assist with the setting up of meetings in the various Assessment Countries. At the time of drafting this Work plan, the various field representatives of all three CIDA offices were heavily engaged in providing assistance with ascertaining and confirming meeting dates and potential interviewee availabilities in the various countries in which assessment activities will be undertaken. CIDA officers are also expected to provide feedback on the Consultants' deliverables.

### **Lead Consultant – Democracy and Governance Specialist**

**The Lead consultant will:**

Lead the Consultancy Assignment.

Participate in the selection of the Regional Governance Specialist

Review all Project Documentation.

Co-ordinate the Preparation of the Design Work Plan with the Regional Governance Specialist and ensure timely submission of the Work Plan, draft reports and final reports and other documentation to CIDA PTL and FTL.

Collaborate with the CIDA PTL to ensure the completion of all relevant analyses, including all annexes required for the PAD.

Collaborate with the CIDA FTL to ensure the co-ordination of the Field Mission for the country assessments.

Undertake the review of the contributions of all specialists and their input to PAD preparation.

Work with the CIDA RBM resource person to ensure that the final draft of the PAD is in accordance with all CIDA requirements.

The Lead Specialist will keep the PTL and FTL apprised of consultancy developments on a weekly basis. The Lead Consultant will submit deliverables to the PTL and FTL as required by the terms of the contract. In the event of any contract implementation problems that may arise, the Lead Specialist will advise/seek guidance from the FTL and PTL.

### **Regional Governance Specialist**

#### **The Regional Governance Specialist will:**

Assist the Lead Consultant in the development of the Work Plan for the assignment.

Participate actively in some or all of the Country Assessments as agreed between the team.

Provide required sector analyses as needed.

Provide the analyses needed on the strengths, weaknesses of public sector institutions and make recommendations for appropriate technical assistance.

Assist the Lead Consultant in the preparation of the Work Breakdown Structure (WBS) and Work Packages, the Logical Framework Analysis (LFA) and a Performance Measurement Framework (PMF) supportive of a CDN \$19.45 million project.

Contribute to the finalisation of draft reports and assist the Lead Consultant with the review of all documentation submitted as Annexes to the PAD.

### **Timing**

The entire assignment will be conducted over the period February 2008 to not later than July 31, 2008. A proposed schedule of deliverables in keeping with CIDA's requirements is as follows:

Draft Project Design Work plan	March 6, 2008
Final Project Design Work plan	March 8, 2008
Draft Field Mission Report	May 23, 2008
Draft PAD	June 9, 2008
Final Mission Report	July 9, 2008
Draft Report of Stakeholder Meetings	July 11, 2008
Final Revised PAD and Report of Stakeholder Meetings	July 31, 2008

### **Work plan (Draft and Final)**

The draft work plan will be presented to CIDA representatives on March 6, prior to an initial team meeting on March 7, 2008 at the CIDA Office in Jamaica. The final work plan will incorporate any comments received from CIDA and be submitted to CIDA before the first round of meetings in Jamaica.

Draft and Final Mission Report

Following the conclusion of two cluster visits to the Assessment Countries, the consultants will prepare and submit to CIDA, a concise draft report of the visits and findings/implications for CIDA from a program planning perspective, paying particular attention to Government priorities and the extent to which those needs are already being met by other donor programming. After obtaining CIDA's comments and input, the report will be finalised and a summary of the Final Report will be shared with regional stakeholders for their consideration and comments. This sharing of information will take place within the context of a regional stakeholders meeting in a centrally located country such as Barbados.

The report will include an executive summary, background, mission findings and analysis that would lead to recommendations on the scope of the Strengthening Governance and Accountability Project (description, areas of focus, objectives, LFA/expected results, work breakdown structure, and the means of project implementation). The report will also integrate information from the proposed gender; environment and results based management experts.

### **Draft and Final PAD**

The Consultant Team will prepare the draft PAD for Strengthening Democratic Governance and Accountability. For each of the proposed initiatives/components for Strengthened Governance and Accountability (including those stemming from gender and environment), specifications sufficient for programming and budgeting in a results-based format consistent with CIDA requirements will be outlined, with the initiatives/components framed within an LFA and accompanied by a work breakdown structure to further define the work to be undertaken for each component.

The PAD will be revised and finalized after the inclusion of stakeholder views on the mission report, which itself would have been revised after input from the CIDA team.

### **Final Report of Stakeholders Meetings**

#### **Work Scheduling and Level of Effort**

The Work Plan takes into account the views of the CIDA team and the consultants. The specific tasks to be undertaken are set out in a Work Plan Matrix.

This consultancy is being conducted in a very fluid regional situation with regard to the availability of on-time airline services. As a result, interviews will not be scheduled on those travel days where the timelines are so close that delayed flights would result in the consultants missing critical appointments. This is particularly the case with respect to proposed travel to Belize, Guyana and Suriname. The following Work Schedule and Levels of Effort are proposed

Country assessments will be carried out in three time blocks:

Jamaica and Belize (February to March)

Trinidad and Tobago, Guyana, Suriname and Barbados (March to April)

OECS (Antigua & Barbuda, Dominica, Grenada, Saint Kitts & Nevis, Saint Lucia and Saint Vincent & the Grenadines (April to May).

Analyses and report drafting will take place between and after assessment country visits. After the conclusion of each of the three clusters of Assessment Country Visits, CIDA will be debriefed via teleconference, or at posts as convenient. The debriefings will cover issues pertaining to or potentially impacting upon, the preparation of the Mission Report or the PAD. The Lead Consultant as well as the Regional Governance Specialist will attend these meetings. At the end of the country assessments it is proposed that the team debrief the post in Barbados on the results of the Country Assessments.

