

# Reform

*Agenda*

# Reform Agenda

- THE CASE FOR REFORM
  
- A NEW CONSTITUTIONAL ORDER
  
- PARLIAMENTARY REFORM
  
- LOCAL GOVERNMENT REFORM
  
- ELECTORAL REFORM
  
- ENHANCING INTEGRITY AMONG PUBLIC OFFICIALS

# Reform Agenda

## THE CASE FOR REFORM

The NDM believes that the problems which beset our nation are, in large measure, systemic. We believe that human behaviour is conditioned by the social and political systems within which it occurs.

We reject the notion that the good management of our affairs should rely on the reasonableness of men and women who so often demonstrate the propensity to be unreasonable. On the contrary, we believe that our social and political systems should be so structured to demand and ensure good management by carefully, balancing the powers of the State and by enforcing strict accountability on the part of those who exercise these powers on behalf of the State.

The existing Westminster system was conceived in the presumption that those who exercise power would do so in a spirit of honour and integrity. Because of this presumption it continues to operate in Great Britain without a written Constitution!

Over many years, the Westminster system has been abused and corrupted in Jamaica and has come to be characterised as a "fight for scarce benefits and political spoils carried on by hostile tribes, constantly at war, dividing rather than uniting the nation."

The central feature of the Westminster system is the enormous concentration of power in the Executive and more particularly, in the hands of the Prime Minister which undermines the real purpose of Parliament and depraves the people of effective representation. It is a system which eschews consensus and militates against national unity since dissenting voices can be easily ignored in the face of a railroading majority.

The "winner takes all" system provides the basis and necessity for political tribalism, garrison-style politics and the corruption and plundering of public resources which must be employed to support it. It produces a social and political environment which is hostile to investment not only because of its inherent volatility but also because policy consistency and stability which are indispensable to long-term investment are highly uncertain and, based on experience, unlikely.

This "winner take all" system fosters a culture of dependency since it encourages the use of state resources to dispense favours. The virus

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

of mendicancy, which affects so many of our people, is a direct consequence of this process.

We reject the existing arrangement whereby sovereignty rests in a British monarch. Nor do we accept the notion that sovereignty resides in the Parliament.

We are committed to the principle that the sovereignty of our nation resides in the PEOPLE and that it is to the PEOPLE that power belongs.

We are committed to the principle that the PEOPLE, as individuals, hold certain basic, fundamental rights which are inalienable, for which no power can be vested and over which no power can be exercised.

We are committed to the principle that, for good order and for advancing the common good, the PEOPLE, through appropriate constitutional arrangements, vest certain of these powers in the State to be exercised as set out in those arrangements for and on behalf of the PEOPLE.

We are committed to the principle that the exercise of these powers for and on behalf of the PEOPLE is best ensured by balancing these powers among different functionaries of State so that those who exercise these powers can be held to account, one to another, and that the opportunity for abuse, tyranny and oppression is minimised.

# Reform Agenda

## A NEW CONSTITUTIONAL ORDER

### 1. SEPARATION OF POWERS

#### (a) Structure

We are committed to the effective separation of powers between the Executive, the Legislature and the Judiciary.

A President, as Head of State, would be appointed by Parliament in a manner designed to ensure that that office represents a symbol of national unity.

The Prime Minister and the Deputy Prime Minister should be elected directly by the people who would, in a separate election, elect their Members of Parliament to constitute the House of Representatives.

The Senate should be retained as a "Chamber of Review" but should be comprised of persons appointed proportionately by registered political parties whose candidates receive in aggregate not less than 5% of the total votes cast in the election of Parliament.

The judiciary should be comprised of judges and appropriate officers appointed by an independent Judicial Services Commission.

#### (b) Functions

The Prime Minister should be responsible for the control and direction of policy which would include the executive management of State services as well as Budget preparation and implementation.

The Legislature comprised of the House of Representatives and the Senate should be responsible for enacting the legislation, approving budgetary expenditure and exercising oversight functions on the Executive and should have final authority on matters pertaining to the imposition of taxes and increase in the national debt beyond statutory limits.

