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Globalisation and the Governace in Jamaica

Globalisation - Definition and Dimensions

In the opening years of the twenty first century, definitions of globalisation abound. Nevertheless, for our purposes globalisation may be taken to mean:

A contemporary process whereby territorial boundaries are of rapidly decreasing significance to the dynamics of politics, economy, society and culture in any locality and whereby growing interdependence among peoples and their environments substantially increases the potential of events anywhere impacting developments everywhere.

This definition connects with much of the debate in the literature and takes a position on many of the issues in contention.

In the first place, it regards globalisation as multi-dimensional and not only, nor even primarily, an economic phenomenon. Conceptualisation of globalisation in purely economic terms tends to narrow understanding of the scope of the impact of the phenomenon as well as of the multi-faceted nature of resistance to its prevailing policy framework.

Secondly, the definition understands globalisation as a "process", as a "work-in-progress". As such, it accepts that globalisation is in one sense "not new" and

that it has a long historical pedigree. However, in another sense, it proposes that the contemporary process has new qualities and can most usefully be engaged in these terms while not discounting historical antecedents. The definition of globalisation as "process" also breaks implicitly with the view that globalisation is primarily a "project" whether of transnational corporations or of international bureaucrats. Moreover, that understanding of globalisation as process carries with it the notion that the current forms which it takes (particularly, the policy framework) are best understood as historically specific rather than irreversible in all respects or universally ordained either for all time or for all circumstances.

Our proposed definition also leaves open the issue of evaluating globalisation. Whether it is good or bad, how far it is both negative and positive; how far there are winners and losers is left open to empirical investigation rather than pre-judged in definitional terms.¹ Finally, our conceptualization of globalisation regards the processes of inter-dependence and inter-activity as multi-directional rather than unidirectional.

As such we reject the notion that in this process some states and peoples are unavoidably "victims", inert objects to whom things are being done. This is not to deny

the special vulnerabilities of weaker economies and particularly of small island developing states. It is rather to suggest that even the most disadvantaged need to and can raise levels of activism in building networks and in constructing coalitions to minimize adversity and exploit opportunity. Our definition draws us therefore to speak less of the "impact" of globalisation on a state, economy or society as on the "relationship" of a state, economy or society to the process of globalisation, both in terms of the forms that globalisation takes as well as in terms of its evolving content.

It needs to be acknowledged however that while our concept of globalisation is multi-dimensional - embracing the economy, politics and culture - it is nevertheless true to say that economic issues have been central to the development of globalisation.

Deepening and widening cross-border economic integration embracing trade, investment and financial flows has been a key element as contemporary globalisation opened a world of protected markets and closed economies in the post-war period.

This economic process however was in the last two decades of the twentieth century framed and accelerated by the growing hegemony of neo-liberal over state-centred politics and policy-prescription. It was also facilitated by revolutionary developments in the technologies of communication, transportation and information transmission. Contemporaneously, on the international stage, new sites of authority emerged and consolidated alongside the nation state and sovereign governments.

International governmental organizations multiplied and, with the establishment of the

WTO in 1995, assumed qualitatively new authority in global-national rulemaking. In addition transnational corporations grew in numbers and significance in relation to global investment, finance trade, production employment and income generation.

Last, but by no means least, international non-governmental organizations and networks rapidly proliferated in the last decade of the twentieth century both reflecting the quickening pace of globalisation as well as impacting the form and content of the process.²

As such government, - understood traditionally as the formal institutions and authorities - legislative, executive, judicial - historically responsible for collective decision-making and rule-enforcement over society at the national level became less autonomous and more enmeshed in a network of relationships impacting more substantially society's development at the sub-national, national, regional and global levels. In this context the concept of governance emerged to describe, as well as prescribe, power arrangements in society which both embrace and transcend government. On the normative level, the notion of governance embodied the perspective of the "Washington consensus" that the state ought to divest some of its traditional responsibility and share its directive role over society with non-state entities - particularly with the private sector and civil society.³

Against this background, governance structures, processes and issues have become more complex, multi-layered and interactive at the local, national and global levels. Governance- the methods, institutions, networks and ideas engaged in guiding

society - are in the circumstances of contemporary neo-liberal globalisation far less determined by government acting, as in an earlier age, with relative autonomy. Alongside the state, other structures of rule-making, other sites of authority and sources of power interact and inter-relate to steer the society. As such, transnational corporations, intergovernmental organizations, regional bodies, international non-governmental organizations, private sector entities, civil society bodies and community based organizations - the latter three at the national and local levels - all play a part alongside government as partners or adversaries, as rule-makers or rule-takers - in governance in the age of neo-liberal globalisation.

This new situation of course raises fundamental theoretical and practical questions. For example, to whom are the non-governmental entities, which come to share in governance accountable? If periodic, constitutionally mandated "free and fair elections" are the means through which national society exercises a modicum of control over the executive and the legislature at the national level what are the mechanisms through which society exercises social control over the social power disposed of by the private sector, civil society and inter-governmental organizations, at both the national and transnational levels? To the extent that these mechanisms are non-existent or ineffectual there develops a clear imperative confronting individual states and the global community as a whole. It is to deepen and to broaden the accountability and responsibility to society of all power holders - governmental and non-governmental private sector and civil society. It is within this

over-arching context that governmental arrangements in Jamaica are reviewed.

Governmental Arrangements in Jamaica - Strengths And Weaknesses

Jamaica is a parliamentary democracy with the British monarch as ceremonial head of state represented by a Jamaican governor general. The main branches of government and organs of the state, which are discussed below are focused on urban Jamaica with relative neglect of rural development.

Executive

The Jamaican Constitution states that "the executive authority of Jamaica is vested in Her Majesty".⁴ That authority however is exercised on behalf of Her Majesty by the Governor General of Jamaica and is "subject to the provisions" of the Constitution. The Constitution in turn expressly provides that, except in cases where he is required to act "in his discretion", or after consultation with some other person or authority, the Governor General shall act in accordance with the advice or recommendation of the Prime Minister, the Leader of the Opposition, the Cabinet, a Cabinet Minister or any other official or body as specified in the Constitution. As such Her Majesty and Her Representative, the Governor General are properly regarded as the "formal" or "ceremonial" element of the Executive.

The effective Executive authority rests with the Cabinet constituted by the Prime Minister and not less than eleven Ministers who shall either be members of the elected

House of Representatives or the Nominated Senate. From the latter at least two but not more than four Ministers must be chosen. The Cabinet is designated by the Constitution as "the principal instrument of policy" and "is charged with the general direction and control of the Government of Jamaica". In fulfilment of these functions, the Cabinet "shall be collectively responsible therefore to Parliament".

Constitutionally and politically however, the Prime Minister is by far the most powerful figure in the Executive which in turn is the overwhelmingly dominant branch of the three arms of the state in Jamaica. Constitutionally, he is required to be the person "best able to command the confidence of a majority of the members" of the House of Representatives. Politically, this has meant that the Prime Minister is invariably the leader of the party that wins a majority of seats in the General Election to the House of Representatives and as well a majority of the ballots cast by the voting electorate. Given a strong leader-centric political culture, the person appointed as Prime Minister exercises great power - certainly greater power than any other politician - as the political personality able to attract the most voter support. This political reality is reinforced by the immense powers granted by the Constitution to the Prime Minister and to no one else. This exceptional range of powers provided for the Prime Minister in the Jamaican Constitution, institutionalized within a Westminster framework, explains the extraordinary dominance exercised over the process of decolonization by two leaders of the two major emergent parties - Alexander Bustamante and Norman Manley.