The work schedule and level of effort are indicated in the tables below:

### Jamaica and Belize

Activities	Timeframe	Level of Effort		Total
		DD	CSD	
Document Review/Preparation of Draft Work plan ***	February 20 - March 6	12	5	17
Meeting of Project Team at Jamaica Mission and Work plan revision ****	March 7	1	1	2
Conduct Interviews in Jamaica ***	March 10- March 14	5	5	10
Travel from Jamaica to Belize ***	March 16	0	0	0
Conduct interviews in Belize***	March 17-19	3	3	6
Travel from Belize to Jamaica **	March 20	0	0	0
<b>Sub-total</b>		<b>21</b>	<b>14</b>	<b>35</b>
<b>END OF FIRST ROUND OF PLANNING AND COUNTRY ASSESSMENTS</b>				

### Trinidad, Guyana and Suriname

Activities	Timeframe	Level of Effort		Total
		DD	CSD	
Travel from Jamaica to Trinidad **	March 25	0	0	0
Conduct interviews in Trinidad ***	March 26-28	3	3	6
Travel from Trinidad to Guyana * Travel from Trinidad to Jamaica**	March 29	0	0	0
Meet with CIDA, CARICOM Secretariat and Regional Legislative Drafting Facility representatives in Guyana*	March 31-April 1	2	0	2
Travel from Guyana to Suriname *	April 2	0	0	0
Conduct interviews in Suriname*	April 3-4	2	0	2
Travel from Suriname to Barbados*	April 5	0	0	0
Travel from Barbados to Jamaica***	April 6	0	0	
Analysis of first and second round of field assessments and drafting of field mission report***	April 7 -18	12	10	22
<b>Sub-total</b>		<b>19</b>	<b>13</b>	<b>32</b>
<b>END OF SECOND ROUND OF COUNTRY ASSESSMENTS</b>				

### OECS Countries

Activities	Timeframe	Level of Effort		Total
		DD	CSD	
Travel from Jamaica to Dominica ***	April 19	0	0	0

Lead Consultant Briefing Meeting with FTL and preparatory work for OECS	April 20	1	0	1
Interviews in Dominica ***	April 21-22	2	2	4
Travel from Dominica to Saint Kitts and Nevis ***	April 23	0	0	0
Interviews in Saint Kitts and Nevis ***	April 24-25	2	2	4
Travel from Saint Kitts and Nevis to Antigua ***	April 26	0	0	0
Interviews in Antigua & Barbuda ***	April 28-29	2	2	4
Travel from Antigua to Grenada ***	April 30	0	0	0
Interviews in Grenada***	May 1-2	2	2	4
Travel from Grenada to St. Vincent**	May 3	0	0	0
Interviews in St. Vincent ***	May 5-6	2	2	4
Travel from St. Vincent to St. Lucia ***	May 7	0	0	0
Interviews in St. Lucia ***	May 8-9	2	2	4
Travel from St. Lucia to Barbados***	May 10	0	0	0
Conduct interviews in Barbados ***	May 12-13	2	2	4
Team Meetings, Analysis and prepare for CIDA debrief ***	May14-15	2	2	4
CIDA Debrief ***	May 16	1	1	2
Travel from Barbados to Jamaica***	May 17	0	0	0
<b>Sub-total</b>		<b>18</b>	<b>17</b>	<b>35</b>
<b>END OF THIRD ROUND OF COUNTRY ASSESSMENTS</b>				

## DESIGN AND REPORTING

Activities	Timeframe	Level of Effort		Total
		DD	CSD	
Analysis of third round of field assessments and preparation of draft Field Mission Report	May 19-23	5	5	10
Submit Draft Field Mission Report to CIDA*	May 23			
Prepare Draft PAD and Annexes	May 26-June 9	10	5	15
Feedback received from CIDA on Draft Field Report	May 30			
Revisions made to Field Report by consultants ***	June 2-4	3	1	4
Submit Final Field Report to CIDA for review	June 9			
Submit Draft PAD to CIDA.	June 9			
Receive Feedback from CIDA	June 18			
Revise and re-submit to CIDA for circulation to Stakeholders for Regional Governance meeting	June 23	2	2	4
Prepare for stakeholders meeting	June 24-26	2	1	3
Travel to Barbados (Canada Day Holiday)	July 1	0	0	0



Activities	Timeframe	Level of Effort		Total
		DD	CSD	
Convening of Regional Stakeholders Conference in Barbados (At hotel or CDB)	July 3	1	1	2
CIDA Debrief (Post and HQ)	July 4	1	1	2
Travel from Barbados	July 5	0	0	0
Preparation of Report on Regional Stakeholders Conference in Barbados	July 7-10	4	1	5
Submit Draft Report on Regional Stakeholders Conference in Barbados and Revised PAD	July 11			
CIDA provides comments on Draft PAD	July 25	0	0	0
Revise PAD	July 25-31	4	4	8
Final Revised PAD sent to CIDA*	July 31			
<b>Sub-totals</b>		<b>32</b>	<b>21</b>	<b>53</b>
<b>TOTALS</b>		<b>90</b>	<b>65</b>	<b>155</b>

**Notes:**

- \* DD = Dennis Darby;
- \*\* CD = Christine Scott-Dunkley
- \*\*\* DD and CD = Darby and Scott Dunkley

**Level of Effort Summary**

ACTIVITIES/TASK	LEVEL OF EFFORT		Total
	DD	CSD	
Project Preparation	13	6	19
Country Assessments	45	38	83
Design and Reporting	25	18	43
Regional Stakeholder Consultation	7	3	10
	<b>90</b>	<b>65</b>	<b>155</b>

**3.2 LEVEL OF EFFORT**

The Lead Consultant is responsible for the overall project design assignment with timely inputs from the Regional Governance Consultant and other specialists. The cumulative estimated level of effort for the two Governance Specialists is 155 days. The assignment will commence for each Specialist on the signing of individual contracts and will end no later than July 31, 2008. The following table provides the approximate level of effort for each activity including travel time.

ACTIVITIES/TASK	CUMULATIVE DAYS
Project Preparation: Participate in initial discussions with CIDA on the Assignment via conference call; Review relevant publications and background documents; develop the Draft Project and Field Mission Work Plans for CIDA Approval and finalise.	

