



INTEGRITY COMMISSION

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Media Release

Public Clarifications Regarding the Integrity Commission's Leadership Code of Conduct

June 6, 2023 – The Commission takes note of the following statement that was made on June 1, 2023, by the Minister of Legal and Constitutional Affairs, the Hon. Marlene Malahoo Forte, during the deliberations of the Joint Select Committee of Parliament that is currently reviewing the Integrity Commission Act.

“We know that the Integrity Commission has been putting out in the media who has signed the code that they have put out and who hasn't signed. And instead of requesting a formal meeting with either the Cabinet or the parliamentary body, they have gone all over the place with a shaming approach ... I believe the (desired) approach is to train people and help them to comply. If you set a code with a standard that reflects what you should be measured by, then all steps should be taken individually and collectively for compliance.”

The Commission is surprised by the Minister's comments, particularly having regard to what has in fact transpired in this matter. The Communications Minister, the Hon. Nesta Morgan, has also made a number of public remarks concerning the Commission's Leadership Code of Conduct that might have confused the public. This is also surprising since the Jamaica Information Service (JIS), which falls under his portfolio, has, from the very outset, benefited directly from extensive clarifications, from the Commission, regarding the Code. The Commission, therefore, wishes to set the record straight so that the public is not in any way misguided.

(1) The Commission's Leadership Code of Conduct, to which both Ministers have alluded, is recognized throughout the Commonwealth as the Seven Principles of Public Life. It guides Ministers of Government and Parliamentarians in the UK, and in other countries which have adopted it, as to the standards by which political leaders should be measured and held accountable.

(2) Among other things, the Seven Principles of Public Life speak to the ideals of Leadership; Honesty; Openness; Accountability; and Integrity. The Seven Principles of Public Life are just that. They are non-negotiable. They are considered as the desired standard for good governance, leadership, integrity and conduct in public affairs, and in the discharge of public functions.

(3) The Commission, on November 15, 2022, wrote a joint letter to the Most Hon. Prime Minister (MHPM) and the Opposition Leader, requesting that they should commit to the Code on their own behalf, and on behalf of the Members of their Cabinet and Shadow Cabinet, respectively. The identical Code was appended to both letters. The letters were transmitted via email, and were also hand-delivered on the same day. The Office of the Opposition Leader and the Office of the Prime Minister acknowledged receipt of the documents on November 15 and 16, respectively. The receipt of the documents was confirmed to the Commission by highly placed officials in both Offices.

(4) The preamble to the Commission's Code of Conduct expressly states that it is predicated on the fact that special training has been administered, by the Commission, to the Members of the Cabinet, and to the Members of the Shadow Cabinet. This was done between November 9, 2020 and February 15, 2021, and between November 15, 2021 and May 30, 2022, respectively. The training took the form of 12 specialized "Anti-Corruption and Good Governance Workshops," that were developed by the Commission for that specific purpose.

(5) It is instructive to note that the idea for the referenced training was one that was raised by the MHPM himself when the Commission's Executive Director, Greg Christie, paid a Courtesy Call on him, on June 9, 2020. At the meeting, the MHPM invited the Executive Director to speak with his Cabinet Members on the issue of corruption. The Commission, thereafter, under the leadership of its Executive Director, developed and administered the specialized Workshops to the Cabinet and the Shadow Cabinet.

(6) The Opposition Leader was the first Public Official to sign and commit to the Commission's Leadership Code of Conduct. He did so on January 9, 2023. However, rather than sign on behalf of the Members of his Shadow Cabinet, he wrote to the Commission to seek its authorization for each of them to sign the Code in their own right. The Commission granted its approval to the request. Subsequently, 10 other members of the Shadow Cabinet have since formally signed the Code.

(7) Despite the passage of over six (6) months, and despite the fact that the training upon which the Code was predicated was initiated by the MHPM himself, the MHPM is, however, yet to respond to the Commission's letter to him of November 15, 2022. Further, neither he nor any member of the Cabinet of the Government of Jamaica has, to date, signed the Code.

(8) Quite unfortunately, however, Minister Malahoo Forte has taken issue with the Commission, while remaining silent on the failure on the part of the MHPM, and Cabinet Members, including herself, to sign the Code. She appears to be bothered by the fact that the Commission has been advising the public of the Public Officials who have signed the Code. The Commission considers itself to be serving the public interest, by bringing transparency to a matter which it believes is of significant public interest. It will, therefore, continue to do as it has done and will not be influenced in this regard by anyone.