Not surprisingly given the emergence of not one but two dominant leaders alternating in office for 18 years and four General Elections before independence in 1962, the Constitution also established the office of the Leader of the Opposition. He is "the member of the House of Representatives.. best able to command the support of a majority of those members who do not support the Government". As such the office of the Leader of the Opposition is best considered in relation to the Legislature and its role in checking the majority as well as the Executive branch of the state. The Leader of the Opposition however shares in the Executive power to the extent that the Constitution requires that the Prime Minister consult the Leader of the Opposition in recommending to the Governor General appointments to key positions in the governmental structure. Recommendations have therefore been made, and in some instances followed, that, in the appointment to sensitive positions requiring political neutrality, appointments ought to be made, not by the Prime Minister, but by the Governor General after consultation with both the Prime Minister and the Leader of the Opposition.

Moreover, the Constitution makes no provision for impeachment of the Prime Minister or for any other officials of the State. This hiatus has been, on the initiative of the Leader of the Opposition, the subject of debate for many years. Arising from this debate involving not only the Parliamentary parties but civil society groups as well, a joint Select Committee of Parliament on Constitutional Reform has made recommendations for impeachment provisions

to be incorporated in amendments to the Jamaican Constitution. The consensual nature of this recommendation reflects the substantial agreement within the political community that additional measures are required to hold public officials to account for abuses of power.

Cabinet

As indicated above, the Constitution provides for a Cabinet and stipulates that they must be drawn from the House of Representatives and the Senate. Following on the October 2002 General Elections and a fourth consecutive general election victory by the Peoples National Party, Prime Minister Patterson, named a Cabinet of 17 (including himself). This current Cabinet is of the same size as that of the previous outgoing Government but somewhat larger than the Cabinets of the 1980s and 1990s. The Constitution also allows for the Prime Minister to appoint Ministers of State and Parliamentary Secretaries. Prime Minister Patterson has appointed eleven Ministers of State and one Parliamentary Secretary. Of the 29 Cabinet Ministers, Ministers of State and Parliamentary Secretary, seven are from the Senate. This means that 22 of the thirty-four elected members of the House of Representatives drawn from the majority party are either Cabinet members or Cabinet members in waiting. The principle of "collective responsibility" restricts the freedom of members of Parliament who are Cabinet members from being critical of the government in Parliamentary debate and votes without relinquishing their Ministerial Office. As such the failure of the Constitution to stipulate an upper limit to

the number of Cabinet Ministers and to the size of the Executive element in the legislature allows a Prime Minister so minded to subvert legislative independence of the Executive by the appointment of an "over-sized" Cabinet. This potential for abuse has attracted considerable critical comment so much so that Constitutional Reform proposals endorsed by both government and opposition, recommend the inclusion in the amended constitution an upper limit on the proportion of the Legislature which may hold office in the Executive.

Attracting critical comment as well has been the consistent under representation of women in the Jamaican Cabinet. Rarely, rising above 12% of the Cabinet, gender imbalance throughout the organs of the state is reflected at the highest level and demands rectification in any meaningful reform of governance.

Service Commissions

The Constitution provides for a Judicial Service Commission, a Public Service Commission and a Police Service Commission. These Commissions vary in membership - the Judicial Service Commission; the Public Service Commission, a Chairman plus not less than three but no more than five members; the Police Service Commission - a Chairman plus not less than two but no more than four members. In the case of the Judicial Service Commission, as well as the Chairman of the Public Services Commission, the normal period of the three appointed members' tenure is for 3 years, whereas in the cases of the other two Commissions, it is five years.

In terms of appointment and removal

however, all three Commissions have similar terms. The appointment to and removal from the Commission is made by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. Each Commission exercises powers of appointment, promotion and discipline over the public services, the police and, in the case of the Judicial Services Commission, over the Resident Magistracy and the Registrars of the Supreme Court and the Court of Appeal. Where the governor general, acting on the advice of the relevant commission proposes to discipline or to remove a particular officer, he must so inform that officer who may then apply for his case to be referred to the local Privy Council. The Privy Council, constituted of six members appointed by the Governor General after consultation with the Prime Minister, considers the case and then advises the Governor General "who shall then act in accordance with that advice".

It is clear from these provisions relating to the Service Commissions that Prime Ministerial power (albeit after consultation with the Leader of the Opposition) is yet again apparent.

It should be noted however that the Commissions do constitute something of buffer between the "political executive" and the day to day functioning of the "official" and "public order" element. How far this buffer insulates important public officials from partisan political interference in large measure rests on the quality of members appointed to the Commissions and to the Privy Council. By and large these have displayed some degree of integrity and independence even though from time to time

there are credible allegations of Commissions subordinating regard for principle to political considerations.

Legislature

The power to "make laws for the peace, order and good government of Jamaica" is vested in Parliament "subject to the provisions" of the Constitution. The Parliament is composed "of Her Majesty, a Senate and a House of Representatives". The Senate consists of 21 members, 13 of whom are appointed by the Governor General on the advice of the Prime Minister and the remaining 8 by the Governor General on the advice of the Leader of the Opposition. The House of Representatives is made up of 60 members, each of whom is elected by single member constituencies in a first-past-the-post electoral system. The normal maximum life of each Parliament is five years though there is provision for the extension of the five year period to a maximum extra period of two years by Parliament itself "at any time when Jamaica is at war". Within the five year period of course, the Prime Minister reserves the right to call a General Election at any time. In practice, few Jamaican Parliaments have run their maximum term as successive Prime Ministers have called elections at varying time periods within the five year maximum.

In formal terms, the Constitution stipulates that the Executive, specifically the Cabinet, is "collectively responsible" to Parliament. The Constitution also makes provision for the House of Representatives to remove the Prime Minister from office by an affirmative vote of a majority of its members in support of a resolution that "the appointment of the Prime Minister ought to

be revoked". This revocation shall not take place however if, within three days of the Governor General consulting him about such a resolution, the Prime Minister requests that the Governor General dissolves Parliament instead. In this sense, the ultimate means whereby Parliament may hold the Head of the Government and by extension, the Cabinet to account is vitiated. Moreover the very existence of this provision whereby the Prime Minister can respond to a revocation resolution by terminating the parliamentary life of MPs constitutes an effective deterrent against the usage of that power by Parliament. Needless to say Parliament has never passed a vote of no confidence in either a Prime Minister or a government.

In addition to the power to pass a vote of no confidence either in the Prime Minister or in the Cabinet, other mechanisms such as questions put to Ministers by MP's exist whereby the Legislature may check and balance the power of the Executive.

By and large there is consensus among Jamaican political parties and in civil society that Parliamentary checks on the Executive are inadequate. This has led to a considerable number of innovative proposals in recent times. For example, the Leader of the Opposition proposed as one means of strengthening Parliamentary oversight that chairpersons of select and standing committees of Parliament should be drawn from the opposition and while the governing party would preserve majority membership on these committees, ministers would be debarred from membership. This it is argued would enhance the effectiveness of these committees without derogating from the majority party's ability, in the final analysis,

to govern. Whilst the proposal has not attracted bi-partisan agreement, others have and are at varying stages of implementation.

For example, all committees of Parliament are now open to the media and to the public. Representatives of interested bodies, private sector organizations and civil society groups appear before the Joint Select Committees to defend their submissions on particular Bills and, most importantly, the Executive has felt constrained to accept and amend proposed legislation in response to legislative and extra-parliamentary recommendations. The responsiveness of the government to the legislature and to civil society has undoubtedly increased in recent years but is still regarded as inadequate.⁵ One area of grave weakness remains the limited representation of women in the Jamaican parliament. At consistently less than 15% over the last 50 years, female membership in the Jamaican House of Representatives falls far short of the 30% target accepted globally and clearly calls for dramatic measures to remedy this unacceptable level of gender imbalance.

