



**FIFTH CONFERENCE OF THE COMMONWEALTH CARIBBEAN
ASSOCIATION OF INTEGRITY COMMISSIONS AND ANTI-
CORRUPTION BODIES (CCAICACB)
GRAND CAYMAN, CAYMAN ISLANDS
3rd – 7th JUNE, 2019**

OFFICE OF INTEGRITY COMMISSION

SAINT LUCIA

COUNTRY PAPER

BRIEF OVERVIEW

OFFICE OF INTEGRITY COMMISSION FOR 2018-2019

INTRODUCTION

The Office of the Integrity Commission was established in accordance with Section 118(1) of the *Constitution of Saint Lucia* (hereinafter referred to as The Constitution) and is regulated by the Integrity in Public Life Act Cap1.19 of the Revised Edition of the Laws of Saint Lucia (hereinafter referred to as The Act).

The present Commissioners took the oath of office on 26th of April 2018. They are:

- ❖ Pastor Sherwin Griffith, Chairman
- ❖ Ms. Leandra Verneuil, Commissioner (Lawyer)
- ❖ Mr. Linwall Nantonjames, Commissioner
- ❖ Mr. Rupert Ellis, Commissioner
- ❖ Mr. Cleophus Regobert, Commissioner (Accountant)

STAFF

- ❖ Jean Morille, Secretary
- ❖ Dianne St. Croix, Research Assistant

In an era where corruption has undermined and destroyed democracies, eroded governments' ability to provide safe havens for their people, security, peace and in most cases basic necessities for their people's survival, we continue to stand strong because embedded in our Constitution is this **cardinal** which has helped to fight this scourge...Corruption.

We must, however, ensure that the links of our anti-corruptive practices are strengthened and become that unbreakable chain for our island nation for the next forty years and beyond.

This cardinal I speak of is the Office of the Integrity Commission which was established by *the Constitution* of Saint Lucia Chapter 1.01 of the *Revised Edition of the Laws of Saint Lucia* and regulated by the *Integrity in Public Life Act Chapter 1.19* of the *Revised Edition of The Laws of Saint Lucia*.

The activities of the Office commenced in 1998. These activities have been instrumental in making the public aware of the scourge of corruption and the negative effects such corruptive practices have on an island nation such as ours. Our people speak openly and question the integrity of persons in public life and seek accountability of persons in public life. Therefore, the Office of the Integrity Commission must assure our people that it can assist in allaying their concerns and be effective in doing so.

THE WORK AND RECOMMENDATIONS OF PAST COMMISSIONS

[A REVIEW OF 2002-2014 REPORTS]

The First Commission was appointed on February 26, 1998 and today the *Integrity in Public Life Act Chapter 1.19 of The Revised Edition of the Laws of Saint Lucia* is the legislation which gives life and breath to the Office of the Commission.

ACTIVITIES

The Commissioners throughout the years have embarked on a series of activities primarily *PUBLIC AWARENESS CAMPAIGNS*. This awareness achieved by means of articles in local newspapers, comprehensive discussion programmes hosted by GIS (Government owned tv station) and the local media. Out of this campaign a Handbook 2005 was printed and distributed to the general public via Government institutions and libraries and later on memorandum entitled “Unsatisfactory Completion of Declaration Forms” to assist persons in public life to properly fill out their declaration forms prior to filing.

In 2010 conversations were held with an official of the World Bank, Washington regarding the Integrity Commission's Rules on Financial Disclosure and Business Activities for Members of Parliament in Saint Lucia.

Under the Chairmanship of Pastor Sherwin Griffith in 2010, there was yet another public awareness campaign including an interview with a popular television personality Cecil Actille of DBS Television. In February 2010, there was discussion with respect to a suitable website for the Commission and Cyber Scripts International was contacted. The Prime Minister was written to by Commissioners with respect to the Website. The proposal and costing for the development of the website were forwarded to the PM's office for urgent attention. That was the first attempt at obtaining a website by the Commission without success.

In 2011, the Commissioners held several weekly meetings with Attorney General, Solicitor General, Deputy Director of Legal Drafting and Commissioner of Police for proposed changes to the Act.

A workshop conference on Good Governance in collaboration with the Commonwealth Secretariat was held in Saint Lucia at the Coco Palm Resorts. This was attended by members of Integrity Commission, Ministers of Government, Permanent Secretaries, Principals of Schools, Police Officers and Senior Officer of Customs and the Inland Revenue.

In 2013/2014 further meetings were held with stakeholders the main objective was improving relations, advising on the work of the Commission and seeking assistance and support for work of the Commission. Discussions were held with the State's Deputy Director of Legislative Drafting and the Attorney General.

