

A NEW WAY - LEGALITY
FOR **WITH**
A NEW DAY - MORALITY
FOR **IN**
A NEW J A - GOVERNANCE

“A DIALOGUE FOR CHANGE OVER TIME”

FOREWORD

- ❖ This Document is a **partial summary** of some of the **key elements** of the NDM’s Reform Agenda.
- ❖ The placing of the Document before the two (2) traditional parties and all Jamaicans with a view to **continuing** and **establishing a dialogue for change over time** reflects the additional thrust with which the NDM hopes to embark over the short to medium term.



“Embracing Separation of Powers in directing the Nation towards an Ideal Constitutional arrangement”.

SECTION A

- THE STRUCTURAL CHANGES

1. **THE PREMISES OF A FUNCTIONING DEMOCRACY**

A. Good governance must be **of the people, by the people, and for the people.**

- ❖ The powers of a government must be appropriately limited to **avoid the excesses of the use of power.**
- ❖ There must be meaningful provision and opportunity for the **participation** of the people.
- ❖ Deliberate provisions must exist to ensure **openness, accountability** and a system of **justice** which not only works, but which **clearly manifest** itself as working.

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- ❖ A system of government must not only meet and satisfy **legal parameters,** but that legality must naturally extend itself to matters of **morality,** which creates **legitimacy.**
- ❖ A proper system of governance must meet the normal **basic and reasonable expectations of the people** who pay their taxes from which the machinery of government works.
- ❖ Change is **unavoidable** and **irresistible.**

Change that evolves naturally and voluntarily from the top is usually
constructive

BUT

Change that is **forced** “by the masses” upon a system of governance has the tendency **and potential** of being **chaotic and destructive.**

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THE NDM'S STRUCTURAL PROPOSALS

2. SEPARATION OF POWERS

The NDM strongly advocates that the various elements of government be separated in order to create the desired **checks** and **balances** that are so urgently required.

Our Prescriptions are that –

a. THE EXECUTIVE

The Prime Minister and his Executive or Ministers (the Cabinet) should have no **Political or Executive power** over the Legislature (the Parliament).

b. THE PRIME MINISTER

The Prime Minister should therefore be independently elected nationally.

c. CABINET MINISTERS

Cabinet Members should be nominated by the Prime Minister for appointment by Parliament based on competency and integrity factors from among the best minds of our country – **after confirmation hearings**.

d. THE PARLIAMENT

The elected Parliament must **not continue** to be a “**Rubber Stamp**” of the decisions of the party leader (the Prime Minister) and his Executive.

- ❖ The Parliament (elected legislature) must truly become a House of **genuine** and **independent** decision-making rather than continue to be **the hostage** of the respective political party Leaders.

THE INDEPENDENCE OF PARLIAMENT

In order to establish an independent Parliament – all MP's (Government and Opposition) must be **freed of the shackle of a system of begging**, as the main approach to servicing the needs of their Constituencies.

A **Guaranteed System** of Constituency Funding must be established to remove **the Dependency Syndrome** and replace it with the **New Independent attitude and status**.

WE ADVOCATE that NO MP's be appointed to Ministerial duties. MP's should represent their Constituencies in full and not on a part time basis.

e. **THE SENATE**

We advocate that the system of the selection of Senators be continued with the following modifications:

QUASI PROPORTIONAL REPRESENTATION

- That additional representation be considered **over and beyond** the present 13:8 arrangement. This will allow other parties to participate in governance based on the **percentage of votes** their political organization receive.

DECLARATION OF PROPOSED APPOINTEES

- We further advocate one Senate seat for every 5% of the National votes received by third parties (non-official opposition).

We further advocate that all political parties should place before the Electorate the **full slate of** the persons from which it intends to appoint to the Senate; and **this must be done before elections are held**.

f. **THE JUDICIARY**

We advocate that an **Independent Judiciary** must be established, particularly through systems of appointment that **remove and prevent** political **involvement, interference, or influences**. In this regard, we suggest confirmation hearings for the appointment of the members of the Judiciary Services Commission, which will in turn be responsible for administering the Judiciary Services.

