



OFFICE OF THE CONTRACTOR GENERAL OF JAMAICA

KEYNOTE SPEAKER PRESENTATION BY

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CONTRACTOR GENERAL OF JAMAICA

Chairman's Club Forum

Private Sector Organization of Jamaica (PSOJ)

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1. INTRODUCTION

Mr. Christopher Zacca, the President of the Private Sector Organization of Jamaica (PSOJ), Officers of the PSOJ, Members of the PSOJ's Chairman's Club Forum, Ladies and Gentlemen, Good Morning to you all.

First, please let me say that I feel extremely privileged to be here this morning to address such a distinguished gathering of the leaders of our country's private sector.

I recall that some years ago, the PSOJ had invited me to speak with its members but due to the work demands of my office at the time, I was unable to accept its invitation.

I am, therefore, very happy that I was in a position to say 'yes' to your President, Mr. Zacca, when he extended his generous invitation to me a few weeks ago.

Mr. Zacca has advised me that you would be keen on hearing me speak about my time in office as Contractor General, about some of my accomplishments, and about what I would regard to be the imperatives for continuing the fight against corruption in Jamaica. I will deal with the latter issues first.

It has been said that success, in one's professional endeavours, as the head of an organization, can be often measured, in terms of where you have left your organization.

While at the end of the day, others will judge what I have, or have not accomplished at the Office of the Contractor General (OCG), I will, nevertheless, in keeping with Mr. Zacca's request, seek to provide you with my own perspective of some of the features of the 'new' OCG that I will be leaving behind.

2. BACKGROUND – THE OFFICE OF THE CONTRACTOR GENERAL

But first, I should, perhaps, give you a bit of a background about the OCG.

The OCG, as it is commonly known in Jamaica today, was established 28 years ago, in 1983, amid widespread public outcries that were prompted by allegations of corruption in the award and implementation of Government of Jamaica contracts.

The Contractor General was mandated by Section 4 of the Contractor General Act to monitor the award of Government of Jamaica contracts, to ***“ensure”*** that they were awarded *‘impartially and on merit, and in circumstances which did not involve impropriety or irregularity’*. The issue of Government licences and permits was also cascaded under his jurisdiction.

In addition, the Contractor General was also vested with a discretionary power to conduct formal investigations into a range of associated matters.

To facilitate the effective discharge of his functions, the Contractor General was, among other things, accorded the powers of a Judge of the Supreme Court of Jamaica, with wide quasi-judicial powers of enquiry, search, discovery and subpoena.

However, and in spite of the foregoing, and after 28 years of its existence, the OCG has been unable to effectively attain its stated objectives. Today, primarily because of its structural deficiencies, it is viewed by many, and quite correctly so, as a paper tiger.

Despite its inadequacies, the OCG has nevertheless carried on with its work. Today, the OCG's jurisdiction, with a staff complement of 59, covers the activities of roughly 200 ministries, agencies, departments and statutory corporations of Government.

Together, these Public Bodies issue more than 600 different categories of licences and permits, and award in excess of 11,000 high-value construction, goods, services and asset divestment Government contracts, each year, valuing as much as an estimated \$110 billion, or an amount which is equivalent to roughly one-fifth of the overall annual expenditure budget of the Government of Jamaica.

3. OCG ACCOMPLISHMENTS – GENERAL OVERVIEW

As the country's fourth Contractor General, I believe that my time with the OCG, over the past seven (7) years, has been productively and energetically spent.

The OCG's operating and organizational attainments, during my tenure, have been driven by the four (4) strategic and operating objectives that I had set for the OCG, and for myself, from the very outset.

These were – transforming the Commission into a 'best in class' anti-corruption institution; reducing corruption in Government contracting; ensuring compliance with the Government's Procurement Procedures; and significantly enhancing transparency, accountability and probity in Jamaica's contract award and license issue processes.