The Judiciary should be responsible for adjudicating questions of law and interpreting the provisions of the Constitution.

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

## (c) The Cabinet

The Cabinet should consist of the Prime Minister, Deputy Prime Minister and not more than fourteen (14) members nominated by the Prime Minister and approved by each House of Parliament.

If any nomination fails to receive the approval of either House, it may be resubmitted once within that legislative year and on such resubmission can only be again rejected by a two-thirds majority of both Houses.

The Ministries to which Cabinet appointments are to be made should be established by statute. The NDM's proposed Cabinet structure is as follows: -

1. Prime Minister
2. Deputy Prime Minister
3. Minister of Finance and Planning
4. Attorney General - Minister of Legal Affairs
5. Minister of Foreign Affairs and Foreign Trade
6. Minister of Industry and Commerce
7. Minister of Agriculture and Mining
8. Minister of Education and Youth
9. Minister of National Security
10. Minister of Tourism
11. Minister of Public Utilities Infrastructure, and Transportation
12. Minister of Health and Environment
13. Minister of Labour Housing and Social Security

A maximum of fifteen (15) Deputy Ministers may be appointed subject to the approval of each House of Parliament in the same manner prescribed for Cabinet Ministers.

No member of either House of Parliament could simultaneously hold the position of Minister or Deputy Minister.

## (d) Appointment of the President

The President should be appointed for a term of seven years on the basis of a nomination by the Prime Minister approved by a majority of not less than two-thirds of the members of each House of Parliament.

## (e) Special Constitutional Appointments

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

Appointment of members of the Services Commissions (Public, Judicial and Police), the Electoral Commission, the Integrity Commission, and appointments to the positions of Contractor General, Public Defender, Prosecutor General and Governor of the Central Bank should be on the basis of nominations made by the Prime Minister and approved by a majority of not less than two-thirds of the members of each House of Parliament.

## (f) Establishment of The State Council

The State Council should be established to assume the functions currently performed by the Privy Council. Members of the State Council would be appointed by the President in his or her own discretion but not less than 21 days after notifying Parliament of the appointments which he or she proposes to make.

## (g) Appointment of Ambassadors and Directors of Statutory Boards and Public Corporations

Nominations to the positions of Ambassadors and Directors of Statutory Boards and Public Corporations should be made by the Prime Minister and approved by the members of each House of Parliament.

If any nomination fails to receive the approval of either House, it may be resubmitted once within that legislative year and on such resubmission can only be again rejected by a two-thirds majority of either House.

## (h) Taxation

Taxes should be imposed only by means of a specific law approved by the House of Representatives. The current practice under the Provisional Collection of Tax Act by which the Minister of Finance can impose tax without parliamentary approval should be abolished and forbidden by the Constitution.

A Bill for the imposition of taxes should be initiated only by the Prime Minister and submitted to the House of Representatives. It would come into effect only if approved by a majority of the members of that House. If it is rejected by the House of Representatives, such a Bill could not be resubmitted to the House in the same form during that legislative year.

## (i) National Debt

# Reform Agenda

A limit on the amount of national debt expressed as a percentage of Gross Domestic Product should be established by an appropriate constitutional provision.

Within the limits imposed by the Constitution, Parliament, by statute, would prescribe the maximum amount of national debt, which may at any time be outstanding.

Subject to the ceilings imposed by the relevant constitutional provision, a Bill to increase the limit of national debt may be submitted to Parliament by the Prime Minister or may be introduced by a member of either House but if rejected by either House it could not be resubmitted or reintroduced in that House in the same form within that legislative year.

## (j) Treaties

Any treaty to be entered into with a foreign state should be submitted by the Prime Minister to Parliament. If a treaty is rejected by either House, it may be resubmitted once within that legislative year and, on such resubmission, can only be again rejected by a two-thirds majority of both Houses.

## (k) Legislation

Legislation could be submitted to Parliament by the Prime Minister. If any legislation is rejected by either Houses of Parliament, it may be resubmitted once within that legislative year, and on such resubmission could only be again rejected by a two-thirds majority of both Houses.

Budgetary legislation (the Appropriation Act) could only be initiated by the Prime Minister and would be subject to the approval only of the House of Representatives.