3. JUSTICE

True justice must be international in **its concept, its spirit and its intent.**

The British Privy Council, our present court of final appeal, is truly international in its interpretation of justice, principally, because the court is **open to an international panel of jurists.**

- ❖ The proposed Regional Court the Caribbean Court of Justice is **acceptable in principle** providing that –
 - a. Irrevocable agreements will be in place so that **qualified Jurists** can be appointed from the wider Commonwealth of Nations, or from other Countries that have systems similar to ours.

4. GARRISON POLITICS

A Political system in which nearly fifteen (15) of the sixty (60) Parliamentary seats (25%) are **literally pre-guaranteed**, due to the structured criminal/political networking, before elections, **cannot be healthy** for any democracy.

CABINET INFLUENCE

- Equally of concern is the fact that many senior Cabinet members are disproportionately drawn from winning garrison MPs.
- Even without the presentation of empirical data it is true to say that garrison and semi garrison constituencies exhibits –
 - + **GREATER LEVELS OF POVERTY**
 - + **GREATER LEVEL OF CRIMINALITY**
 - + **LOWER LEVEL OF EDUCATION**
 - + **LOWER LEVEL OF EMPLOYMENT**
 - + **POOR LEVELS OF SELF-WORTH**

FOR JAMAICA'S DEMOCRACY TO BE STRENGTHENED AND FULLY SECURED FOR THE FUTURE THE CONCEPT OF **GARRISONS POLITICS MUST BE ADDRESSED AND REMOVED** FROM OUR POLITICAL AND GOVERNMENTAL PROCESS.

CONSENSUS

A specific submission with detailed recommendations will be made for discussion if **consensus is reached** on the need **to end the phenomena of garrison politics.**

5 POLITICAL TRIBALISM

“YOU CANNOT COLLECT FROM ALL OF US BUT SPEND IT FOR SOME OF US”, (WHETHER REAL OR APPARENT).

“A HOUSE DIVIDED CANNOT PROSPER”

“THE MAIN TOOL OF TRIBALISM IS VICTIMISATION”

“VICTIMISATION IS THE MAIN SOURCE OF POLITICAL POLARISATION AND POLITICAL WARFARE”

Tribalism in Jamaica has its’ Main Headquarters at Gordon House (the Parliament). This is reflected in the vulgar and uneven treatment of government members versus opposition members – all of who are similarly and duly elected by the people.

From Gordon House (Parliament) tribalism spreads and permeates every level of our Political, Social, Economic and National life.

Tribal politics can and must be put behind us by the establishment of a fair and somewhat equitable system of funding the sixty (60) constituencies along with new guideline to b established at the constituency level.

We can start the process of de-tribalisation NOW.

6 TERM LIMITATION

The NDM advocates that term limits be put on the structural reform agenda. We believe that Prime Minister should be limited to serving no more that two consecutive terms.

7 FIXED ELECTION DATES

The NDM advocates that there should be an agreed fixed election date at the end of the parliamentary term.

This will remove the obvious confusion and investor indecision in the end years or months leading to an election.

The arbitrary calling of elections has inherent advantages for the ruling party and consequently inherent disadvantages for the opposing parties.

8 CONSTITUENCY DEVELOPMENT PROGRAMMES & CONSTITUENCY ASSEMBLIES

Each Member of Parliament should be required to submit to Parliament within six months of his election a Five Year Development Programme for his/her constituency which should be referred to the Appropriations Committee for consideration and report.

A minimum of 5 % of the annual budget should be set aside to finance these programmes as approved by Parliament. Variations in allocations to individual constituencies should not exceed 10% of the average allocation in any fiscal year.

Expenditure of funds under the Constituency Development Programmes would be carried out by the relevant Ministries and agencies. Individual

Members of Parliament would have no control over disbursements of these funds.

A special unit should be established within the Auditor General's Department to carry out a full audit of these expenditures each year and submit a special report to Parliament.

A Consultative Committee should be established in each constituency to monitor the implementation of projects under the Constituency Development Programme in consultation with the Member of Parliament. This new committee should consist of representatives of civic and community-based organizations and should include representatives of all registered political parties. It should submit a report annually to Parliament.