It is my considered view that, despite the OCG's legislative and operating constraints, we have succeeded, in great measure, to prosecute the attainment of all of our stated strategic objectives. We believe also that we have made substantial inroads in the fight to eliminate corruption, fraud, impropriety, irregularity, waste and inefficiency from Government contracting and licensing in Jamaica.

With a substantially new work force, a new work ethic, and a new cutting-edge work environment, we have literally rebuilt the OCG from the ground up, and we have transformed it into what is today recognized as a 'best in class' institution, and one which we believe is among the most respected organizations in the country's anti-corruption and law-enforcement institutional framework.

In part support of our beliefs, we can proudly point to the results of a national Don Anderson-Market Research Services Poll, which was conducted, in November 2011, in 180 communities island-wide.

The Poll, which was commissioned by the independent National Integrity Action Limited (NIAL), ranked the OCG, from among Jamaica's seven (7) leading law-enforcement and anti-corruption agencies, as having earned the highest level of public satisfaction in the fight against corruption in the island.

The other six (6) national agencies, which were ranked, were the Anti-Corruption Branch of the Jamaica Constabulary Force, the Corruption Prevention Commission, the Office of

the Auditor General, the Office of the Director of Public Prosecutions, the Parliamentary Integrity Commission and the Office of the Commissioner of Customs.

The revamped Commission of the Contractor General, which I have been privileged to lead, is today constructed upon a number of key foundation pillars.

These include a new institutional culture which places professional work ethics and values at its forefront; the commitment and support of a specially recruited cadre of highly qualified and dedicated staff who fully understand the sanctity of the OCG's mandate, and that the interest of Jamaica must at all times be served; rigidly enforced workplace policies, procedures, processes and disciplinary codes; and, of course, the utilization of technology as a cutting-edge cost reduction platform to optimize the Commission's attainment of its statutory mandates, as well as its strategic and business operating objectives.

I can assure you that my staff and I have worked assiduously to elevate the profile of the OCG to what it should be, which is a highly visible, active, independent, professional and apolitical anti-corruption organization, and we have successfully developed and deployed a plethora of organizational, strategic and operating initiatives.

These have enabled us to increase, in exponential terms, our levels of productivity and efficiency, our contract monitoring and investigative capabilities, as well as transparency and accountability in a broad range of government commercial transactions.

There is also no question that we have heightened the level of public awareness about the OCG's work activities, its interventions, its considered remedial recommendations, its concerns, and the innumerable challenges that we have faced in our faithful discharge of our statutory mandates.

Additionally, we take immense pride in the fact that we have been dispassionate in the discharge of our mandates, and that we have never hesitated to call a spade a spade, or to bring to the fore the incidence of corruption, irregularity or impropriety in public contracting in Jamaica, wherever and whenever we have seen it.

Finally, in our quest to uphold the Rule of Law, we have held all Public Officers equal before the law, and, in so doing, we have substantially increased the levels of compliance, on the part of Public Officers, with the provisions of the Contractor General Act and the Government Procurement Procedures.

4. OCG ACCOMPLISHMENTS – SOME EMPIRICAL OPERATING BENCHMARKS

In empirical terms, however, the operating accomplishments of the OCG, under my watch, have been many. While time will not permit me to cover all of them in this presentation, I will, however, mention just a few.

In terms of our Government contracts monitoring mandate, the OCG currently monitors approximately 11,000 Government contracts each year. This compares to a maximum of 350 contracts, per annum, for the years which preceded my appointment.

With respect of our Investigations mandate, our accomplishments have been equally impressive. In the past seven (7) years, the OCG has completed 58 Special

Investigations, 40 Enquiries and 24 Audits. This compares to only two (2) Investigations that were conducted during the three (3) year period which preceded my appointment.

To facilitate our monitoring and investigation of the Government's licensing activities, in 2009 we successfully developed a comprehensive on-line database portal. The database, which is the only one of its kind in the country, contains continuously updated information about the country's 200 Public Bodies, and the more than 600 different classifications of Prescribed Licences that are routinely issued by 75 of them. Prior to this, the OCG was unable to comprehensively discharge its license monitoring mandate.