Lead Consultant: 12 days Governance Consultant: 8 days	20
Country Assessments: Participate in a Field Mission in 12 CARICOM Member States (days are not contiguous and will differ for each consultant) and in debriefing meetings with PTL, FTL and other team members Lead Consultant: 35 days Governance Consultant: 30 days	65
Draft Reporting: Draft a Mission Report and a Draft Project Approval Document (PAD) to include annexes and inputs from other Specialists Lead Consultant: 20 days Governance Consultant: 16 days	36
Lead Regional Meetings for Stakeholder Consultations on Draft Mission Report and prepare a Summary Report of Stakeholder Consultations Lead Consultant: 8 days Governance Consultant: 5 days	13
Final Reporting: Prepare Revised Draft PAD with assistance from CIDA RBM specialist, incorporating feedback from regional stakeholders and including comments from CIDA Headquarters and Posts Lead Consultant: 15 days Governance Consultant: 6 days	21
<b>OVERALL LEVEL OF EFFORT</b>  <b>Lead Consultant: 90 days</b> <b>Governance Consultant: 65 days</b>	<b>155</b>

### DELIVERABLES

The main deliverables of the assignment include, but are not limited to, the following:

- Draft Project Design Workplan;
- Final Project Design Workplan;
- Draft Field Mission Report;
- Draft PAD;
- Final Mission Report;
- Final Report of Regional Stakeholder Meetings;
- Final Revised PAD.

### INVOICING

Both parties will agree upon a payment schedule and any and all invoices will be submitted to Michele Gibson, Senior Development Officer at the address stated in the contract. Queries on payments and other financial matters should be made to Beverly Clarke, Financial Assistant at the same address.

### Attachment 2: Question matrix – Field mission – Strengthening Democratic Governance and Accountability in the Caribbean

	<b>ACCOUNTABLE PUBLIC INSTITUTIONS</b>	<b>FREEDOM AND DEMOCRACY</b>
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Stakeholder Group	Public Institution Capacity/ Service delivery (financial and economic management; policy making, regulation and control)	Accountability mechanisms	Open and accountable political systems	Civil society participation Media, civil society and Government relations
Political directorate (national)	<p>What are the key constraints to effective public management (e.g. systemic/structural problems or lack of capacity/technology)</p> <p>What are the current key public sector reforms underway and what critical areas are they addressing?</p> <p>What have been the results so far and what lessons have emerged from these experiences?</p> <p>To what extent has the public been involved in developing, monitoring or providing feedback on the results of these reforms?</p> <p>What are the current gaps in the public sector reform agenda?</p> <p>What are the risks of the public sector reform process (current or planned) and how can these risks be mitigated?</p> <p>To what extent is there need for harmonization of public sector processes across the region and what are the key areas in need of harmonization/standardization?</p> <p>To what extent have national public sector reform priorities been sidelined because of other global or regional imperatives?</p> <p>How could a CIDA-funded programme support needed public sector reform?</p>	<p>What are the main institutions established for oversight and accountability (including approval and supervision of public expenditure) in the public interest?</p> <p>How effective are they?</p> <p>What are the strengths/weakness and constraints to their proper functioning?</p> <p>Are there any gaps that could be filled with technical assistance?</p> <p>How has the government dealt with corruption in the past?</p> <p>What are the factors driving or enabling corruption if/when it occurs?</p> <p>To what extent is there need to strengthen capacity/accountability of non-elected/non career public servants such as members of statutory boards?</p> <p>To what extent does/can civil society play an oversight/watchdog role?</p>	<p>Is the current legislation conducive to open and accountable political systems?</p> <p>Are you satisfied with the objectivity of the media with respect to political coverage?</p> <p>Are you satisfied with the level of public engagement in the democratic process?</p> <p>What are the constraints, if any, to media objectivity or civic engagement?</p>	<p>What are the mechanisms for public participation in decision making/planning of polices, programmes and projects?</p> <p>To what extent are there differences between how/when the private sector is consulted on issues vs. wider civil society?</p> <p>What is the extent of civil society participation and what is your assessment of civil society's capacity to respond?</p> <p>How representative are the main civil society groups of the public at large?</p> <p>How comprehensive is legislation giving citizens the right to access government information? Does civil society take advantage of current access to information provisions?</p> <p>On what issues are there most convergence and divergence in views between Government and civil society? What mechanism can be used to bring both closer to consensus?</p>

	<b>ACCOUNTABLE PUBLIC INSTITUTIONS</b>		<b>FREEDOM AND DEMOCRACY</b>	
<b>Stakeholder Group</b>	<b>Public Institution Capacity/ Service delivery (financial and economic management; policy making, regulation and control)</b>	<b>Accountability mechanisms</b>	<b>Open and accountable political systems</b>	<b>Civil society participation Media, civil society and Government relations</b>
Regional institutions	To what extent is there need for harmonization of public sector processes across the region and what are the key areas in need of harmonization/standardization? To what extent can regional institutions support development of regional public sector capacity? To what extent is there need for harmonization of national policies across the region and what are the key areas in need of harmonization?	To what extent is corruption of public officials a concern? To what extent does the private sector facilitate corruption of public officials? Is there a role for regional institutions to act as watchdogs of government accountability?	To what extent have there been changes in the democratic processes across the region? Is there a role of regional institutions to facilitate/promote more open and accountable political systems?	What mechanisms do regional intuitions use for public participation on regional matters? What is the extent of civil society participation on regional issues and what is civil society's capacity to respond? How representative are the main civil society groups of the public at large?
Civil/public servants  Heads of Oversight Bodies	What are the key constraints to effective public management (systemic/structural problems or clack of capacity/technology) What are the current key public sector reforms underway and what critical areas are they addressing? What lessons have emerged from these experiences? To what extent has the public been involved in developing, monitoring or providing feedback on the results of these reforms? How does the Government ensure male/ female & youth/seniors' views are taken into account? What are the factors hampering delivery of quality public services? How is quality of service delivery measured? To what extent is there need for harmonization of public	What are the strengths/weakness and constraints to the proper functioning of oversight mechanisms designed to ensure public accountability/minimize corruption? Are there oversight processes/mechanisms that do not now exist that could be established to enhance accountability? Are there any areas in need of strengthening or gaps that could be filled with technical assistance? What are the factors currently driving or enabling corruption when it occurs? To what extent is there need to strengthen capacity/ accountability		What are the mechanisms for public participation in decision making/planning of polices, programmes and projects? To what extent are there differences between how/when the private sector is consulted on issues vs. wider civil society? What is the extent of civil society participation and what is your assessment of civil society's capacity to respond? How representative are the main civil society groups of the public at large?