Legislation (excluding the Appropriation Act) could be initiated in either House of Parliament by any member thereof and if approved by a majority in both Houses, would be transmitted to the Prime Minister for his assent. If the Prime Minister rejects the legislation it may be reintroduced by the mover once within that legislative year, and if on its reintroduction, it is approved by a two-thirds Majority in both Houses, it should become law with or without the assent of the Prime Minister.

## 2. TERM LIMITATIONS

The Prime Minister should be elected for a fixed term of five years and would be eligible to serve no more than two consecutive terms.

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

Members of Parliament would be elected for a fixed term of five years and would be eligible to serve no more than three consecutive terms.

## 3. Fixed Election Date

Elections for the Prime Minister and Deputy Prime Minister should be held on a fixed date every five years. Elections for Members of Parliament should be held on a fixed date every five years but would be held two and a half years from the date of the election of the Prime Minister and Deputy Prime Minister.

## 4. Provisions for Interim Succession

In the event of the death, resignation or removal of the Prime Minister, the Deputy Prime Minister should assume the office for the remainder of that term. In the absence of a Deputy Prime Minister, a by-election should be held within thirty (30) days to fill both vacancies for the remainder of the unfinished term. During that period of 30 days or if such vacancies arise within six months of the date when normal elections are due to be held, the House of Representatives should, by a majority of its members, appoint one of its members as interim Prime Minister.

In the event of the death resignation or removal of the Deputy Prime Minister, the Prime Minister should nominate a successor which nomination should be submitted to the House of representatives but could be rejected only by a two-thirds majority of the members of that House.

In the event of the death, resignation or removal of a Member of Parliament, a by election should be held in that constituency within sixty (60) days to fill the vacancy for the remainder of the unfinished term provided that the vacancy does not arise within six months of the date when normal elections are due to be held.

In the event of the death, resignation or removal of a member of the Senate, a successor should be appointed in the same manner in which the original member was appointed and should serve for the remainder of the unfinished term.

## 5. Fundamental rights and freedoms

We propose the strengthening within the Constitution of the fundamental rights and freedoms to be guaranteed to every citizen.

We support the recommendations contained in the Report of the Joint Select Committee on Constitutional and Electoral Reform dated March

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

31, 1995 for the establishment of a new Charter of Fundamental Rights and Freedoms to make explicit provision for and guarantee.

1. The right to life
2. Freedom from arbitrary arrest or detention
3. Freedom from inhuman or degrading treatment
4. The right to due process of law
5. Freedom from discrimination on the ground of race, gender, political affiliation or place of origin
6. Freedom of conscience
7. Freedom of expression
8. Freedom of the Press
9. Freedom of movement within and out of Jamaica
10. Freedom of assembly and association
11. The right to vote and participate in free and fair elections
12. The right to privacy of home, property and communication
13. Freedom from expropriation of property
14. The right to a healthy and productive environment
15. The right of every child to the protection required by the status of a minor
16. The right of every child to free education throughout the primary level
17. The right to fair and equal treatment by public authorities

## 6. Public Defender and Citizens Protection Bureau

We propose constitutional mechanisms to assist citizens in securing and defending their rights under the constitution and we therefore support the recommendations of the Joint Select Committee on Constitutional and Electoral Reform for the establishment of a Citizens Protection Bureau headed by a public defender to receive complaints of constitutional breaches and to facilitate legal action where necessary on behalf of the complainant.

## 7. Challenges To Executive Action

We support the recommendations of the Joint Select Committee on Constitutional and Electoral Reform that individuals or organisations should be constitutionally entitled to challenge the actions of the Executive. The requirement for the consent of the Attorney General to actions brought in the public interest should therefore be abolished. Appropriate amendments should also be made to permit class action suits.

## 8. Impeachment of Public Officials

We support the recommendations of the Joint Select Committee on Constitutional and Electoral Reform for provisions to be established

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

in the Constitution for the impeachment of public officials for conduct which renders them unfit to hold public office or bring the public office which they hold into disrepute. In this context "public official" includes any person elected to or appointed to any position provided for in the constitution or pursuant to any enactment.

