

INTEGRITY COMMISSION OF DOMINICA

COUNTRY PAPER

CONFERENCE OF THE COMMONWEALTH CARIBBEAN ASSOCIATION OF INTEGRITY COMMISSIONS AND ANTI-CORRUPTION AGENCIES

CAYMAN ISLANDS, JUNE 3 - 7, 2019

1. INTRODUCTION

The newly appointed Integrity Commission of Dominica, under the Chairmanship of Stephenson Hyacinth is pleased to participate at another CCAICACB Conference. We extend very best wishes to all members of Integrity Commissions and other Anti-Corruption Bodies in the Commonwealth Caribbean for a fruitful conference and for the further deepening of the relationship among our organizations. We are grateful for the continued financial and technical support of the Commonwealth Secretariat and for the leadership of Dr. Roger Koranteng.

2. BACKGROUND

The Integrity in Public Life Act was passed in Dominica in 2003; the Commission became operational in September 2008. The Act of 2003 was amended in 2015. The main effect of the amendment was the dissolution of the former seven-member Commission, chaired by Julian Johnson from inception to 2015 and the reconstitution of the Commission as a three-member body, chaired by Dermot Southwell.

3. THE COMMISSION

On July 25, 2018, Chairman Dermot Southwell passed away after a period of illness. His passing left two members on the Commission. Section 10(2) of the Act (amended) states that a quorum of the Commission is two; section 10(3) states that the proceedings of the Commission shall not be affected by any vacancy amongst the members or by any defect in the appointment of any member.

That scenario was similar to the situation in 2016, when the failure of the Leader of the Opposition to nominate a third member to the Commission left it with two members. In the earlier case, the Commission met and operated normally. In the latter case, the Commission never met since neither of two remaining members was the Chairman.

The Commission currently comprises three members who were appointed April and May 2019 by His Excellency the President in accordance with the Act:

- ☒ Chairman Stephenson Hyacinth (nominated by the Prime Minister, after consultation with the Leader of the Opposition);
- ☒ Commissioner Thomas Holmes (nominated by the Prime Minister)
- ☒ Commissioner Cara Shillingford (nominated by the leader of the Opposition).

It is very instructive that the appointment and subsequent operation of the Commission is so heavily dependent on the political machinery that exists

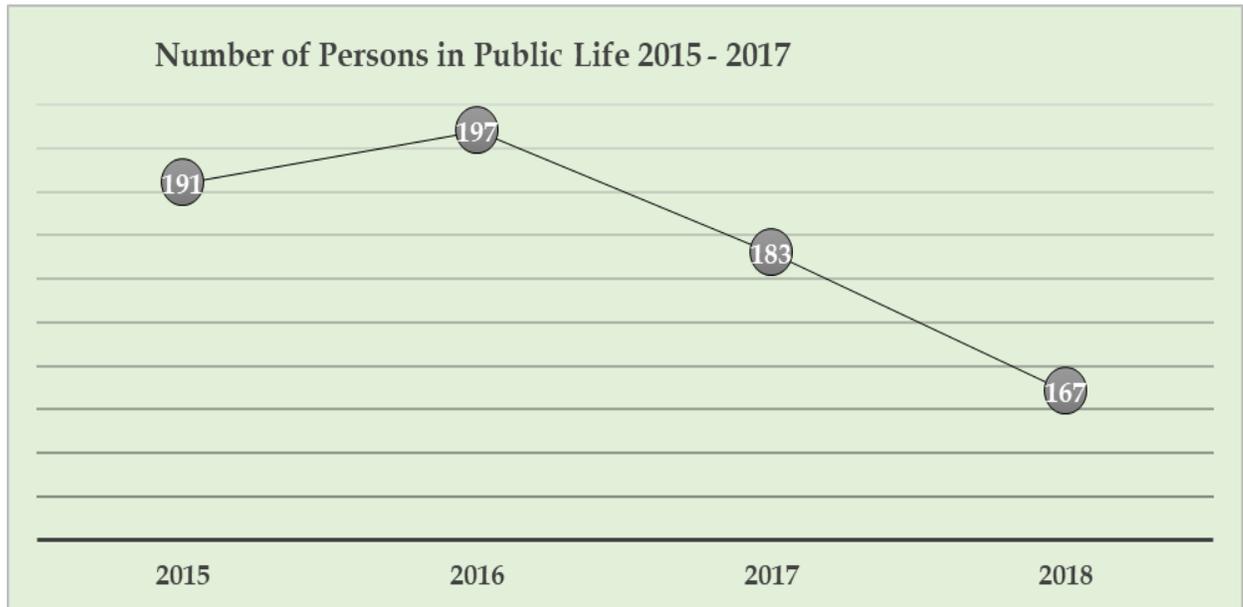
4. ACTIVITIES OF THE COMMISSION

a. July 2018 to May 2019

The period was the aftermath of the passage of Hurricane Maria. Very few activities were completed, given an island nation in the midst of reconstruction. The Commission sought to meet with the Director of Public Prosecutions (DPP) to discuss the backlog of reports to her regarding persons who had failed to file. The DPP's office was heavily impacted resulting in the loss of files, among other things, and that meeting never took place.