Over the past three (3) years, we have also significantly reduced the high incidence of fraud that we had previously detected in the Government Works Contractor Registration Process. Since 2010, as many as 80 works contractors have been removed from the National Contracts Commission's (NCC's) Register of Approved Contractors, with some having been referred, by us, to the Fraud Squad for criminal investigation.

The Quarterly Contracts Award (QCA) Report regime, that was introduced by me in May of 2006, to require the country's 200 Public Bodies to file quarterly electronic reports of their contract awards with the OCG, has now succeeded in registering a 100% compliance filing rate for the past 14 consecutive quarters, save one. At the outset, the highest compliance rate that was recorded by the OCG was a mere 13%.

In terms of our many information technology breakthroughs, we have now made it possible for the contract award particulars of all Government contracts, above \$275,000 in value, which have been awarded since May 2006, to be freely scrutinized in spreadsheet format on the OCG's revamped website at www.ocg.gov.jm. Currently, these contracts number in excess of 70,000.

And finally, in our efforts to keep our stakeholders fully informed about those of our initiatives, positions and concerns, which were of sufficient public interest to warrant their immediate publication, we issued as many as 266 Media Releases, and wrote 25 Letters to the Editors of the Print Media, during my tenure.

In the foregoing context, it is also worthy of note that, each year, since my appointment in 2005, the OCG has substantially increased the volume and the quality of the information which is presented in its Annual Reports to Parliament. Previously, the OCG's Annual Reports typically ranged between only 10 and 160 pages. By contrast, however, the OCG's Annual Reports for 2011, 2010 and 2009 have each provided more than 1,000 pages of content, while the Reports for 2005 to 2008 have ranged between 380 and 570 pages.

5. THE PROBLEM OF CORRUPTION IN JAMAICA AND THE LACK OF 'POLITICAL WILL'

But despite all of these accomplishments, I must hasten to caution you that the reality is that both the OCG, and Jamaica, still have a considerable way to go before the battle against the scourge of corruption in Jamaica can be won.

The point that I wish to make is incapable of being overemphasized, for despite the persistent governance challenges that continue to plague Jamaica, and the pervasive corruption that the country is perceived to be mired in, successive Administrations have paid little more than lip service to the issue of corruption in Jamaica.

Time and time again, seemingly sincere statements of commitment, about strengthening the country's anti-corruption institutional framework, are made by our Prime Ministers. However, the expected corrective actions, and the promised bold new leadership, to decisively and forthrightly tackle the issue, have just not emerged.

In the interim, while political expedience and obfuscation take center stage, the perception of corruption continues to exact its heavy toll upon our beloved country, at the expense of the many, and of the country's socio-economic development.

Today, as a country, and in spite of all that we have achieved on the international stage with our music, our athletes, our food, and our hospitality, we have somehow managed to earn the indecorous label of being one of the world's most corrupt countries.

Indeed, for the past five (5) years, we have consistently scored no higher than 3.3 on Transparency International's Corruption Perception Index (CPI), where '1' is considered to be 'most corrupt' and '10' as 'clean'. But what have we done about it?

As I had warned recently in another Presentation, corruption is considered today by many to be the largest single impediment to our country's attainment of sustained economic growth and development. Many are also of the belief that there are substantial links in Jamaica between politics, corruption, Government contracting, political campaign financing, political tribalism and organized crime.

Corruption erodes the quality of life of the society. It denies the poor access to basic entitlements, such as water, electricity, roads, health care, housing and education. Corruption leads to human rights violations, hijacks political elections and reduces investor confidence in the country. And corruption also undermines critical public institutions and enables organized crime and other threats to human security to flourish.

Given the magnitude of its potential impact, and its alarming and corrosive effects, the issue of corruption, is, therefore, something which should not be treated lightly.