	ACCOUNTABLE PUBLIC INSTITUTIONS		FREEDOM AND DEMOCRACY	
Stakeholder Group	Public Institution Capacity/ Service delivery (financial and economic management; policy making, regulation and control)	Accountability mechanisms	Open and accountable political systems	Civil society participation Media, civil society and Government relations
	sector processes across the region. What are the key areas in need of harmonization/standardization?	of non-elected/non career public servants such as members of statutory boards?		On what issues are there most convergence and divergence in views between Government and civil society?
Civil society organizations	<p>How accessible and reliable are public services (and are the equally available to men and women)</p> <p>How systematic is consultation with users over service delivery/quality? Is this consultation inclusive (gender, age, class, etc.?)</p> <p>Are you satisfied with the regulatory functions of government? What are the areas in which regulation needs to be strengthened?</p> <p>How effectively are businesses regulated in the public interest?</p> <p>Are you satisfied with the quality of policies and programmes of the current government? Are they responsive to the peoples' needs? In what areas are there policy weaknesses?</p> <p>Does civil society/ordinary citizens have accessible channels of communication to give feedback to government about government policy and service delivery?</p>	<p>Are there sufficient mechanisms/institutions established for oversight and accountability in the public interest to ensure public accountability/minimize corruption?</p> <p>Are these effective?</p> <p>What are the strengths/weakness and constraints to the proper functioning of oversight mechanisms designed to ensure public accountability/minimize corruption?</p> <p>What are the gaps and what is needed to address these?</p> <p>To what extent is corruption of public officials a concern?</p> <p>How is corruption manifested?</p> <p>What are the factors driving or enabling corruption if/when it occurs?</p> <p>Are you satisfied with the ways in which the government has addressed instances of corruption (where this has occurred?)</p>	<p>To what extent are there constraints to freedom of political expression?</p> <p>Are you satisfied with the objectivity of the media with respect to political coverage?</p> <p>Are you satisfied with the levels of transparency in the selection of political representatives?</p> <p>Are you satisfied with the level of public engagement in the democratic process?</p> <p>Is the current legislation conducive to open and accountable political systems?</p> <p>What are the constraints, if any to media objectivity or civic engagement?</p>	<p>How responsive is Government to citizens' concerns?</p> <p>What are the mechanisms for public participation in decision making?</p> <p>What are the strengths and weaknesses of these mechanisms?</p> <p>Are there any factors preventing civil society from full participation in governmental decision-making processes?</p> <p>On what issues are there most convergence and divergence in views between Government and civil society?</p> <p>How comprehensive is legislation giving citizens the right to access government information?</p> <p>How independent are the media from government and other vested interests in protecting the public interest? How</p>

	<b>ACCOUNTABLE PUBLIC INSTITUTIONS</b>		<b>FREEDOM AND DEMOCRACY</b>	
<b>Stakeholder Group</b>	<b>Public Institution Capacity/ Service delivery (financial and economic management; policy making, regulation and control)</b>	<b>Accountability mechanisms</b>	<b>Open and accountable political systems</b>	<b>Civil society participation Media, civil society and Government relations</b>
				'credible' is the media? How effective are the media in investigating government and/or corporate entities?
Private Sector	Are you satisfied with the regulatory functions of government? What are the critical areas in which regulation needs to be strengthened? How effectively are businesses regulated in the public interest? To what extent is there 'self regulation' by the private sector? To what extent might public sector inefficiency encourage corruption? If efficiency/service delivery increases do you expect to see declining corruption?	Are there sufficient mechanisms to ensure public accountability/minimize corruption? Are these effective? Where there are gaps, what needs to be done to address these? To what extent is corruption of public officials a concern? To what extent does the private sector facilitate corruption of public officials?	Are you satisfied with the objectivity of the media with respect to political coverage? Are you satisfied with the levels of transparency in the selection of political representatives?	
Media		To what extent is corruption of public officials a concern? Are there sufficient mechanisms to ensure public accountability/minimize corruption? Are these effective? To what extent are journalists encouraged and/or discouraged from investigating potential cases of public mismanagement or corruption?	Are there threats/constraints to the extent to which the media can be objective in its political coverage? Is the current legislation conducive to open and accountable political systems? What are the constraints, if any to media objectivity or civic engagement?	How comprehensive is legislation giving citizens the right to access government information? To what extent is there interference/exercise of influence from government and other vested interests? How effective is the media in investigating government and other vested interests/protecting the public interest?

	ACCOUNTABLE PUBLIC INSTITUTIONS		FREEDOM AND DEMOCRACY	
Stakeholder Group	Public Institution Capacity/ Service delivery (financial and economic management; policy making, regulation and control)	Accountability mechanisms	Open and accountable political systems	Civil society participation Media, civil society and Government relations
				What are the constraints to investigative journalism? How free are the media from restrictive laws, harassment and intimidation?