Political Parties

Jamaica has two major political parties - the Peoples National Party and the Jamaica Labour Party. Since the attainment of universal adult suffrage in 1944, there have been 14 General Elections of which the Jamaica Labour Party has won 6 and the People's National Party - currently returned to office following the October 2002 elections - has won 8. Apart from the first general election held in 1944, no candidate whether Independent or from another party has won a seat in any Jamaican general

elections. The PNP and the JLP between them have consistently won over 95% of the popular vote. Jamaican elections have therefore produced single party majority Parliaments and single party Executives more consistently than any other modern democracy. Moreover, governing parties have yielded power to the opposition, following elections, on 5 times during the last 50 years. This record of constitutional transitions combined with an absence of military coup, political assassination or one party dictatorship marks Jamaica as distinctive amongst both established and emerging democracies.

Nevertheless, there are important deficiencies in the political parties and in the country's democratic processes. In the first place, support for the political parties as well as voter turnout in general elections has been declining in the elections of the 1990s and in 2002.

This is consistent with a global tendency reflecting in large measure alienation of an information age citizenry from industrial age parties and party systems. In addition however there are factors specific to Jamaica contributing to this decline. These include excessive rivalry between the two major political parties (contributing to a history of election-related violence), one party dominance, contributing to limited democracy in 'garrison constituencies', widespread perception of political corruption attached to both major parties, and underdeveloped levels of internal party democracy. The alienation of important segments of the population - particularly amongst the middle class and the youth - has therefore diminished the interest-aggregation

and interest articulation capabilities of the Jamaican parties so evident in the earlier decades of their emergence and maturation between the 1940s and the 1970s.

Another major deficiency has been and remains the parties' unwillingness and inability to correct severe gender imbalance against females in party leadership bodies, in candidate selection and in parliamentary representation. In large measure, the parties reproduce rather than contest patriarchal culture, relations and power structures.

To compound matters, the Jamaican parties are almost completely unregulated. There are no requirements under the law for them to be registered and hence no statute based standards for them to observe. The minimal election related obligations required of their candidates during elections - to declare election related expenses within a specific time period - are honoured in the breach more than in the observance.⁶ There is no campaign or political finance law and therefore no requirement for political parties to have their accounts inspected, to disclose sources of income or to limit levels of expenditure. This lack of financial transparency and accountability to party members, much less to the public, has been a matter of increasing concern as election-related expenses have grown and the influx of illicit drug money into the country has increased. Urgent needs are therefore a party registration regime and political finance regulations designed to suit Jamaica's circumstances.

Equally there is a need for a reformed electoral system which may preserve the advantages of the present first-past-the post electoral arrangements in encouraging stable

parliamentary majorities whilst facilitating encouragement and representation of women and of significant minorities outside of the two major parties. Hitherto the efforts of third parties to mobilize electoral support from the growing bloc of voters "uncommitted" to either the PNP or the JLP have failed. There is no doubt many reasons for this. One such however is the long noticed and well-established tendency of the single member plurality system to disadvantage minority parties as well as female representation. Another is the lack of funds and the absence of access to the state resources for new players who have sought to enter the political arena. Hence, large sectors of the population which would wish to see the backs of the PNP and the JLP do not vote, thereby facilitating the continued alternation in power of the two major parties with diminishing bases of electoral support and rising levels of popular alienation. One positive benefit of this unhealthy and increasingly dangerous situation is no doubt the growth of community-based organizations and civil society groups to give voice and representation to those alienated from traditional party politics. But this is not adequate. There is an urgent need for party and electoral system reform if Jamaica is to preserve from decay its considerable democratic foundations and to renew, as well as to transform, its political parties into instruments of modern democratic governance.

Judiciary

Chapter VII of the Constitution establishes the Judicature in a hierarchical structure from the highest to the lowest as

follows:

- Her Majesty in Council (or the Judicial Committee of the U.K. Privy Council)

- The Court of Appeal

- The Supreme Court

In addition to these superior courts established by the Constitution, there are inferior courts established by the statute as follows:

- The Resident Magistrates Courts (provided for in the Judicature (Resident Magistrates) Law

- The Petty Sessions Courts (provided for in the Justices of the Peace Jurisdiction Law).

At the Superior Court level there are a number of Special Courts, (Revenue/Commercial Court, Gun Court, Family Court). The head of the judiciary is the Chief Justice who (along with the President of the Court of Appeal) is appointed by the Governor General "on the recommendation of the Prime Minister after consultation with the Leader of the Opposition".

Judges of the Court of Appeal, the Supreme Court and the Resident Magistrates courts are appointed in similar fashion, that is: "on the advice of the Judicial Service Commission". The Supreme Court consists of the Chief Justice, a Senior Puisne Judge and "such number of other Puisne Judges as may be prescribed by Parliament".

To qualify for appointment as a Judge of the Court of Appeal or of the Supreme Court, one has to be an attorney with at least 10 years practice at the bar. To qualify as a Resident Magistrate one has to be an attorney with at least five years practice.

Justices of the Peace are appointed by the Governor General on the recommendation of the Minister of Justice. Such persons need no professional qualifications but are required to be literate, of good character and of "unquestioned integrity". There is no requirement for judges at any level of the Jamaican judiciary to undergo confirmation hearings or ratification by any authority other than the Judicial Service Commission.

The Constitution makes provision for appeal from the Jamaican Court of Appeal to the UK Judicial Committee of the Privy Council. This provision of the colonial period was retained in the Jamaica Independence Constitution. However, unlike the provisions relating to the Supreme Court and to the Court of Appeal, the section establishing the UK Privy Council as the highest court is not entrenched and therefore might be amended or removed by Parliamentary majority vote. Since 1970 the issue of termination of appeals to the Judicial Committee and the establishment, in its place of the Caribbean Court as the final court of appeal has been placed on the public agenda by Caribbean Community states as well as by the Organization of Commonwealth Caribbean Bar Associations. In 2001 after years of discussion and fine tuning of the Agreement establishing a Caribbean Court of Justice all CARICOM states signed the agreement and so far eight have ratified. Recently however the consensus on the necessity for this change has been ruptured, particularly in Jamaica, and currently the matter of withdrawal from the Privy Council and the establishment of a regional court with appellate jurisdiction is an issue of considerable public debate. In the

meantime, the Privy Council remains Jamaica's highest court of appeal.

Judicial Review

The Constitution explicitly provides for judicial review of executive and legislative action in cases where a person alleges infringement of fundamental rights and freedoms. The power is implicit however in so far as all arms of the state are required to act in accordance with the constitution. The judicature is that branch of the state power authorized to interpret when and whether breaches of the law - including constitutional provisions - occur. Citizens have the right to sue the Jamaican government and do file suit regularly against the state. Indeed, the superior courts frequently hand down judgements against the government and award damages in favour of citizen-plaintiffs.

Between 2000 and 2002, the courts handed down over 100 judgements against the state and over J\$90 million in damages to aggrieved citizens. Moreover, the courts have demonstrated an ability to rule against powerful economic interests in cases involving allegations of infringement of workers' rights.

Civil Service

The Jamaican Civil Service is currently spread in 19 Ministries and is divided into 30 different salary groups. The regular Civil Service worker in Jamaica is recruited through the Office of the Services Commission, and is headed by the Cabinet Secretary who is located in the Office of the Prime Minister. Individual ministries are headed by Permanent Secretaries, except the Ministry of Finance and Planning, which is headed by a

Financial Secretary. In addition to the Civil Service Ministries and departments, there are a number of parastatals and public sector entities. At the beginning of the 1990s, there were over 300 of these entities. During the decade, consistent with the neo-liberal policies embraced by successive PNP governments, some divestment and privatisation took place largely without any serious or substantial allegations of corruption. Alongside this process, efforts to improve parastatal governance produced the Public Bodies Management and Accountability Act 2001. Amongst the issues addressed in this law were the duties and responsibilities of Boards of Directors, the uniformity of reporting requirements and the mandatory establishment of Audit committees within each entity. This legislation was in part prompted by revelations that chief executives and top managers in certain public sector entities were being paid excessive compensation packages in violation of the relevant guidelines. Credible charges were made that "fat cat" salaries were related to connection to governing party. Moreover there is evidence that political patronage plays a significant role in appointments to Boards and employment role in appointments to Boards and employment in certain public sector entities.