The Commission was of the view that the successful youth education programme themed 'Success without Integrity is Failure' for secondary school students which was launched in 2016, could recommence in 2018. Alas this was not to be, since, schools were still operating on shift systems and the Commission's office was in need of repair (more work still to be done).

The list of persons in public life, over whom the Commission has jurisdiction, is dynamic and constantly changing. Persons in public life are to continue to file for TWO years following the demission of office of persons in public life and any person acting in the office of ppl for six months continuously becomes a ppl. The numbers for the past few years are as follows:



The functions of the Commission, according to the Act, are to:

- “(a) receive, examine and retain all declarations filed with it under this Act;*
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of any declarations filed under this Act;*
- (c) without prejudice to the provisions of any other enactment, inquire into any allegation of bribery or act of corruption under this Act;*
- (d) receive and investigate complaints regarding non-compliance with any provision of this Act; and*
- (e) perform such other functions as is required under this Act.”*

Regarding the first function, *“(a) receive, examine and retain all declarations filed with it under this Act*, each year, each person in public life makes declaration no later than March 31st of the following year. To facilitate the process, the Secretariat sends out, every January, Form 2, Guidelines for filling out Form 2 and a Calendar with informational highlights.

Production of the 2018 Calendar was frustrated; the 2019 Calendar one, also themed: 'Success without integrity is failure' was sent to all persons in public life. It highlights aspects of the legislation and instructs persons in public life. The Calendar is also sent to all secondary schools and the State College.

The examination of declarations is done with the 'Adagio' accounting software. Adagio produces a balance sheet for each person in public life. A comparative analysis provides the basis for clearance or for the issuance of a query. At the end of the process, compliance is gauged.

The process for financial declarations as shown below was effectively on hold from step 3.



Functions (c) and (d) remain very troubling ones. The burden of proof in these matters is the responsibility of the complainant. Section 32 of the Act gives the 'complainee' the right to institute legal proceedings against him (the complainant) if the Commission rejects the complaint that he brought.

Another matter that the Commission started to address was the Falling Rate of Compliance as illustrated in the following figure. The Commission held a working session to diagnose the issue and to brainstorm solutions. The outreach to ppl was heightened, and the Commission seriously advertised its new power (under the Amendment Act) to "extend the period in which a declaration may be filed".

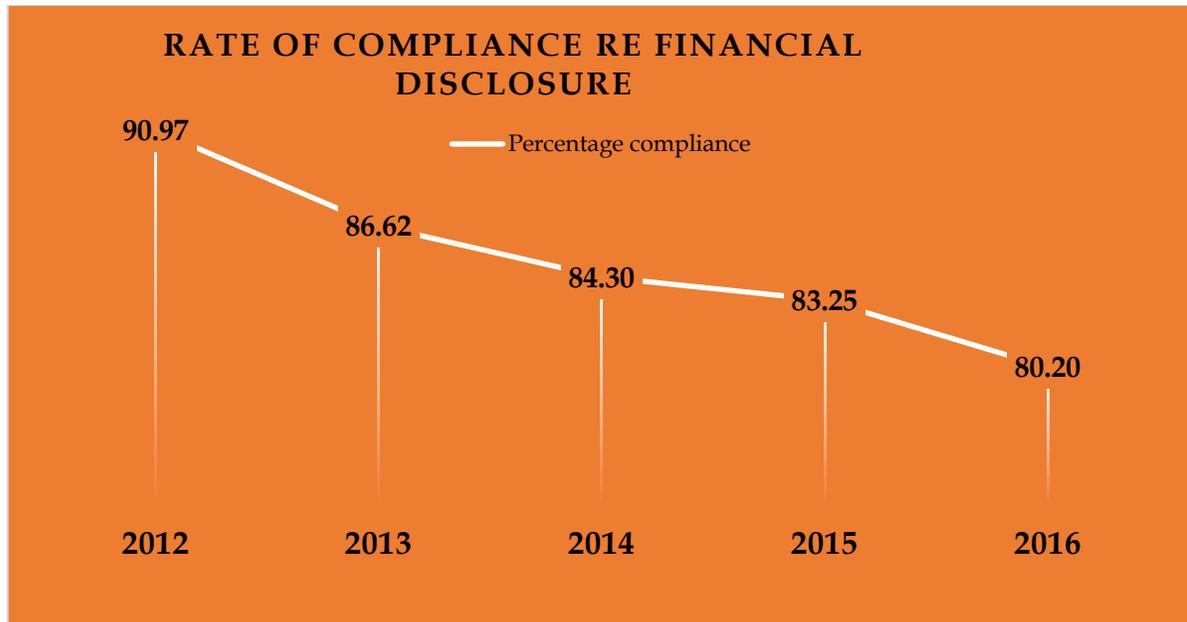


Fig. 1 Compliance with the Act, Calendar years 2012 to 2016 (Table & Graph)

In 2017, Compliance rose to 85%.

b. From May 2019

The two remaining members on the Commission ended their terms of office in February 2015 and the Secretariat continued to petition the Offices of President and Prime Minister for the appointment of a Commission to validate the work of the Secretariat.

4. CONCLUSION

The Commission has already laid the framework for an engaging and active stint in office. This is a prayer for better times for our organizations, countries and people.

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