**ATTACHMENT 3**  
**PRELIMINARY LIST OF DOCUMENTS CONSULTED/TO BE CONSULTED**

**Background documents**

CIDA - Commonwealth Caribbean and Suriname Division – Strategic Environmental Assessment  
CIDA – Guyana Governance Concept Paper  
Bradford and Associates Guyana Democratic Governance and Institutional Assessment  
Caribbean Community Strategic Programming Framework (FY 2007/08-2017/18) and Appendices  
Paris Declaration on Aid Effectiveness  
Current donor strategy papers for the Caribbean Region (DFID, UNDP, EU, USAID, IDB, World Bank)  
Project evaluations of CIDA Governance projects – Social Conflict and Legal Reform; Public Sector Modernization Project, Enhancing Civil Society Project)  
CIDA Regional Strategic Programming Framework  
Civil Society and Aid Effectiveness  
2007 Transparency International Country Report  
Cheryl Gopaul Mission Reports to Antigua and St. Lucia  
Project Fiduciary Management (World Bank)

## ATTACHMENT 4

### Thoughts for strengthening democracy and accountability in the Caribbean

#### (a) Public Sector Assistance & Reform

The development process in Caribbean Countries (except Barbados and Trinidad & Tobago) inevitably involves the infusion of significant external donor assistance. Aid coordination and management are therefore components of development management, which in turn are also aspects of overall public administration. Development management needs to be transparent, participatory, efficient, equitable and follow the Rule of Law. Aid coordination relates to the internal planning and integration of external assistance by a recipient government into national development goals and activities. Both processes involve a range of coordination services and require extensive national capacity to be properly administered. Many of the difficulties and challenges related to public administration in the Caribbean would be non-existent if there were efficient aid coordination and management. Therefore, **for most of our Caribbean Countries who might be beneficiaries of the new CIDA Program in Strengthening Governance and Accountability, assistance for aid coordination and management should precede other public sector reform efforts in strengthening democracy and accountability.**

#### (b) Corporate Governance

The problem of corruption, fraud and greed amongst corporate fiduciaries has heightened expectations of the global public for corporations to demonstrate greater level of accountability, transparency, and integrity in the way they do business. The rapid pace of globalization makes the need for reforming corporate governance in the Caribbean urgent. There is no well-developed standard for corporate governance in the Caribbean Countries and this deficiency can act as a brake to national and international investments. The problems of low corporate governance in the Caribbean Countries are exacerbated by:

(i) The predominantly family owned nature of larger Caribbean businesses and (ii) the limited human resource competence in corporate governance among business owners and employees in general. It is proposed that the CIDA Strengthened Governance and

Accountability Project take steps to, among other things, build extensive awareness of Corporate Governance principles and their applications, in both the private sector as well as Governments in the region.

#### (c) Legislatures

Recent experiences in public sector reform have shown that democracy, the rule of law, and an efficient marketplace are unlikely to exist without strong legislative bodies. **The success of institutional reforms throughout the public sector is heavily dependent on the accompanying legislative and regulatory structures.** The strength of a legislative system is measured by its ability to express public opinion, to represent the populace and accurately express the will of the people. Legislative structures must also raise public awareness in matters of national interest. It is likely that the legislative bodies in the proposed Caribbean beneficiary countries will require significant institutional strengthening as part of the proposed democratization process. Intervention areas of focus might include (i) improving their capacity to review legislation; (ii) improving their administrative and management systems; (iii) the provision of training programmes for legislators and support personnel; and (iv) activities geared to enhancing the relations between legislators and their constituents.

#### (d) The Human Rights Climate

Human rights and sustainable human development are mutually dependent and reinforcing. Development efforts are unsustainable where the rule of law and equity do not exist or where ethnic, religious or sexual discrimination is accepted. Development is also hindered where there are restrictions on free speech, association and the media. It is our belief that while the proposed programme should not specifically be one focused on human rights, it should be attuned to the fact that certain basic principles need to be incorporated into program design, which protect human rights. As examples, women should be integrated in all development programs implemented and active work should be undertaken with human rights organizations to enhance their capabilities to ensure that governing institutions uphold fundamental human rights principles.



### **(e) Civil Society Organizations**

In our view, a vibrant civil society is a critical precondition for more equitable, democratic, pluralistic and humane government. The reliance by citizens of Caribbean Countries on civil society organizations to be a bulwark against the seemingly overwhelming power of the State, bears witness to their aspirations to participate in the events that shape their lives. The role of civil society organizations seems to cut across institutions and governance programs and in our view a climate of good governance cannot be established without them being vibrant, strong and creative. For the purposes of the CIDA consultancy assignment, civil society organizations will generally be taken to include industry associations, commercial associations, professional associations, advocacy groups, the media, community based organizations, NGO's and faith-based organizations.

As there is a great disparity of power in favour of the State as compared to civil society organizations in the Caribbean, the policy environment is not conducive to the establishment, without more, of partnerships with civil society organizations. Partnerships are established among equals and civil society organizations are not viewed as such in many cases. The empowerment of civil society organizations therefore seems to be a precondition for ensuring that viable partnerships develop. Empowerment in our view can take many forms, including the building of alliances and broad coalitions between civil society organizations around matters of mutual concern. In our view, it is not enough to build the capacity of the regional civil society organizations, but concentration also has to be placed on activities which (i) develop partnerships; (ii) build social cohesion; (iii) resolve conflicts; (iv) increase awareness of rights and responsibilities; and (v) nurture participation in strengthened governance and accountability.

### **(f) Legislative Framework**

It is likely that the consultancy assignment will reveal that there are legislative gaps in the governance structures of Caribbean Countries, which can only be filled by the drafting and enactment of specific national legislation. A prime example of this would be the requirement for legislation to ensure that the present regional Defamation Laws are more protective of media investigative journalism and reporting. As all the Caribbean Countries have a serious dearth of legislative draftspersons to deal with their respective national legislative agendas, this problem could best be overcome through the utilization of an organization such as the CARICOM Regional Legislative Drafting Facility based in Georgetown, Guyana. The utilization of one focal point for legislative drafting is likely to assure that laws presented to national Parliaments are harmonized to the greatest possible extent taking into account the cultural and other nuances that are present in the various Caribbean Countries.