The law governing the Civil Service "comprises regulations made by virtue of the Constitution, statutes and prerogative; the common law principles affecting the relationship between the Crown and its servants and the administrative rules and practices which regulate the conduct of public officers". There is no mention of the

Civil Service in the Jamaican Constitution. However, Chapter IX of the Constitution addresses the Public Service Commission. Section 124, sub-paragraph (1) states that:

"there shall be a Public Service Commission for Jamaica consisting of a Chairman and such number of other members, being not less than three nor more than five, as the Governor General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may from time to time decide".

Public Sector Reform Programme

Since the 1980s successive governments of Jamaica have been pursuing reform of the public sector. Currently, the PNP government with external assistance from the World Bank, the Department for International Development of the UK government, the Inter-American Development Bank, the Canadian International Development Aid and the Government of Japan "is undertaking approximately 30 projects in support of public sector reform". The overall aim of this process includes enhancement of public sector accountability, higher levels of customer service delivery and improved efficiencies in all areas of government.

There has obviously been some progress in the modernization of the Jamaican public sector. The process has however been slow and uneven. There remains widespread dissatisfaction and much discontent with poor and inadequate service from public sector employees in many departments and agencies. Training programmes in customer service, delivery, objective performance indicators need to be more rapidly developed and, as well, performance based

compensation schemes elaborated. In addition, allegations of corruption in key areas such as customs, the licensing departments, the Title and Stamp Office are credible. In the 1990s, the disposal of public lands attracted particular charges of political patronage. This became the subject of a special report by the Contractor General in 1992 and of a special committee set up by the Minister of Agriculture in 1994. The latter committee found "that some MPs exercise an undue influence in the selection process" for determining purchasers of public lands and recommended among other measures, that MPs should not have a role in the selection system. At the same time means of detection, investigation and application of disciplinary measures are inadequate, cumbersome and ineffective. The Staff Orders and the Public Sector Regulations need to be far more rigorously enforced by the Service Commission. In addition, the Financial Administration and Audit Act must be applied more consistently to address issues of misappropriation of funds in the public sector.

Police and Prosecutors

The Jamaica Constabulary Force was founded following the Morant Bay Rebellion in 1865. The Jamaica Constabulary Force Act stipulates the duties and powers of the Jamaica Constabulary Force.⁸ Police Officers within the Jamaica Constabulary Force must be Jamaican citizens of good character. The total establishment for the JCF is 8500. But this establishment is being reviewed as many more officers than currently stipulated are needed to police the country adequately in the face of growing security related threats.

The Commissioner of Police is responsible to the Minister of National Security for the Command and Superintendence of the Force but is independent of him in operational matters. The Constabulary Force Act recently amended emphasizes that the Commissioner of Police is independent and that all appointments of promotions are to be based on merit. The Jamaica Constabulary Force Police Promotions Examinations set out the system for performance appraisal based promotion examinations for members of the JCF up to the rank of Senior Superintendent. The Commissioner of Police enjoys little security of tenure. The Jamaican Constitution makes no mention of the procedure to be followed in removing the Commissioner. This is a clear weakness in the system as the Commissioner can be removed from office if a loss of confidence is stated by the Police Service Commission. This weakness in the system makes it relatively easy for the government to remove a Commissioner from office on the basis that the government can no longer work with that Commissioner. It is so much easier therefore to remove a Commissioner from office than a Deputy Commissioner since the removal of the Deputy Commissioner warrants a clear case of wrong-doing. The Office of Professional Responsibility is the umbrella group with specific mandate to address investigations of all issues of corruption. There are two main organs that fall under the jurisdiction of the Office of Professional Responsibility. These are the Bureau of Special Investigation and the Bureau of Internal Affairs. The former is responsible to investigate all controversial police shootings and all major corruption

issues and the latter is responsible to investigate all minor corruption allegations.

All corruption allegations are investigated and based on the weight of the evidence, the investigation is then sent to the Director of Public Prosecution (DPP) for a ruling. The DPP can make two rulings, either to charge the alleged offender or to deal with the issue internally. The norm is that once a ruling has been made to charge the alleged offender, employment is terminated as continued employment of such an individual is likely to jeopardize the reputation of the police force and put the public at risk. If the ruling is for it to be dealt with internally then that individual might be demoted to a lower rank or transferred to another division.

The police force has been ineffective in controlling levels of violent crime. Within recent years violent crime has escalated dramatically and Jamaica has become one of three countries with the highest murder rate in the world. At the same time, it must be noted that property-related crime has remained relatively stable. Of course the roots of the violent crime problem extend beyond strict police competence and jurisdiction. They encompass factors such as: breakdown in parenting and family structure; rapid urbanization; high unemployment; unequal opportunity structures, party political warfare and, most recently, the transnational narcotics trade as well as small arms trafficking. Not surprisingly over 40% of all murders in Jamaica are related to drug trafficking, turf wars among drug gangs and reprisal killings. These phenomena are highly concentrated in sections of inner-city Kingston. The gun is used in almost 70% of killings and the majority of perpetrators as

well as victims are young males.

Deficiencies in the police force are being addressed through a wide-ranging police reform programme. Elements of the programme include:

- An increased emphasis on community policing
- Strengthening of the intelligence gathering capability
- Intensified efforts on anti-corruption measures within the force
- Passage or introduction of new and upgraded legislation to deal with interception of communication, plea-bargaining, asset-forfeiture and money laundering.

Director of Public Prosecutions

Chapter VI Section 94 of the Jamaican Constitution establishes the office and the functions of the Director of Public Prosecutions. It states that the Office of the Director of Public Prosecutions (DPP) shall be a public one and that the Director shall not be qualified to hold or act in this position unless he is qualified for appointment as a Judge of the Supreme Court.

The Director of Public Prosecutions shall have power to intervene in any case in which he considers it desirable. In exercising his powers of intervention in any case, the DPP is not answerable to political representatives or to the Prime Minister nor is he "subject to the direction or control of any other person or authority".

The DPP can be removed from office by the Governor General only on the basis of an inability to discharge the functions of his office, arising from infirmity of body or

mind or any cause involving dishonesty or corruption. However, his removal can only be effected based on the report of inability or misbehaviour advanced by a special tribunal commissioned by the Governor General comprising sitting and/or retired members of the Supreme Court.

In 2001, the Director of Public Prosecutions expanded its office to include a Financial Crimes Unit. This unit had a specific mandate to address cases involving financial crimes, corruption, money laundering and assets forfeiture. The unit comprised individuals with special expertise in law and forensic accounting as the DPP trained its staff to deal properly with these issues. The DPP had intended this Unit to be integral in stemming corruption and drug related cases by bringing the dons, the bosses and the big king-pins to justice. However, by 2003 when the Financial Crimes Unit was becoming fully operational it was transferred under the portfolio of the Ministry of Finance. The resulting effect therefore is that the DPP currently has no investigative and analysis unit in its office.

Public Procurement

The Office of the Contractor General was established in 1986, three years after the Contractor Generals Act was passed. This Office is an independent body which is responsible to ensure transparency, efficiency, impartiality and integrity in the awarding of government contracts, licenses, permits and other concessions. It is also responsible to ensure that government contracts are implemented efficiently, economically and expeditiously through constant monitoring. The National Contracts Commission is

another independent body appointed through an amendment to the Contractor-General's Act effected in 1999. Its mission is to recommend the award of government contracts and to seek to ensure transparency, equity and integrity in the contract award process. Simultaneous with the establishment of the National Contracts Commission, the Government Contracts Committee was wound up.