As Contractor General, I must confess that I have become extremely despondent about the deafening silence of our leaders, both within and without the political divide, and the vacuous absence of the 'political will' that is now desperately required to decisively combat corruption in Jamaica, and to empower and support the OCG in its efforts to ensure that its mandates are effectively discharged.

'Political will', of the type that I speak, requires that the State, led by the incumbent Administration, must take the requisite steps to ensure that good governance structures that are compliant with international best-practices, as well as a comprehensive and independent anti-corruption institutional framework, are firmly set in place.

These, in turn, must be reinforced by adequate resources; effective laws which are lucid and unambiguous, and which are continuously reviewed to close emerging loop-holes; tough criminal custodial and pecuniary sanctions for breaches of those laws; and, of course, anti-corruption institutional leaders who are prepared to dispassionately discharge their respective mandates and to forthrightly enforce the said laws.

Lee Kuan Yew, the former Prime Minister of Singapore, a country which has been consistently ranked by Transparency International as one of the least corrupt countries in the world, spoke to the matter of 'political will', and corruption, when he put it this way:

"The moment key leaders are less than incorruptible, less than stern in demanding high standards, from that moment on the structure of administrative integrity will weaken, and eventually crumble. Singapore can survive only if ministers and senior officers are incorruptible and efficient".

6. IMPERATIVES FOR CONTINUING THE OCG'S FIGHT AGAINST CORRUPTION IN JAMAICA

And it is against this back-drop, Ladies and Gentlemen, that I believe that the question that Mr. Zacca has posed, about the imperatives for continuing the fight against corruption in Jamaica, need to be urgently and decisively examined, and addressed.

While the approach, as I had opined in a recent Rotary Club presentation, must be a multi-dimensional one, with critical roles being played by the State, the private sector, civil society, the media, and the individual, absolutely nothing of substance will, however, come to fruition until and unless a bold, new, forthright and honest political dispensation, which is prepared to do right by Jamaica, rises to the fore.

As it relates to the OCG, and the operational and structural obstacles which it continues to face, the imperatives for going forward are precisely the same. Without 'political will', the OCG will remain the toothless bulldog that every Jamaican knows that it is.

But there is no question, however, that the OCG has pushed, and is still pushing the envelope in terms of the effective and efficient discharge of its statutory mandates – at least to the extent that the laws by which it is circumscribed have allowed.

We have been forthright, aggressive and dispassionate in the execution of our mandates, for this is the only way that corruption, particularly in a corrupt, politically tribal and polarized country, can be effectively fought. Those who have, therefore, characterized my approach as being overzealous, or over-reaching, have, unfortunately, been misguided.

It must also be appreciated that the fight against corruption is just that. It is a fight. It is not a ballroom dance. It is a battle, and battles cannot be fought by the weak or the faint of heart. Likewise, the battle against corruption cannot be effectively led by leaders who are fearful or submissive, or who are reluctant to offend or to confront those who must be confronted; or who wish to be popular or to become friends with everyone.

But the truth is that there are inherent and fundamental flaws in the Contractor General Act, as well as long-standing loop-holes and deficiencies in the Government Procurement Procedures, and other associated laws. These must be repaired, if the OCG is to become more effective in the discharge of its prescribed mandates.

One of the referenced flaws which readily comes to mind has to do with the efficacy of Section 4 (1) of the Act. Section 4 (1) binds a Contractor General to a solemn oath to **"ensure"** that Government contracts and licences are issued *"impartially, and on merit, and in circumstances that do not involve impropriety or irregularity"*.

However, and in spite of this obligation, Parliament has failed to grant to the Contractor General the corresponding power to enable him to halt a Government contracting process that is exhibiting signs of impropriety, irregularity or corruption, or to give to him the power to prosecute or to hold to account an offending Public Officer.

In a deliberate effort to fix these and several other structural impediments which have prevented the OCG from effectively discharging its statutory mandates, scores of remedial recommendations have been tabled by me before the Executive and the Legislative arms of the State.