### **(g) Directors of Public Prosecution**

With the best will in the world, it is unlikely that any public sector reform process can be successfully undertaken without the State or civil society actors needing to take legal action to vindicate their rights under the existing laws. A number of these laws are likely to be criminal in nature and reliance will have to be placed on the various Offices of the Directors of Public Prosecution in the Caribbean Countries to press criminal charges where necessary to enforce compliance with existing rules. This could especially be the case with regard to breaches of laws relating to procurement procedures, which in many countries attract criminal sanctions and penalties. The Offices of the Directors of Public Prosecution (DPP) in the Caribbean Countries are not presently equipped with sufficiently trained manpower or technology to assume the additional burdens which could be placed on them to assist in rules enforcement under any strengthened governance and accountability regimes. It is highly likely that many of the Offices of the DPP in the proposed Caribbean Countries will be found to be desperately in need of institutional and personnel strengthening support to ensure that the critical role that they play in strengthening governance and accountability in the region can be enhanced.

### **(h) The Caribbean Diaspora in Canada**

The Caribbean Diaspora in Canada represents a huge untapped source of technical assistance, experience and funding to Caribbean Countries which is willing and able to make significant development contributions to various development projects, if these opportunities are presented by credible persons and organizations with firm

safeguards to ensure that any contributions are transparently accounted for and appropriately recognised. The Diaspora could be appropriately targeted under the proposed Strengthened Governance and Accountability Project to provide assistance to discrete areas of the Project. Areas which come to mind are: assisting in the capacity building endeavours of regional civil society organizations engaged in strengthening democracy and accountability through the provision of appropriate short-term technical assistance; contributing to the establishment of an annual award which encourages investigative journalism; assist in the establishment of a Chair for investigative journalism at the University of the West Indies and facilitating exchange visits to Canada, for civil society persons involved in various areas of Strengthening Governance and Accountability, to exchange and imbibe best practices from their colleagues. The Canadian Diaspora in the Caribbean could also be tapped to provide services to national jurisdictions, possibly through development organizations such as CIDA.

## **Attachment 5 Consultant Scope of Work**

### **PROJECT DESIGN**

#### **1.0 INTRODUCTION**

Democratic governance is essential for poverty reduction and long-term sustainable development in developing countries and for national, regional and global stability. It is critical in building effective, pluralistic states that allow women, men, boys and girls to realize their human rights and to manage conflict and change without violence. Good governance encompasses the values, rules, institutions, and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy, and exercise power. The governance system of a country underpins development outcomes in all sectors and has significant impacts on aid effectiveness.

#### **1.1 BACKGROUND**

The CIDA Caribbean Community Strategic Programming Framework (2007-2017) in response to the development challenges within the Caribbean Community (CARICOM) sets out the strategic orientation for CIDA support to the region in the area of democratic governance. This includes the strengthening of **(i) accountable public institutions** - public sector modernization and reform, and financial management and accountability; **(ii) rule of law** - reform of institutions of justice, protection of civil liberties and building of public confidence in reform outcomes; and **(iii) freedom and democracy** - more effective partnership relations between government and civil society, including the media.

CIDA has been supporting, and plans to support, several related governance and accountability initiatives in the Caribbean. Among these are:

Eastern Caribbean Economic Management Program (ECEMP) from 1987-2008, a regional capacity building projects in the OECS aimed at economic and public finance planning and policy. To build on the foundation of ECEMP, CIDA intends to follow-up with a planned initiative entitled "Supporting Economic Management in the Caribbean" (SEMCAR).

Caribbean Regional Technical Assistance Centre (CARTAC) Program, which is aimed at improving fiscal and economic policies, and practices that contribute to economic growth and poverty reduction in the Caribbean. The anticipated results of the CARTAC program are strengthened public finance and management; strengthened tax and customs policy and administration; improved financial sector regulation; and improved economic and financial statistics. CIDA intends to continue to support a third phase of CARTAC during 2008-2010 (3 years).

Recently, at the agency level, CIDA has been supporting the capacity building of civil society and government in donor harmonization and aid effectiveness, in which representatives from the Caribbean countries are involved.

Along with the above, CIDA will also be supporting a Caribbean Regional Civil Society Project, which is aimed at working with poor urban and rural communities, and NGOs in capacity building for sustainable livelihoods. Although regional in scope, the project intends to focus its work in Guyana and five other CARICOM countries.

Finally, CIDA is also proposing to support new regional initiatives on Legal and Justice Sector reform in the Caribbean.

## 1.2 CONTEXT

There is general recognition by Caribbean partners of the need to improve regional democratic governance as well as the need for governments to better engage with civil society and the media to formulate consensual partnerships. This includes fostering of better relationships and understanding about the role and function of government, and the role and function of civil society in the development and decision-making process.

Caribbean partners also identified the need for improved transparency and accountability of public information especially in relation to the use of national resources. For instance, at the Regional Seminar for Chairmen, Members of Boards and CEOs of State Enterprises, Statutory Authorities and Similar Agencies, held in Trinidad, March 2005, it was noted that for Vision 2020 to become a reality “*there is need for a quality of governance reflecting the highest standard of ethics, transparency and accountability. An appropriate Procurement Regime is therefore a critical component of that governance*” Kamal Mankee, Permanent Secretary, Ministry of Finance, Trinidad. The reference to procurement regime in relation to strengthened governance and accountability has been highlighted in several recent Country Reports on Fiduciary Management. The reports identified the need for country procedures as well as donor fiduciary policies and procedures to be simplified and harmonized. Some attention must also be given to issues of corporate governance and the interface between the exercise of corporate governance principles and the procurement and other rules of Caribbean governments.

Prior to the approval of the Caribbean Community Strategic Programming Framework (2007-2017) CIDA had planned to support a Guyana Governance Project. With the new CARICOM regional programming approach in place, and given that the purpose, expected results and outcomes are consistent with regional governance priority challenges, the approved Guyana Governance Concept Paper has now been broadened to support a regional Caribbean Governance project. In this regard, CIDA is willing to support a new initiative on **Strengthening Democratic Governance and Accountability in the Caribbean**. It is expected that the final project title will emerge out of the project design.