Contracts are awarded based on competitive or single sourcing (formal tenders) tender system. However, despite this the tender system suffers from:

- Partial and unfair information system
- Mismanagement and poor leadership (for example, 80% of the time elapses but project would be less than 20% complete)
- Lack of formal agreement and terms of reference
- Unsatisfactory performance

There is transparency in the public procurement system. Public procurements are widely advertised usually in the media and the procurement decisions are made public and can be viewed or accessed on the government procurement website. There also exist procedures in place for an unfavourable decision to be reviewed by the courts. The fact that entities will utilize the legal review process after an unfavourable decision has been made means that there exists confidence in this mechanism.

Nevertheless, over the years a small percentage of the contracts monitored have been executed with competence but the great majority of cases examined by the Contractor-General have disclosed a variety of weaknesses with regularity throughout the

years from 1992 to 2000.⁹

There are many documented cases of the abuse of the construction contract procedures and shortcomings of all sorts in the award and implementation of the construction contracts. Whereas politicians are not to be fully blamed for the abuse and shortcomings in the contract system, pressure is often exerted on functionaries by politicians to ensure that certain people are engaged, to add to or vary projects, and to pressure the consultants to approve the variations, additions and applicable rates.

Obviously, more effective measures are needed to increase levels of efficiency, insulation from partisan politics and deterrents against corruption in the public procurement system.

One such is for offices of the Parliamentary Ombudsman to monitor the implementation of the Contractor General's recommendations. More importantly is for Parliament to debate the Report of the Contractor General after it is tabled each year. At the minimum this would take notice, at the highest level, of abuses of the public procurement system and help to increase public pressure particularly against political interference in the award of public contracts.

Local Government

Jamaica is a unitary state. However independent Jamaica inherited from the colonial period a local government system through which the island is divided into parishes for administrative purposes and the system has endured. There are 13 parishes, each with an elected Parish Council.

Dissatisfaction with the inherited system of local government led to the initiation of a

Local Government Reform Programme in February 1993. The overall purpose of the reform has been to strengthen local government vis-à-vis central government. The features envisioned to characterize the new framework of local governance are: participation, autonomy, accountability, development and empowerment. "The objective of the policy is the implementation of mechanisms to ensure the effective delivery of service to the citizens of the communities on a financially sustainable basis with the active involvement and participation of the citizens..."¹⁰ So far this reform process has in some measure strengthened the local government system.

Nevertheless, local government remains constrained by number of factors such as subordination to central government, lack of financial autonomy and inadequate resources as well as excessive political partisanship leading to corruption in contract awards and procurement.

Two further observations are particularly relevant regarding the position of local government in Jamaica's system of governance. The first is that the underresourcing of local government authorities and the relative dependence of local on central is perhaps the single most dramatic indicator of the under privileging of rural as against urban development. The vast majority of rural towns, districts and villages have the best possibility of voice, accountability and representation through the local government authorities and structures. Yet these, despite the programme of reform, remain undoubtedly the weakest element in the system of government.

Secondly, women's participation in the

that reforms which strengthen the power of local government should enhance rather than diminish the membership of women in these bodies.

A number of observations may be made in the context of this review of the government component of governance in Jamaica, viz:

1. the formal institutions of the state reflect and contribute to consolidation of a liberal democratic political order but one deformed by patriarchal relations and neglect of rural empowerment.
2. the reform and renewal of governmental institutions and processes has been put on the national agenda by a Jamaican citizenry increasingly enmeshed and transformed in positive and negative ways by processes of contemporary globalisation.

Globalisation and Governance in Jamaica

In this context, the globalisation process and governmental arrangements in Jamaica interconnect on many different levels. This is hardly surprising as, on many indicators,

almost three times the average for developing countries. Similarly FDI net inflows as a percentage of gross capital formation were nearly twice the average for developing countries. Moreover, trade in goods as a percentage of GDP placed Jamaica in the top quintile of all economies, not just of developing states.

The country's connectedness into globalizing processes however goes beyond the degree of its economic integration into other important dimensions. As such on other measures used to indicate the extent of a country's globalisation, Jamaica registers relatively high scores. For example in terms of political engagement, Jamaica is a member of almost 50 international inter-governmental organizations. In relation to trans-national people to people contacts affecting both urban and rural communities, the relatively high levels of international telephone traffic, international tourism travel and cross-border transfers, in particular remittances, are significant indicators of the country's global links. Finally, its technological connectedness is rapidly growing with the prevalence of Cable Television and the increasing numbers of internet users, internet hosts and secure servers.

	Jamaica	Developing Countries
Foreign Direct Investment, Net Inflows (% of GDP)	6.1	2.5
Foreign Direct Investment, Net Inflows (% of Gross Capital Formation)	17.7	9.9
Mobile Phones (per 1000) (2003)	535	110*
International Telecommunications - Outgoing Traffic (minutes per subscriber) 2003	310	58*
International Tourism Receipts % exports (2003)	48.1	8.2

Source: World Bank - Development Data Group; World Development Indicators

* Figures relate to 2001 and lower middle income countries.

Jamaica's relationship with globalizing processes therefore obviously affects governmental arrangements but goes well beyond this arena. On the positive side, Jamaica's wide-ranging membership in international governmental organizations provides opportunity for the state to influence regional, hemispheric and global decision - making bodies in seeking to secure Jamaica's national interest. In 2004, for example, the country was selected to chair the African-Caribbean-Pacific (ACP) group, as well as the Group of 77 and China. Previously, it has served as President of the UN Security Council. There are many examples illustrating how membership and leadership in these bodies has redounded to Jamaica's advantage and to the benefit of other developing countries.

On the other hand, there can be little dispute that, on balance, the intensification of globalisation, within a neo-liberal policy framework has served to restrict the autonomy of Jamaica's governmental mechanisms. Most obviously this restriction has manifested itself in the area of economic and social policy making. In the two decades between the late 70s and the mid 90s approximately forty agreements entered into by successive governments with the IMF and the World Bank carried with them conditionalities which curtailed government's freedom of policy choice particularly in

relation to fiscal matters.¹³ The fact is that these agreements, largely unavoidable in terms of the circumstances of the time, tied to varying degrees the hands of both the executive and legislative arms of the Jamaican state in critical areas of taxation and budgetary expenditure, particularly in the vital areas of education and health.

On top of this, Jamaica's accession to membership in the World Trade Organization in 1995 following on its participation in successive rounds of the GATT carried with it significant commitments to facilitate trade liberalization. In theory, this opened up opportunities for Jamaican producers of goods and services to access more easily markets undergoing liberalization. Moreover, the WTO provided a rule based trading regime binding on all member states, regardless of size and power. On the downside, however, the authority of the Jamaican government over Jamaica's tariff levels and trade arrangements became subject to WTO rules and regulations which resist special and differential treatment for small vulnerable states and island economies.

In this context, neo-liberal globalisation, through the WTO and its most powerful members, pressed for an end to preferential trading arrangements particularly in respect of agricultural commodities of importance to Jamaica's traditional economy, such as sugar and bananas. Membership in international organizations, a feature of globalisation obviously allows governments like Jamaica's to lobby against such demands and to negotiate, in alliance with like minded states, less adverse conditions.

On balance however, in the prevailing international situation, governments of small island states like Jamaica are experiencing more adversity rather than opportunity from inter-governmental organizations, particularly in the sphere of trade and the economy more generally.