(9) The public should be aware that the Officers of the Integrity Commission are bound by a solemn Statutory Oath of Office. It is the common thread that binds them together. It is an Oath that requires them to faithfully discharge their functions, and to do so only in the public interest.

(10) It should also be noted that Section 6(3)(b) of the Integrity Commission Act binds the Commission to act "independently, impartially, fairly, and in the public interest." Further, Section 6(3)(a) of the Act also requires that the Commission "shall not be subject to the direction or control of any other person or authority, other than the Court by way of judicial review."

(11) Minister Malahoo Forte has said that the Commission should "request a formal meeting with either the Cabinet or the Parliamentary Body." The Commission, however, has already met formally with the Cabinet on no less than 10 occasions - between November 2020 and February 2021. As previously advised, the purpose of each of those meetings, which lasted between 1½ and 2½ hours, was for the Commission to administer the very training that the Minister has now unwittingly conceded should be the forerunner to the issue of the Commission's Code of Conduct. The Commission, therefore, and quite reasonably so, continues to await a response from the MHPM to its letter to him of November 15, 2022.

(12) Regarding meeting formally with “the Parliamentary Body,” as Minister Malahoo Forte has proposed, the Commission wishes to advise the public that Mr. Ryan Evans, the Commission’s Director of Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy, has already met with the Hon. Speaker of the House. He did so from as long ago as June 8, 2022. Following his meeting with the Speaker, by way of letter, dated June 28, 2022, and a reminder letter that was issued as recently as May 30, 2023, Mr. Evans confirmed with the Hon. Speaker, and the Senate President, the Commission’s preparedness to administer to Parliamentarians the same training that has already been received by their Cabinet and Shadow Cabinet Colleagues. The Commission continues to await a response from the Hon. Speaker. Once the Parliament facilitates the Commission’s delivery of the training, the recipients will be invited to subscribe to the Commission’s Leadership Code of Conduct. Again, the Commission does not know whether Ministers Morgan and Malahoo Forte are aware that the Commission has reached out to the Parliament regarding the matter of the Code of Conduct, and that it is awaiting a response.

(13) The public should also be aware that while the Commission awaits word from the Parliament, it has been busy delivering its Integrity, Anti-Corruption and Good Governance Workshops to other Jamaica Public Officials. So far, over 45 Jamaica Public Bodies have benefited from the training. Details of these Public Bodies, and the training received, can be perused on the Commission’s website at <https://integrity.gov.jm/anti-corruption-and-good-governance-activity-list>.

(14) The Commission’s Leadership Code of Conduct is mandated by the very Parliament in which Minister Malahoo Forte sat in 2017 when the Integrity Commission Act was passed into law. Among other things, Section 6(1)(g) of the Act expressly mandates the Commission to “prepare codes of conduct and other advisory material relating to corruption, and guide public bodies in respect of matters within the purview of this Act.” In the instant matter, the Commission has, therefore, discharged its lawful function as is mandated by the law, and remains confused as to what could have prompted the Minister’s misplaced and misguided comments.

(15) Finally, the Commission wishes to state that while there is no legal requirement imposed upon any Public Official to commit to the Commission’s Leadership Code of Conduct, an Official’s formal subscription to the Code will obviously be a clear demonstration to the people of Jamaica of the standards of integrity, governance and accountability that he/she is prepared to submit himself/herself to as the holder of a high public office. Likewise, and conversely, a failure on the part of any Jamaica political leader, or representative, to formally commit to the Code, for whatever reason, will also signal to Jamaicans, the type of leadership and accountability that they should not expect from him/her.

(16) As the Commission has stated before, in the interest of public transparency, it will continue to publish the names and particulars of every Public Official who subscribes to its Leadership Code of Conduct. It will do so as and when the subscription takes place. The Commission will also maintain a permanent record of these particulars on its website at <https://integrity.gov.jm/leadership-commitment-to-code-of-conduct>.

(17) The Commission will not be frightened or intimidated to act in any way that is contrary to the public interest. Nor will it subject itself to the undue influence or desires of any person, official or authority, while discharging its lawful functions under the law.

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