In December 2007, CIDA Officers from Headquarters and Bridgetown undertook a brief scoping mission in the OECS (St Lucia and Antigua) to obtain a better understanding of the challenges and issues with respect to governance and accountability. Among the key issues identified by national partners were:

- Harmonization and streamlining of procurement systems;
- Strengthening of Parliamentary Oversight Commissions/Committees;
- Strengthening the effectiveness of Statutory Boards;
- Strengthening the effectiveness of Professional Associations;
- Access to Information; and
- Strengthening the role of Civil Society, including the Media, in Governance

Research to be undertaken is not limited to those issues listed above as national partners may present other challenges to good governance in the region. Similar issues relating to governance and accountability were also highlighted as priority challenges in previous discussions with partners in other CARICOM countries, in particular Jamaica and Trinidad & Tobago. Guyana is presently going through a joint (IADB/CIDA/DFID) Democratic Governance Institutional Assessment Process from which it is anticipated that the priority governance issues and challenges will emerge with recommendations for future actions.

### 1.3 PROJECT CONCEPT

It is intended that the project design team will build on the following concept to specify the project goal and expected results:

The **purpose** of the proposed initiative would be to improve governance and capacity in public institutions; and involve civil society as an integral part in improving governance for more efficient, transparent and effective management of national resources.<sup>74</sup>

The proposed project should result in (a) improved governance structures and institutional capacity; and (b) better informed citizens and non-state actors becoming more active partners with government in planning, mobilizing and implementing key programmes. This should further result in: (i) Improved quality of governance by strengthening government's institutional capacity and reinforcing its functions in the management of national resources; and (ii) Strengthened capacity of men and women to be more active partners in development and decision-making, and improved confidence in state mechanisms.

### 2.0 ASSIGNMENT

The purpose of this assignment is to undertake the appropriate country research and assessment in the Member States of CARICOM (with the exception of Haiti and Guyana), provide the requisite technical analysis, to make recommendations to CIDA leading to and including the design and planning documentation of the proposed project "***Strengthening Democratic Governance and Accountability in the Caribbean***" and assist in the development of the Project Approval Document (PAD).

The assignment will be guided by the following factors:

Consistent with the Paris Declaration on Aid Effectiveness and Donor Harmonization, it is anticipated that the project will involve national (and regional partners) in the overall design, planning, and implementation. It is expected that the project will be led and owned by national and regional partners. Participation in designing, delivery and monitoring by national/regional stakeholders and intended beneficiaries should be key considerations so as to build ownership and capacity.

The need to identify linkages and synergies with other CIDA and donor partners initiatives as well as national and regional initiatives. Where possible, identify opportunities for collaboration.

The successes, experiences and lessons learnt from CIDA and other donor partners in the appropriate program area.

Cognizant of the strengths and weaknesses of national/regional partners as well as the use of Canadian experts and national/regional personnel in technology transfer, capacity building and long-term sustainability.

Depending on the design, the implementation phase of the project could be for a period ranging from 5 - 10 years. CIDA has identified an indicative budget of CDN\$19.5M for this initiative.

While CIDA's intention is to develop a CARICOM regional project (CARICOM countries except Haiti), the project could be designed as a multi-country initiative (that is, covering only some of the CARICOM countries).

The project could also be designed for implementation in a phased approach, starting in certain countries and expanding to others in the later phase. Since Guyana is involved with a Democratic Governance Institutional Assessment (DGIA) process, the Assessment Team will not undertake field assessment in Guyana but may conduct appropriate consultation with CIDA Officers in Georgetown when liaising on the country assessment of Suriname. Recommendations from the DGIA will be taken into consideration by CIDA in the development of the project. Access to a draft of this document, or the completed document, will be arranged for the members of the Assessment Team by CIDA.

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<sup>74</sup> Minor revision from exact text in CP

## **2.1 THE PROJECT DESIGN TEAM**

The CIDA Project Team will consist of the Governance Specialist at CIDA Head Quarters (Project Team Leader (PTL), the Senior Development Officer in the Barbados Office with responsibility for governance (Field Team Leader (FTL) and CIDA Officers at Posts in Guyana, Trinidad and Jamaica with responsibility for the project. The PTL will be responsible for ensuring the quality of the final Project Approval Document (PAD). To achieve this objective the PTL will provide advice and guidance to the full team including consultants and other specialists and work with the FTL to ensure that all elements of the assignment are facilitated.

The Consulting Team for the Assessment and Design Mission will initially consist of two regional governance specialists with complementary areas of expertise. The cross cutting themes of Gender and Environment will be addressed by specialists drawn from CIDA resources based at Headquarters or Posts, or recruited in the region. CIDA may also provide the services of an RBM consultant to assist with the final draft of the PAD.

The Consultants are expected to participate in field assessment missions in CARICOM member countries (except Guyana at this time and Haiti) to conduct consultations and analyses, leading to the design of the project and including the identification of the project activities and revised results (outcomes and outputs), project management strategy, and annexes including the logical framework analysis, governance analysis, and budget – all important elements of the PAD.

### ***Lead Consultant: Democracy and Governance Specialist***

#### **Knowledge and Experience:**

Demonstrated knowledge and understanding of governance, law and international development.

Thorough understanding of the governance issues facing the CARICOM region and the impact of international and regional events on Member States.

Sound legal education and understanding of the legal issues facing the CARICOM region.

Knowledge of contracting and procurement policy and procedures.

Demonstrated experience in program/project design, implementation, monitoring and evaluation; experience working for a donor organization.

Ability to work with multiple actors and partners in the development of national and regional programs; strong inter-personal skills and expertise.

Experience in public sector programs that integrate civil society actors in implementation.

Knowledge of CIDA policies and procedures including Results Based Management.

Strong analytical skills; excellent verbal and written communication skills.

#### **Roles and Responsibilities:**

Lead the Consultancy Assignment.

Participate in the selection of the PSI and Governance Specialist

Review all Project Documentation.

Co-ordinate the Preparation of the Design Work Plan with the Public Sector Institutions and Governance Specialist and ensure timely submission of the Work Plan, draft reports and final reports and other documentation to CIDA PTL and FTL.

Collaborate with the CIDA Project Team Leader to ensure the completion of all relevant analyses, including all annexes required for the PAD.