This has been most evident in the relatively high levels of rural unemployment and poverty¹⁴ aggravated by the opening of agricultural production - for export as well as for the domestic market - to global competition without adequate preparations. Perhaps the most dramatic example of the consequences of intemperate trade liberalization lie in the imminent impoverishment of sugar dependent rural towns and communities with a tenth of Jamaica's population in the wake of proposed drastic modification in the European Union's sugar regime.¹⁵

Similarly, but often with less one sided outcomes, the Jamaican governments membership in IGO's carries with it some capacity to influence the content of treaties and conventions developed by multi-lateral organizations or by international conferences. Very often, these are broadly in our interest such as in the case of the United Nations Conventions against illicit trading in narcotics, the agreement for the establishment of the International Criminal Court, the Inter-American Convention against corruption or the UN Security Council Resolutions against international terrorism. Nevertheless, such treaties and conventions do constrain both the Executive and the Legislature to the extent that ratification carries with it the necessity of enacting enabling domestic legislation to give local

effect to the international commitment. This necessity is sometimes intrusive and troubling when the international commitment appears to leave no little or no discretion or room for flexibility among the law makers of a sovereign state.¹⁶

The relationship between globalisation and governance manifests itself at another level both separate from but increasingly related to formal governmental arrangements. This is in multiplying linkages between Jamaican non-governmental organizations and counterpart international non-governmental bodies. Often, this relationship is benign and unambiguously facilitates Jamaican influence internationally as well as redounds to Jamaica's interest at the national and local levels. The relationship between the Jamaican Red Cross and the International Red Cross; the Jamaican Olympic Committee and the International Olympic Committee; the Jamaica Council of Churches and the World Council of Churches; the Jamaica Confederation of Trade Unions and the International Confederation of Trade Unions are but four cases, which readily come to mind. Indeed, in some instances there can be no doubt that much more can be done to utilize these international linkages more effectively in advancing Jamaica's national interest.

In this regard the relatively recent emergence and strengthening of organizations in the Jamaican Diaspora is of particular note. The considerable reach and immense potential of the overseas Jamaican community is both a reflection of the degree of the country's globalisation as well as a huge potential asset to the country's governmental arrangements. Their lobby potential is

obvious and only now being attended to in the capitals of countries where decisions are being taken adverse to Jamaica's interest.¹⁷ At the local level, particularly in the rural parishes remittances from this community are a major source of livelihood. Moreover, the encouragement and strengthening of the Parish Homecoming movement harbours much potential in developing useful initiatives beneficial to both the local economy and civil society at the parish level.

In other instances, the interaction of the global and the national is less unambiguously beneficial to Jamaican governance. For example, national non-governmental organizations and civil society bodies, consistent with policy orientations currently dominant in the international NGO community and in multilateral organizations, are now more able to attract support from the global community than resource deprived political organizations. Yet the healthy functioning of political parties is arguably as critical if not more so than civil society in sustaining democratic governance. As such, human rights groups, in particular, in association with international NGO's like Amnesty International are developing an institutional capacity well in excess of other groups. To the extent that democratic governance benefits from relative balance amongst groups seeking to influence the state and public opinion, other non-governmental bodies ought also to be facilitated in strengthening their institutional capacity.

One other area of globalisation and governance bears mention and should not be overlooked in the Jamaican context - that is the role of transnational economic enterprise - legal transnational corporations in the first

instance but, in the second, illegal as part of transnational criminal enterprise. Both have been facilitated by the technological revolution in communication, transportation and information which lies at the heart of contemporary globalisation. Both the transnational corporation and organized transnational crime have a real and growing influence on governance in Jamaica. First, in relation to the transnational corporation, given the hegemony of corporate globalisation, developing states, like Jamaica in competition with score of other states have had little alternative but to make themselves attractive to FDI. To achieve this goal, governments have had to constrain their policy options to facilitate attraction of FDI even when such options may not be desirable in terms of impact on other sections of the national community. In Jamaica governmental openness to certain aspects of labour market flexibility, to erosion of social protection arrangements, regressive tax policy and loose enforcement of environmental standards reflect this need to sustain and enhance levels of transnational investment in sectors such as mining and tourism. On the other hand, there can be little doubt that one positive of globalisation is greater availability of foreign investment as a source of technology transfer, employment creation and income generation. This is particularly the case where substantial inflows of investment in tourism and in mining, as well as spin offs in infrastructure and small business, will have a beneficial impact on many Jamaican rural towns and communities. A better balance needs to be struck however between the positive and negative elements inherent in the relation of governments of

small and vulnerable states to powerful and aggressive multinational corporations.

At the second level - that of the transnational criminal enterprise - the danger to democratic governance in Jamaica is clear, present and growing. The proceeds of globalized criminal activity - particularly in illicit narcotics and arms trafficking - raise the prospect of 'state capture' in Jamaica, starting with community power structures and spreading to corrupt key actors and ultimately critical organs of the state.¹⁸ Already Jamaican political parties and the police force are seriously infected by the proceeds of organized crime. Drastic action is required to deal successfully with the arrest and removal of this cancer.

One consequence of failure to act decisively is not only state capture in the medium and long term. In the short run, the proceeds of organized crime are already accelerating changes underway in the relationship of Jamaicans towards the state. From a position of growing engagement with government in the period of decolonization, of high levels of electoral participation and of strong party loyalism in the post independence period, the Jamaican electorate has become increasingly disengaged from the state and de-aligned from the political parties. At the same time, alienation from formal politics and disrespect for politicians has been accompanied by vulnerability to the influence of cash-rich criminal elements in the inner cities and a rising tide of protest-demonstrations on 'parish pump' issues.

A number of factors, more or less directly related to neo-liberal globalisation, has exacerbated this situation. On the positive side, so to speak, multiple sources of

information in a liberalized media environment, greater access to education, more 'people to people' contact through travel, an increased rate of urbanization - all have undermined the paternalistic authority relations of the plantation order and given birth to more 'critical citizens' of the information age. This qualitative change impacts urban areas primarily but rural communities are also affected. At the same time, the dynamics of neo-liberal globalisation have shifted the orientation of the state from provider to facilitator, and made more space for individual entrepreneurial initiative. In Jamaica however the latter has been far from adequate to compensate either for the reduction in welfare from the state nor for the growth in inequality in the Jamaican opportunity structure. The consequence has been two fold: first, the erosion of an unsustainable old paternalistic order, second the failure hitherto of new more democratic, economic and political arrangements to emerge as an alternative. Ineffective governance, particularly in managing growing social disorder, controlling corruption and curbing criminal violence is the inevitable result of what is in effect a prolonged and continuing stalemate.

Against this background, the content of assessments of governance in Jamaica is not surprising. Poor performance on corruption and law and order indicators alongside more satisfactory scores on voice and accountability constitute a uniform pattern of evaluating Jamaican governmental arrangements.

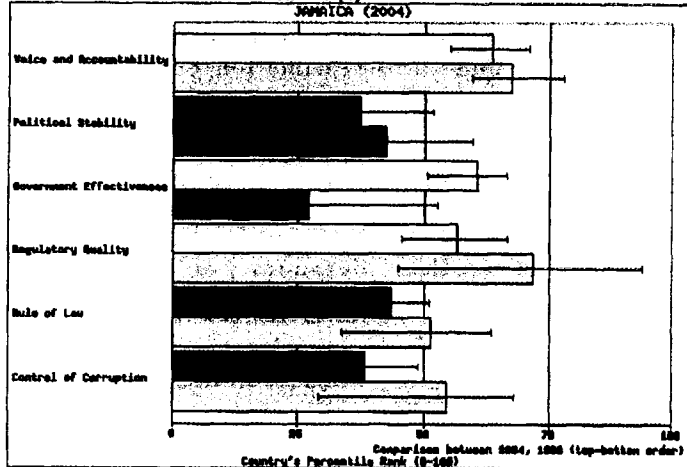
Two critical over-arching issues arise from this review of the relationship between

governance and globalisation. In the first place, the formal institutions of the Jamaican state are under largely legitimate and

in governance as neo-liberal globalisation advances.

These spheres of governance, to the extent that they discharge functions previously fulfilled by the state (e.g. in the provision of public utilities) and exercise social power over areas critical to sustainable human development (e.g. work-place rights, environmental protection), need to be brought under more effective regimes of public accountability and of democratic control. Failure so to do will worsen a democratic deficit, widely regarded as endemic to neo-liberal globalisation and aggravate general dissatisfaction in both rural and urban Jamaica with inadequate levels of popular empowerment.