CONCERNS

Since 2002 to date according to the reports of various commissions the concerns of the Commission have been the same. Year after year reports state the very same concerns:-

- The Commission is described as having “no teeth” is a toothless tiger and other similar nomenclature.
- The lackadaisical manner in which persons in public life take their statutory obligation
- Failure in timely filing of declarations
- Blatant refusal of declarants (especially Spouses) to provide supporting financial statements or additional documents
- Budgetary restraints
- Insufficient staff to properly investigate the declarations filed
- No website to disseminate information
- Failure of Government to amend legislation to provide for a proper secretariat and more investigative and prosecuting powers
- Failure of the DPP to prosecute
- Failure of the Police to investigate
- Lack of respect for the office of the Integrity Commission by public officers including members of Parliament.

INTEGRITY COMMISSION 2018/2021

Being cognizant of the work of previous Commissions, the mission statement of this present Commission is to ensure that the legislation is amended, a proper secretariat or office be put in place and that a website be readily available to disseminate information to achieve the Integrity Commission’s mandate.

REASONS FOR AMENDMENT OF LEGISLATION

STAFF OF THE COMMISSION/OFFICE OF THE COMMISSION

The office of the Commission needs to be staffed by a proper secretariat, the current staffing is wholly inadequate and consists of an administrative assistant and an intake officer. It is proposed that the staff who is appointed by the Public Service Commission be so appointed on the advice of the Commissioners but become permanent upon appointment.

To perform the duty and the tasks to efficiently execute the work of the Commission, the Commission should have the following persons: -

- Executive Director
- Legal Advisor (assigned from the Attorney General's Office during the time of declaration)
- Investigative Officer (*preferably one who is highly skilled and experienced to conduct investigations relating to financial crimes*)
- Administrative Secretary
- Senior Accounts Clerk
- Any other personnel reasonably necessary to carry out the work of the Commission such as office assistant/cleaner.

The Regulations by the Minister of Justice (Section 48 of The Act) will define the duties of the office of the secretariat and its personnel.

The office must be set up and given a permanent location to ensure, confidentiality of all its documents and ensure that the office maintains a high degree of virtual excellence. The current location is not ideal.

MEMBERS OF THE COMMISSION

The Chairperson plays a very important and significant role in such an esteemed office and therefore may be a retired judge or lawyer of more than 15 years standing or a citizen of good standing in the community. Other members may include a chartered accountant, other persons in the society who are citizens of good standing including a faith based minister.

DEFINITION OF PERSONS IN PUBLIC LIFE

The present legislation at Schedule 1 needs to be amended to include the Chairperson/Deputy of Constituency Councils and Principals and Deputy of Secondary Schools, Director and Deputy Director of Information Services.

GIFTS

- It is proposed that as it relates to Gifts section 28 be amended and the limit of \$500.00 be removed.
- It is proposed that Section 28 read as follows: -
 - *All Gifts received by persons in public life must be declared.*

OTHER ANTI-CORRUPTION AGENCIES

Further amendment to the legislation should give the Commission powers to make available to it: -

- To form bonds with other anti-corruption agencies as indicated below,
- Receive and share information if needed by the Commission for investigative purposes for clarification and verification from the Financial Intelligence Authority, Financial Regulatory Authority, Comptroller of Customs and Inland Revenue or other Anti-Money Laundering Agency including the Border Control Agency.
- The information must be relevant to the investigation of a person in public life, his spouse or child.
- Investigation prior to prosecution be done by an agency other than Police
- Prosecution be carried out by an agency other than DPP

GENERAL

BUDGET FOR THE COMMISSION

The Commission at present has no security of tenure.

It is proposed that the Budget should be prepared by the Executive Director with the Senior Accounts Clerk and approved by the Commissioners then sent to the Minister for Justice for inclusion in the Ministry's annual estimates. Currently this is not the procedure followed.

It would be preferable that budget so prepared be approved upon presentation to the PM and the Director of Audit be responsible for auditing the accounts of the Office.

WEBSITE

It would be helpful for the Commission to have a website to disseminate information to the public and to allow public officers access to declaration forms. It may also be used for filings complaints.

AN ENTITY WITH NO 'TEETH' 'TOOTHLESS TIGER'

From 2002 to date, all reports of the various Commissions thus far appear to suggest that the Commission had no powers to deal with persons who refused to or failed to file declarations. This continues to be the concern of this present Commission.