Collaborate with the CIDA Field Team Leader to ensure the co-ordination of the Field Mission for the country assessments.

Undertake the review of the contributions of all specialists and their input to PAD preparation.

Work with the CIDA RBM resource to ensure that the final draft of the PAD meets all CIDA requirements.

***Consultant: Regional Governance Specialist***

**Knowledge and Experience:**

Sound knowledge of organisational development, management and administration.

Knowledge of and experience with public sector institutions in the Caribbean.

Experience with development programming in the area of public sector reform projects or programs in the Caribbean.

Experience in the design and delivery of capacity building and institutional strengthening projects.

Knowledge of CIDA policies and procedures with full experience in Results Based Management and the development of Project Logical Framework Analysis (LFA) and Performance Measurement Frameworks.

Strong analytical skills; excellent verbal and written communication skills.

**Roles and Responsibilities:**

Assist the Lead Consultant in the development of the Work Plan for the assignment.

Participate actively in some or all of the Country Assessments as agreed between the team.

Provide required sector analyses as needed.

Provide the analyses needed on the strengths, weaknesses of public sector institutions and make recommendations for appropriate technical assistance.

Assist the Lead Consultant in the preparation of the Work Breakdown Structure (WBS) and Work Packages, the Logical Framework Analysis (LFA) and a Performance Measurement Framework (PMF) supportive of a CDN \$19.5 million project.

Contribute to the finalisation of draft reports and assist the Lead Consultant with the review of all documentation submitted as Annexes to the PAD.

CIDA Development Officers in Guyana, Trinidad and Jamaica will support the Team including during field assessment missions. The PTL and FTL will participate where possible in field assessment missions with the Consultants and in the analyses. The CIDA offices (with Barbados Office taking the lead) will assist with the setting up of meetings in the different countries and all other logistics including airline travel and hotel accommodation.

It may be necessary, at the discretion of the Lead Consultant and with CIDA's agreement, for the two consultants to work together in all or any particular country or to divide the field assessments and work individually where appropriate. Regardless, the Lead Consultant is expected to submit consolidated set of reports to CIDA.

CIDA will resource a gender specialist and an environment specialist to address the cross-cutting themes of Gender and Environment at the appropriate time taking care to ensure timely input leading to the completion of the draft PAD.

CIDA will also resource the appropriate personnel to assist the team with preparation of the final version of the Draft PAD in the required CIDA format.

**3.0 SCOPE OF WORK**

Specifically, the consultants will undertake the following services:

Obtain and review relevant background information and documents (CIDA will assist with providing as much documentation as possible).

Hold consultations with national and regional stakeholders (field assessment missions to the different CARICOM member countries).

Undertake detailed analyses of governance and accountability issues and challenges leading to the identification of priority activities that CIDA should consider supporting in the proposed project.

Develop the context and links with CIDA policy and regional programming framework as it relates to the proposed project (CIDA staff will provide information to consultants).

Develop the rationale/justification of the proposed project.

Describe the proposed project, project goal, purpose, expected results (impact, outcomes and outputs), and activities.

Develop the project LFA and a Performance Measurement Framework.

Identify any anticipated risks and recommend suitable mitigation strategies.

Identify gender and environmental considerations as crosscutting areas.

Identify how the project would be implemented and managed. Develop the project management and partnership strategy, including involvement of national and regional stakeholders. CIDA staff will provide information on CIDA management strategy for the project.

Recommend how the project should be monitored and evaluated.

Identify relevant lessons learned.

Identify the expected benefits of the proposed project to Canada and CARICOM countries.

Where possible, identify and recommend communication strategy including how to increase Canadian visibility in the Caribbean and in Canada in tandem with project activities.

Develop the project financial context – preliminary budget as well as contributions that will be made from partners/beneficiaries (in cash or in kind).

To achieve the above the Consultants will undertake the following activities:

Review of up to date publications and background documentation and pertinent reports on governance issues in the Caribbean not limited to but as indicated in Section 2.0 to identify issues, priorities and to develop an approach to the Assignment inclusive of all elements.

As members of the CIDA Project Design Team, undertake the planning of the Assignment and development of the Project Work Plan by liaising with CIDA staff through initial conference calls and briefing meetings with the CIDA team; and as appropriate with regional stakeholders. Prepare the Project Work Plan and Mission Work Plan for final CIDA approval.

Participate in Field Missions to undertake country assessments in 12 CARICOM Member States. The Mission Work Plan will define an approach for the two consultants to undertake the Country Assessments and identify stakeholders to be met. CIDA officials in-country or from Headquarters will accompany the Consultants as appropriate.

On completion of the Field Mission, prepare and submit to CIDA a) summary of the mission findings identifying project specific regional and national priorities relating to governance and accountability, how they are currently addressed and current donor support and programming; b) inputs required for the drafting of a Project Approval Document for the project in a pre-defined Report format consistent with the RBM approach.

Under the direction of the CIDA PTL and FTL finalise a Mission Report and revise the draft Project Approval Document (PAD).

Undertake with CIDA support regional meetings with stakeholders to share Mission Report for feedback.

Finalise, with the assistance of the designated CIDA resource, the revised draft PAD incorporating comments from regional and national stakeholders as well as those from CIDA officials at Headquarters and Posts.

### **3.1 TIME FRAME**

It is anticipated that this assignment will commence in February 2008, with field assessment missions undertaken between **February 25, 2008** and **April 30, 2008**. Draft report(s) are expected by **May 12, 2008** leading to a draft PAD submitted to CIDA by the Lead Consultant by **May 30, 2008**. Stakeholder feedback will be undertaken between mid-May and mid-June and the final PAD provided to CIDA by **July 31, 2008**.

Work preparation including document review and development of the work plan: **February 18 to March 07, 2008**

Field Mission for Country Assessments: **March – April 2008**

Reporting (includes Mission Report and Draft PAD): **Mid-April to May 2008**

Final Revised PAD with Annexes and LFA, Summary Report of Stakeholder Consultations: **July 31, 2008**











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