BOX IV.1: Jamaica Governance Indicators (1)



Source: D. Kaufmann, A. Kraay, and M. Mastruzzi 2005: Governance Matters IV: Governance indicators for 1996 – 2004 (<http://www.worldbank.org/wbi/governance/pubs/govmatters4.html>)

justifiable pressure to democratize - to raise levels of transparency accountability and responsibility. Secondly however, international governmental organization, non-governmental bodies and civil society entities - national and transnational - have come to exercise much greater power and play a more significant role

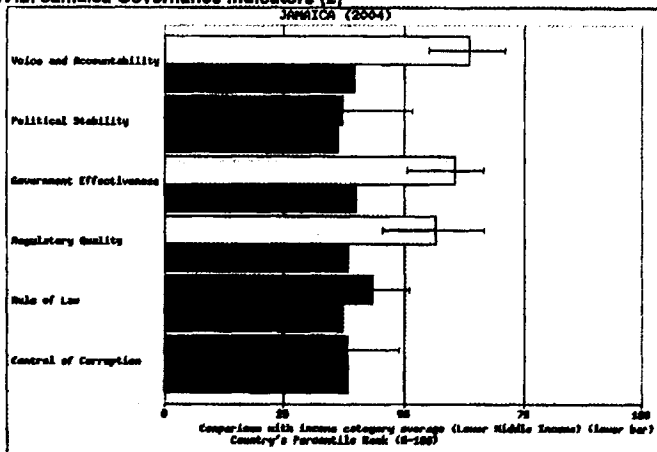
Jamaican Policy Initiatives on Globalisation

Given the multi-dimensional and multi-layered relationship between Jamaican governance on the one hand and the globalisation process on the other; policy initiatives need to be pursued at different levels by various agents such the government, civil society and non-governmental organizations and the private sector

For these initiatives to achieve maximum positive effect, they need to be developed and pursued within a broad national consensus and evaluation on globalisation - its positives and negatives for Jamaica. Specifically the proposed initiatives need to be premised on broad agreement on the following position:

Neoliberal or corporate globalisation presents opportunities for Jamaica but on balance the negative features outweigh the

BOX IV.2: Jamaica Governance Indicators (2)



Source: D. Kaufmann, A. Kraay, and M. Mastruzzi 2005: Governance Matters IV: Governance indicators for 1996 – 2004 (<http://www.worldbank.org/wbi/governance/pubs/govmatters4.html>)

positive. Hence the government, civil society and the private sector need to pursue a dual strategy: first, adjust and exploit opportunity but second, more importantly, come together in initiatives to modify the prevailing form of globalisation.

In other words there needs to be developed a consensus that corporate globalisation displays a 'democratic deficit' which has to be significantly reduced if small and vulnerable island states like Jamaica are to take advantage of a more level playing field. Developing democracy at the global hemispheric, regional and national levels has to be the unifying and overarching policy goal of different elements of the Jamaican community in respect of the governance dimension of globalisation. Critical to the advancement of this goal is a flexible but aggressive policy, at the regional, hemispheric and global levels, in building issue - specific alliances and partnerships. These have to be based more on current national interest than on past historical association.

One example will illustrate the challenge inherent in this approach. The issue of social standards relating to labour, human rights and the environment and their relationship to the rules governing the global trading regime is a matter of some dispute within the international community. One position - to which the majority of the Group of 77 and the non-aligned movement is sympathetic - is that such standards are best left out of WTO rules as they might provide new subterfuge for protectionist policies and discriminatory treatment by developed states against developing countries. The opposing position - supported by the labour movements and human rights groups in a significant number

of states, most developed countries and some developing states which uphold 'core labour standards' - is that without juridical force to such standards, intensified global competition will disadvantage such enterprises and countries. Moreover, corporate globalisation in those circumstances would encourage a race to the bottom in the labour market and more broadly in social protection regimes. On this issue, past historical association and bloc membership places Jamaica with the Group of 77. Current national interest however demands, on this specific issue, collaborating with some developed states and against authoritarian regimes in the south.

From the government (i.e. the executive, legislative and judicial branches) deepening democracy at the global level requires wide ranging initiatives in building partnerships and constructing alliances with a view to promoting democratic principles (in regards to transparency, accountability, voting right etc.) in:¹⁹

- a. International financial institutions, in particular, the IMF;
- b. The United Nations;
- c. The World Trade Organization.

Towards this end Jamaican Members of Parliament, local government councillors and judges need to be encouraged to undertake similar initiatives in the regional, hemispheric and international counterpart associations of which Jamaica is a member.

Parallel initiatives are required by civil society bodies and national non-governmental organizations in regional, hemispheric and global bodies to which they belong. As such, the Jamaica Confederation of Trade Unions, the Council of Churches, the Association of

Evangelicals, the Human Rights groups and environmental associations etc. need, in their programmes of engagement, to take up issues relevant to closing the 'democratic deficit' within the World Council of Churches, the International Confederation of Trade Unions, Amnesty International etc. Moreover, a critical need would be for the Jamaican NGO's to educate their members and supporters to play a more active role in the growing number of transnational civil society campaigns and multi-stakeholder processes such as those relating to debt relief and fair trade which have the effect of checking and balancing the negatives of corporate globalisation.

The private sector has a similar role to play in relation to regional, hemispheric and global associations of manufacturers, chambers of commerce and business organizations. Here the imperatives of transparency and accountability argue for the development of enforceable codes of corporate social responsibility, adherence to anti-corruption conventions, balanced rules regarding cross-border mergers and acquisitions particularly governing transnational corporations and foreign direct investment.

These policy initiatives, relating primarily to the external environment clearly require higher levels of social cohesion, national unity and policy coordination than currently exist among the various sections of the Jamaican state and society. With respect to Jamaica's relationship with globalization; the Cabinet, the Members of Parliament, the Opposition Party, the Public Sector leadership, the main players in the private sector, the more important civil society

organizations, the key players in the local government system, the media and the mass public - all have got to develop a fundamentally common understanding and position on the process. Only on this basis, will the policy initiatives discussed above give rise to mutually reinforcing (or, at least, minimally contradictory) courses of action from the diversity of Jamaican actors at various levels in the globalisation process.

The development of a harmonious platform and common understanding in turn requires an entire menu of policy initiatives at the national and local levels. The short run objective would be to reduce policy contradictions and enlarge common ground with respect to the globalisation process amongst the main players in the Jamaican system of governance. Already there is much convergence at the level of party manifestoes between the governing and opposition parties. But for common perspectives to come more to the fore and inform a common national action programme, radical reforms in Jamaica's governance arrangements are urgently required. These would aim to reduce 'vested interest' in sustaining destructive rivalry between government and opposition, adversarial relations between capital and labour, antagonistic postures between civil society and the state and, most of all, exclusionary opportunity structures disadvantaging the weak and the vulnerable.

Such changes are, to one degree or another, underway. In dealing with Jamaica's governance arrangements in an earlier section, we have mentioned varying levels of consensus on measures relating to constitutional, parliamentary and political reform, legislative reform, local government

reform, public sector reform, labour market reform and police reform, to name but a few. Some steps towards positive change in many of these areas are already being implemented. Partnership building between labour on the one hand and capital and government on the other has begun. But implementation suffers from undue delay, insufficient prioritization, inadequate focus and an insufficiently articulated coherence among the main actors. A major policy initiative, on which much depends, is therefore required of one and all to recommit to the reform agenda on a broad front of issues and to renew consensus building on the main substance of transformation. Such recommitment and renewal amongst the main players could well be occasioned by the obvious intensification of the globalisation process itself in relation to Jamaica. This intensification puts diverse Jamaican players with diverse interests more obviously than before, in much the same boat, facing some opportunity but much adversity, in the more complex cross-currents of the developing tides of globalisation. More than ever before, "all hands are required on deck". Getting "the hands on deck" and then getting them to pull together requires transformational leadership at all levels in order to subordinate initial distrusts, dissatisfactions and lack of confidence at least to the minimum level necessary to give policy initiatives on the wide range of governance arrangements a new wind and a fresh start. This process, once renewed and re-engaged, in current challenging circumstances, carries a potential momentum of its own which once carefully managed, can operate to reduce distrust, contain disorder and build social capital.