These recommendations were crafted by the OCG, among other things, (a) to significantly enhance transparency, competition, accountability and probity in public contracting in Jamaica; (b) to ensure compliance with the Government's Procurement Procedures; (c) to eliminate waste and inefficiency in the award and implementation of contracts; (d) to prevent fraud and corruption in Government contracting, (e) to strengthen the OCG; and (f) to generally win the battle against corruption in Jamaica.

Regrettably, however, the overwhelming majority of them, although repeatedly made, have so far been ignored.

In the circumstances, the destiny of the OCG, and whether and to what extent Jamaica will succeed, in the fight to secure probity, transparency, accountability and value for money in the award of its public contracts, and to root out the scourge of corruption from its midst, is a destiny which now lies firmly, not within the hands of the OCG, but within the hands of the Government, our Parliament and, ultimately, in your hands – the hands of the Jamaican People.

Make no mistake about it, the challenges and the problems that I have outlined above will remain for the OCG, and for my successor-in-office, as long as the OCG's many remedial recommendations to the State continue to be ignored. At a minimum, they will remain with us until and unless the following are accomplished:

- (1) The OCG is significantly strengthened, whether as a stand-alone institution, or as a major component of the single independent national anti-corruption agency that I had first formally proposed in March 2010.
- (2) The OCG is granted criminal investigation powers, criminal prosecutorial powers, police powers of arrest, and the power to halt or to regularize a Government contracting or licensing process which it believes is exhibiting the signs of corruption, impropriety or irregularity.
- (3) The Contractor General Act is revised to lucidly and unequivocally articulate the jurisdictional boundaries of the OCG and its mandates, so that there is no ambiguity about what they are.
- (4) Tough criminal sanctions, inclusive of stiff custodial sentences, for breaches of the Contractor General Act and corruption related offences, are imposed.
- (5) The OCG is entrenched in the Constitution to protect it from arbitrary political interference.

- (6) Decisions regarding the OCG's budgetary and resource allocations are removed from the purview of the Ministry of Finance, and vested in a Special Bi-Partisan Committee of Parliament to be chaired by the Parliamentary Opposition; and
- (7) A Special Corruption Court is established, or, failing that, corruption related offences are given precedence, in the existing Jamaican court system, over all other offences, save and except for capital offences.

7. REFLECTIONS AND CLOSING COMMENTS

And now, Ladies and Gentlemen, I have kept you long enough. I must conclude my presentation with a few words of reflection.

Looking back over the past seven (7) years, the sense of privilege, honour and gratitude, that I have come to derive from serving my country, cannot be adequately articulated in words.

Despite the innumerable obstacles and challenges that I have faced, I have thoroughly enjoyed my Commission as Contractor General, and the unique opportunity that it has provided to me to transform one of Jamaica's most important national institutions. I am driven by challenges and, indeed, that is what my job is all about.

There are, of course, many who have provided invaluable and immeasurable support to me. While it is impossible for me to name all of them at this time, there are, nevertheless, a few that I must highlight.

The unwavering support and encouragement that my wife, my family and my leadership team at the OCG have given to me throughout, have kept my head above water when the tides were rough. I am indebted to them and, in particular, to my wife for the personal sacrifices that she has made. We are both aware, however, that, in the grand scheme of things, we have paid but a small price for a priceless opportunity to serve.

I would also like to place upon record, my deep appreciation to His Excellency, Sir Howard Cooke, our former Governor General. It was he who invited me, seven (7) years ago, to accept this noble appointment as Jamaica's fourth Contractor General.

I shall remain grateful to him and to his successors in office, Sir Kenneth and Sir Patrick, for the confidence that they have reposed in me, and to those of my many fellow country-men who have stood solidly behind the OCG throughout my tenure.

Last but not least, I would wish to publicly thank the dedicated staff of the OCG. I had asked them to share my passion for what we had to do, and their response has been resounding and overwhelming.

Time and time again, they have selflessly gone beyond the call of duty to ensure that the mandates of the OCG were faithfully discharged, and that the interest of the Jamaican taxpayer was always served. It is with a sense of great pride that I can say that I am truly honoured and privileged to have served with them.