It was observed: -

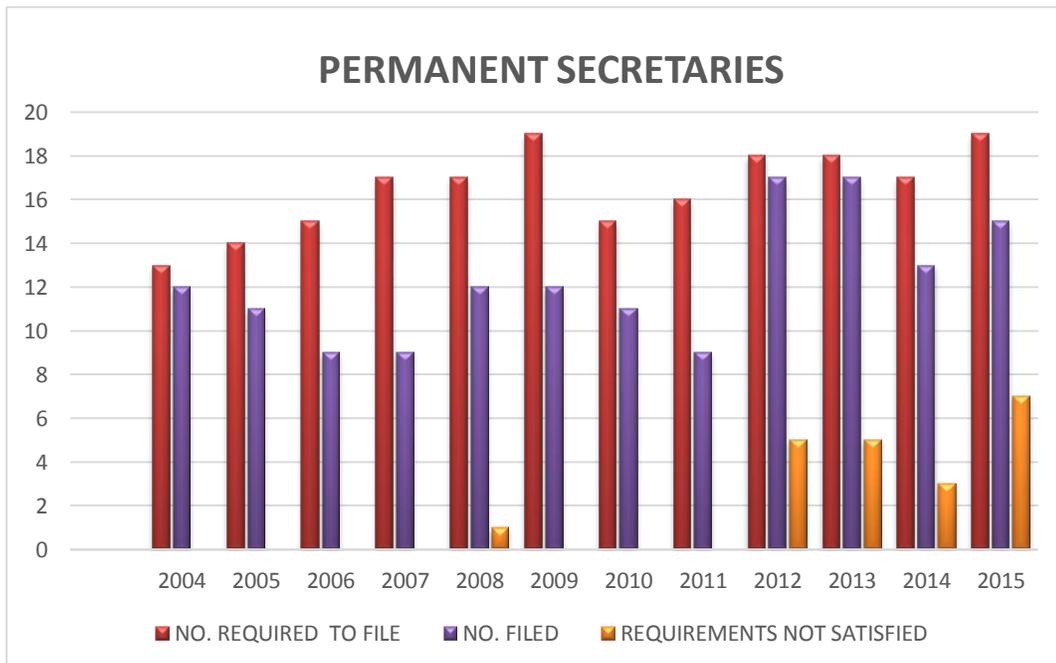
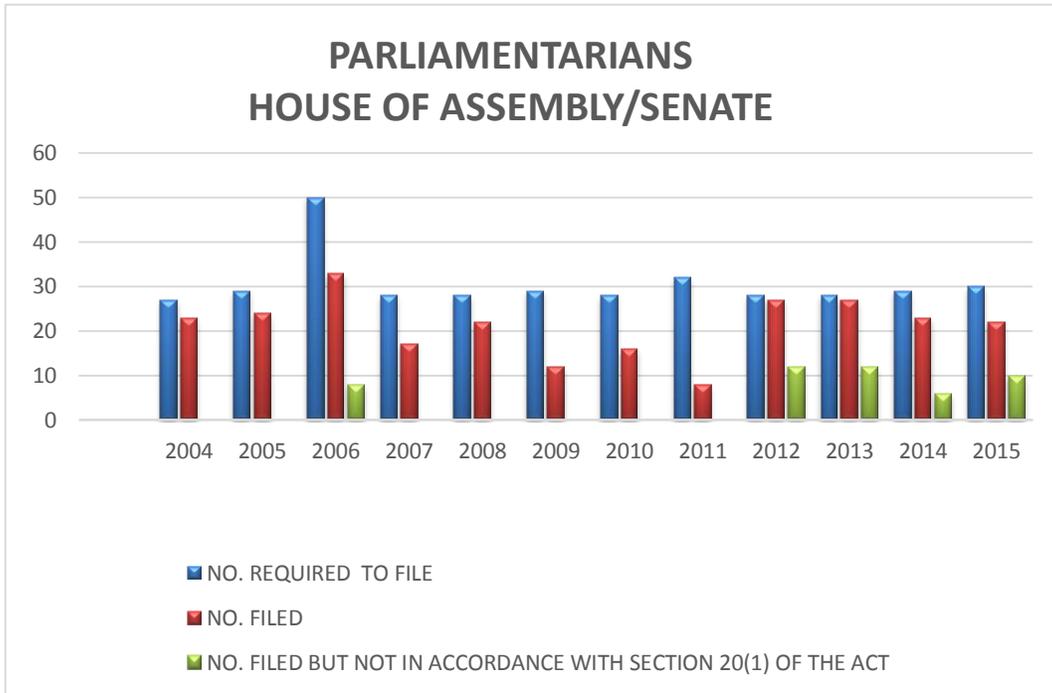
- That the publishing of offenders in the Gazette was of no consequence.
- That referral to the Director of Public Prosecutions for further action lead to no action not even a report or least communication from the DPP of what was done or not done in these circumstances.
- That there has been no prosecution of defaulters for the past 16 years
- Failure for further investigation of public officers by the Police Department
- Public Servants who are permanently employed and required to file declarations, over the years have failed to or refused to file and such corruptive practices continue without penalties. Such officers retire and enjoy their pension and gratuity.