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- ❖ **We have advocated** the removal of the **Begging Syndrome** and the **Political incest** that this breeds and the inherent defeat of the Parliamentary processes.
- ❖ **We repeat our advocacy** for the provision of **5% of the National budget** (or some Agreed percentage) be “equitably apportioned” between the sixty (60) constituencies. This will reduce the tribalism, which is hatched at the highest level in our Parliament itself.

OFFICIAL CONSTITUENCY OFFICES

- ❖ The NDM is strongly of the opinion that too much of **an MP's Salary** now goes into the provision of **Basic** services, which should correctly **be provided by Government** if the elected members are to **Efficiently serve** the Constituencies.
- ❖ **We further advocate** the immediate establishment of **Official Constituency Offices** (separate and distinct from Political Constituency Offices), so that all Citizens can become welcomed at “**THEIR**” Constituency Offices.

We propose the establishment of these **Official Offices** initially **by Rental**, which should be funded from the **LDP/SESP allocations**.

We further propose the subsequent **building** or **acquisition** of these **permanent Government Constituency Offices**.

We further advocate the provision **of at least two (2) qualified staff members** (one office and one field assistant) **for each Constituency Office**.

This provision should include **a set level of funding for utilities and agreed office expenses**.

9 TRANSPARENCY AND INFORMATION

The NDM advocates the re-visiting of the **Freedom of the Information Act** in order to further improve the Act to more fully encompass and reflect the contributions of:

- + **THE LEGAL FRATERNITY**
- + **THE MEDIA FRATERNITY**
- + **THE CIVIL SERVICE AND**
- + **CIVIL SOCIETY**

THE “JAMAICA” INFORMATION SERVICE

The integrity of the “**JAMAICA INFORMATION SERVICE**”, which is funded by all taxpayers, and is currently operated as the “**GOVERNMENT’S** information service” is questionable. The JIS addresses only the ruling government policies, plans and programmes.

The NDM advocates that in order to provide the nation with a full Representational coverage of information that the JIS should be expanded to include the **alternate policies of other political players as follows**. This will convert the Agency into the Jamaica Information Service instead of the Government Information Service.

The NDM makes the following proposals that -

- a) **GOVERNING PARTY** – 60% of available JIS times.
- b) **PARLIAMENTARY OPPOSITION** - 30% of available JIS time
- c) **OTHER PARLIAMENTARY PARTIES** -10% of available JIS time.

The NDM advocates this position in light of the **emerging debate** on the **public funding of political parties**.

We sincerely believe that this will be the first step in the right direction.

10 REFERANDUM

The NDM advocates that a Referendum be held during the course of **this present administration**, so that this and future administrations may be **mandated** or **at least guided** on the following matters of national policy concerns:

- + **Giving** the people the power & **Right of Recalling** their M.Ps
- + Decriminalization of marijuana (ganja)
- + The Issue of Capital Punishment
- + The Privy Council vs. the Caribbean Court of Justice
- + The issues surrounding the decriminalization of Homosexuality
- + The Issue of Casino Gambling.

STRUCTURAL REFORM REFERENDA

The NDM advocates above all that a Referendum be held in the duration of the present administration to determine the **Retention, Modification, or Changing** of the present Westminster system of governance.

The NDM is aware of the massive and **intensive national political education** that must be undertaken in a **competitive political environment** in order to attain a **genuine national directive**.

11. CORRUPTION

“Government will always be the biggest business in a Country – spending many **Hundreds of millions** of dollars daily.”

“Founded and unfounded rumors of corruption will easily thrive in a competitive political system and can undermine the legitimacy of even the most legal political processes”.

Proper governance demands that the two (2) factors (above) be taken into consideration in order to **prevent corruption**, to **investigate corruption** (where it is rumoured) and to **stamp out corruption** (where it is evident).

Based on the above, the NDM advocates, supports and **welcomes** -

- a. The Corruption Prevention Act.
- b. We insist on the appointment of a **Prosecutor General**.
- c. We insist on the introduction of an **impeachment mechanism**.
- d. We insist on the strengthening of the Parliamentary members **Integrity Act**.
- e. We welcome the inclusion of **The Civil Servants** under the Integrity Act

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JAMAICA....Too rich to be so poor

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National Democratic Movement of Jamaica