I will now close with a final thought.

While delivering a public lecture in Lagos, Nigeria, in July of this year, veteran Nigerian poet and novelist, Professor Niyi Osundare, described the Nigerian political class as “people who owe Nigeria no responsibility, but who are only holding the country hostage”. He then went on to issue an ominous warning. This is what he said:

“Corruption is Nigeria’s fastest growing industry. If Nigeria does not kill corruption, corruption will kill Nigeria”.

Ladies and Gentlemen, I trust that you will play your part to ensure that this will not become Jamaica’s destiny.

Thank you.

Greg Christie was appointed Jamaica's fourth Contractor General, effective December 1, 2005.

Prior to his appointment as Contractor General, he worked for 13 years as a senior executive with one of the world's then leading integrated aluminum companies, Kaiser Aluminum and Chemical Corporation, and was responsible for successfully administering a broad range of country and/or business unit portfolios, inclusive of corporate, legal, government, regulatory, fiscal and commercial affairs.

Throughout his entire career with Kaiser, eight (8) years of which saw him being based in the United States, Mr. Christie was also the head of the company's Jamaica corporate office at a time when Kaiser was Jamaica's single largest foreign private investor and tax-payer. His last position with Kaiser was as its Florida based Assistant General Counsel and Global Commodities Business Unit Vice-President for Government Affairs.

Before joining Kaiser, Mr. Christie successfully conceptualized, developed and managed his own start-up credit reporting business in Jamaica, Credit Security Systems Ltd. Previously, he worked extensively in academia as a University of the West Indies (UWI) law programme director and lecturer - an appointment which he assumed when he was only age 24, making him the UWI Faculty of Law's then youngest law director.

He has lectured for ten (10) years on the three (3) main regional campuses of the UWI, in Jamaica, Barbados and Trinidad, in the disciplines of criminal law, corporate law, public international law, insurance law, aviation law, law of the sea, and the law and legal systems of the Commonwealth Caribbean. He has also served for three (3) years, at the Hugh Wooding Law School in Trinidad, as a tutor in insurance, banking, credit and securities law.

Mr. Christie is also a former Caribbean-based commercial and international law attorney and consultant. He has consulted with a wide range of private and public sector organizations, including the United Nations, the European Union and the US-AID, and has worked on professional assignments in Jamaica, Trinidad, Barbados, Antigua, the Cayman Islands, Dominica, Grenada and St. Lucia.

In his functional capacity as Jamaica's Contractor General, Mr. Christie has developed a broad expertise in anti-corruption and good-governance best practices and operational strategies. He has participated in, or made presentations at, major international anti-corruption, law-enforcement and procurement conferences in Singapore, Athens, Bangkok, London, Washington, Kingston and Port of Spain. He has also addressed a Special Joint Select Committee of the Parliament of Trinidad and Tobago.

Mr. Christie is the holder of the LL.M. Master of Laws Degree in corporate, insurance and international law from the University of London, the LL.B. (Hons.) Degree from the UWI, and the Certificate in Legal Education (CLE) from the Hugh Wooding Law School in Trinidad.

He has completed several business executive development programmes, and has attended the Haas Business School, University of California at Berkeley and the Darden Business School, University of Virginia. He is also a United States certified ISO 9002 International Quality Systems Lead Auditor.

Mr. Christie has been admitted into practice as a Barrister-at-Law in the Republic of Trinidad and Tobago and as an Attorney-at-Law in Jamaica, and is qualified to practice law in all Commonwealth Caribbean jurisdictions. He is a Government of Jamaica national law scholar and a UWI postgraduate law scholar.

He has previously served as a Director of the American Chamber of Commerce in Jamaica, and he is a former Member, Secretary and Director of the Rotary Club of St. Andrew, Jamaica. Mr. Christie's seven (7) year term as Jamaica's Contractor General will come to an end in November 2012.