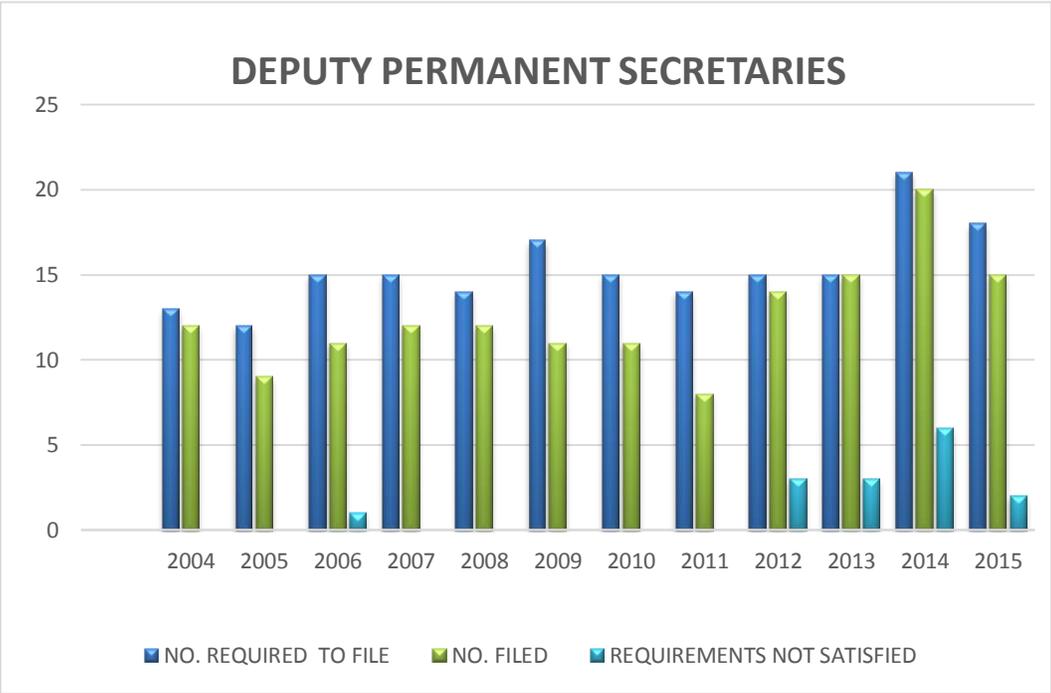
The graphical representation herein below will show the percentage of filing by the various heads of public officers to show comparison with members of parliament and permanent secretaries/deputy permanent secretaries.

It appears that following a general election there is a decrease in filing of declarations by persons in public life.

The graphical representation also shows that no one has been prosecuted, investigated or fined for not having filed or not furnishing particulars in declarations.

**PERSONS WHO HAVE FILED
YEARS: 2004 - 2015**





WORK OF COMMISSION TO DATE

Since the first official meeting of the Commission on May 2, 2018:

- The Commission had meetings with Cabinet Secretary with respect to budget and funding for the work of the Commission
- Ms. Vidal-Jules (Legislative Drafting) so that amendments to the current legislation can be recommended, these amendments are in keeping with the constitution.
- The Chair and Accountant have travelled to Turks and Caicos to the 4th Annual Conference of Caribbean Integrity Commissions and Anti-Corruption Bodies.
- Revised the Letters and Declaration forms to include a signed authorization letter by Declarant to Financial institution to further investigate or verify accounts if such investigation or verification is absolutely necessary.
- Revised the Handbook
- Commissioned the design of a Website for the filing of declarations on line; thus making it easier for persons to comply with their obligations in public life.
- Reading the draft discussion of the Jakarta Principles for Anti-Corruption Agencies, to recommend changes to the legislation, in keeping with our mandate for the prevention, investigation and prosecution of corruption in public office.
- A public education drive, with respect to Integrity and Anti-corruption for the awareness and to sensitize the public especially young persons under 16 and hence targeting the schools.
- A proposal for a Website and Database
- Proposal of an anti-corruption jingle
- Senior Management Training in Grenada – Secretary, Office of the Commission (March 25 – 28, 2019)
- Caribbean Financial Action Task Force (CFATF) Standards Training - Coordinated by: The National Anti-Money Laundering Oversight Committee (NAMLOC) April 8 – 10, 2019
- Had a meeting with the Minister of Justice with a view of ensuring the amendment to the legislation and the drafting of regulations to ensure proper procedures for investigating and prosecuting offenders of The Act.

ACHIEVEMENTS BY 2020

- A functioning website to disseminate information
- Amendment of the legislation to be able to administer its own budget, secretariat and means of investigation and prosecution.