In this context, international development partners and regional entities have critical roles to play. In the first place, it is necessary to broaden and deepen the dialogue between partners and the Jamaican players at the governmental, non-governmental and private sector levels to produce a more profound and finely nuanced grasp of Jamaica's relationship with the globalisation process. On this basis a more coordinated systematic and targeted approach is called for from partners to supporting domestic and external policy initiatives aimed at reforming governance in the following areas:

- a. Constitutional and political arrangements;
- b. Reform of the legal and criminal justice system;
- c. Public sector modernization;
- d. Local government reform;
- e. Social partnership - building;
- f. Inner-city peace building and peace management; and
- g. Special and differential treatment for small island developing states in the hemispheric and global trading regimes.

Within each of these areas, there are specific priorities which require more urgent attention.

The most compelling way in which international development partners may contribute to reducing the negatives and enhancing the positives in Jamaica's relationship with the globalisation process lies in a more sympathetic response to the overall need for special and differential treatment for small island developing states within the global system. This embraces the

need for greater transparency and accountability in decision-making within the international governmental organizations, thereby giving greater voice to the disadvantaged within the global community. More substantial targets and greater fulfilment of existing commitments by developed states towards Jamaica and other developing countries in areas such as debt relief, aid levels, market access, combating transnational organized crime and the management of global climate change would also facilitate more positive outcomes in Jamaica's engagement with globalisation.

Recommendation for reform such as these however do not unfold and are not implemented purely nor even primarily based on their rational content. Two other factors critically impact prospects for positive change - first, the quality of leadership and second, the balance of forces for and against transformation. In relation to both these factors, the situation at the national level, in the era of neo-liberal globalisation, needs to be put in the context of the leadership and power balances external to Jamaica in order to assess and encourage positive reform.

In this regard, a prevailing gap in 'transformational leadership at all levels needs to be closed in respect of at least two qualities, viz: the capacity to overcome divisions and to build cohesion across different social segments (across class, ethnicity, politics, age, gender, etc) and secondly, the ability to complement technocratic competence with inspirational quality. Changes in Jamaican leadership in a variety of spheres - political, private sector, public sector - presents an opportunity for, though not the certainty, of strengthening

these needed qualities. At the same time the forces resisting democratic transformations are powerful and entrenched. Corporate interests, national and transnational companies benefiting from the prevailing low levels of accountability of corporate entities; public and private sector elements dependent on corrupt exploitation of faulty public procurement arrangements; transnational criminal enterprises exploiting weak state institutions; conservative hegemony within the global power structure and, not least of all clients amongst the masses benefiting from patrons ensconced in the old order - these are formidable forces nationally and globally ranged against meaningful change.

Nevertheless, the possibilities for significant reform are enhanced by a number of developments. Foremost amongst these is growing popular pressure - nationally and globally - against prevailing arrangements which, left on their own, are aggravating levels of inequality, worsening distress among the disadvantaged and exploiting the vulnerability of the weak. Increasing levels of disquiet within the policy community and heightened critique within academic circles and popular sectors of neo-liberal globalisation reflect and encourage widening discontent and growing protest against existing arrangements. Both these factors contribute to the emergence and strengthening of political cultural and economic elites more willing to embrace and to push reform agendas. The attendant policy solutions promise to reduce inequity, enhance social justice and raise levels of popular accountability within governance at the local, national and global levels.

It is the shifting balance between forces

aligned for and against change as well as the strengthening of transformational leadership, which shall ultimately determine prospects for reform.

Endnotes

1. It is of course mainly around this issue of the balance between the negative and the positive in globalisation that a substantial body of academic and policy relevant literature has emerged and continues to grow. Among the works stressing the more positive elements and potential of globalisation are the publications of the multilaterals (in particular the IMF and the World Bank); Jagdish Bhagwati: *In Defense of Globalisation*, Oxford University Press New York 2004; Dani Rodrik *The New Global Economy and Developing Countries: Making openness work* Overseas Development Council Washington D.C. 1999. Highlighting the darker side of globalisation and the need for fundamental reform in the prevailing policy framework are Joseph E. Stiglitz *Globalisation and its discontents* W.W. Norton New York 2003; Martin Khor *Rethinking Globalisation: Critical Issues and Policy Choices* Zed Books London 2001; John Rapley *Globalisation and Inequality: Neo-liberalism's downward spiral* Lynne Reiner Boulder Colorado 2004.
2. UNDP *Human Development Report 2002 "Deepening Democracy in a Fragmented World"* Oxford University Press New York 2002 p. 103.
3. Leslie Sklair *Globalisation: Capitalism and its alternatives* Oxford University Press (3rd ed.) New York 2002 p. 84 - 85.
4. *Jamaica Constitution (Order in Council) 1962* Section 68. All subsequent quotations in this section dealing with the different organs of the Jamaican state are derived from this document.
5. Between the introduction and passage into law of Bills dealing with major issues submissions from civil society and consequential amendments by the government have become the norm. Examples of this responsiveness would have been evident in respect of legislation dealing with the reform of labour law, access to information, corruption prevention, anti-terrorism and money-laundering.
6. cf. Answers to questions for the Honourable Minister of Information and Leader of Government Business in the Senate re General Elections (mimeograph) (Table by the Senator Professor Trevor Munroe)
7. *Report of the Committee to Inquire into the Present System for the sale of lands by the Commissioner of Lands and make recommendations* (Mimeograph n.d.)
8. Jamaica Constabulary Force Act Section 13
9. *Annual Reports of the Contractor General* Government Printer Kingston
10. Ministry Paper 7/03 *Local Government Reform Policy* (Tabled in Parliament February 4, 2003) p. 7
11. P 105/UNDP Jamaica Human Development Report 2000

12. A useful set of measures of globalisation has been constructed by A.T. Kearney and used to develop the A.T. Kearney/ Foreign Policy Globalisation Index. These relate to trade and financial flows, movement of people across borders, international telephone traffic, Internet usage, participation in international treaties and peacekeeping operations. Cf *FP/Foreign Policy* January/February 2003
13. Anthony Bouges *The Limit of Political Sovereignty: A Review of the Jamaican Experience* Friedrich Ebert Stiftung Kingston 1994; Jane Harrigan "Jamaica" in *Aid and Power: The World Bank and Policy - leased lending Volume 2: Case Studies* edited by Paul Mosley, Jane Harrigan and John Toye Routledge London and New York 1999
14. Planning Institute of Jamaica/Statistical Institute of Jamaica *Jamaica: Survey of Living Conditions 2004* Interim Report p. 6
15. Professor Trevor Munroe *Job Losses in Sugar Dependent Areas - Economic and Social Implications* (Mimeograph, 2002)
16. Most recently, this issue arose sharply in relation to the Jamaican government's obligation to enact domestic anti-terrorism legislation in fulfilment of its obligation to implement U.N. Security Council resolution 1373 of 2001.
17. In 2005, a Jamaica Diaspora Foundation bringing together representatives of overseas Jamaican communication and the government was formed to coordinate the more systematic development of organization in the Jamaica Diaspora.
18. Both the Jamaica Commissioner of Police and the Minister of National Security have recently confirmed the connection between politicians and drug money as well as warned of the possibility of undue influence on government by illicit narcotics traffickers' cf. *The Gleaner* Thursday May 20, 2004 "Politics and Crime - Phillips confirms the correction"
19. For useful reviews of perspectives regarding reform of international organizations of UNDP Human Development Report 2002 op. cit., pp. 112 - 122; Heikki Patomäki and Teijo Teivainen *A Possible World: Democratic Transformation of Global Institutions* Zed Books London 2004

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