Impeachment procedures should not preclude criminal action nor should they be contingent on any action which would otherwise be indictable as a criminal offence.

There should be an Impeachment Tribunal comprised of five persons appointed by the President, at least two of whom should be eligible for appointment but not serving as Judges of the Supreme court.

Impeachment provisions would be applicable to:-

- a) Corruption or misappropriation of public funds or property
- b) Refusal or neglect in the exercise of the duties or responsibilities of a public office
- c) Abuse of statutory power or authority
- d) Subversion of the democratic process
- e) Deliberately misleading Parliament or intentionally abusing the privileges of Parliament

Impeachment provisions should be capable of being initiated by:

- a) Any three Members of the House of Representatives or Senate.
- b) A petition (in the case of elected officials) lodged in Parliament and supported by the signatures of not less than 20% of the electors who are entitled to vote in elections for that office.
- c) The Auditor General, Contractor General, Director of Public Prosecutions, Prosecutor General, Public Defender, Electoral Commission, Integrity Commission or any Commission of Inquiry.

Submissions or petitions for the impeachment of any public official would be referred to a Joint Select Committee on Impeachment comprised of the following:-

The President of the Senate  
Four (4) members of the House Representatives  
Two (2) members of the Senate

The Joint Select Committee on Impeachment shall determine whether a prima facie case of the commission of an impeachable offence exists, and, if so, shall:-

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

- (a) Draw up the Articles of Impeachment containing a Statement and Particulars of the alleged impeachable offence.
- (b) Recommend to Parliament that the matter be placed before the Impeachment Tribunal.

Successful impeachment would attract sanctions of censure, removal from office or disqualification from holding any or all public offices at any time or for a specified period of time.

## 9. Establishment of Prosecutor General

There should be established within the Constitution an office to be known as the Prosecutor General with the responsibility to investigate and prosecute instances of corruption involving public officials.

In these matters, the Prosecutor General should have powers similar to those of the Director of Public Prosecution and in addition should have access, subject to the approval of a Judge in Chambers, to financial records and other transactions involving public officials.

In the exercise of his functions, the Prosecutor General should not be subject to the direction or, control of any other persons or authority.

# Reform Agenda

## PARLIAMENTARY REFORM

### 1. Oversight Committees

In pursuance of its critical] oversight functions, Parliament should establish the following Joint Standing Committees: -

1. Appropriations Committee
6. Public Accounts Committee
7. Ethics Committee
4. Economic Management Committee
5. Human Resource Development and Social Services Committee
6. Infrastructures and Public Utilities Committee
7. Foreign Affairs Committee
8. Security and Justice Committee

The Appropriations Committee would be specifically responsible for examining, and reporting on the Appropriation Act as submitted by the Prime Minister as well as monitoring current expenditure during the fiscal year to ensure that expenditure is being conducted as approved by the House of Representatives and in the best interest of the public.

The Public Account Committee would be specifically responsible for examining the Auditor General's Report as well as the accounts and financial statements of statutory boards and public corporations to identify weaknesses in financial administration and control and to report thereon to Parliament.

The Ethics Committee would be specifically responsible for examining the report of the Integrity Commission and considering questions relating to breaches of the Code of Conduct, conflict of interest or exemption from legal or constitutional

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

requirements involving parliamentarians and would report thereon to the relevant House of Parliament with its recommendations.

The Committees at (4) - (8) would be required to monitor and review the policies and actions of the Ministries and agencies which are assigned to it and report thereon to each House.

All legislation submitted by the Prime Minister or initiated in either House as well as nominations for positions which require parliamentary approval should be referred to the appropriate Committee for examination after which the Committee should submit a report to each House with its recommendations.

In discharging its functions, each Committee should be empowered to conduct hearings and require testimony from any person who it considers can assist in its deliberations.

The deliberations of each Committee should be open to the public. However, Parliament should be able, by resolution, to authorise any Committee that in relation to specific matters its deliberations may be closed to the public.

## 2. Code of Conduct

There should be established a Code of Conduct for Members of Parliament and Senators with appropriate sanctions including fines and suspension for breaches thereof.

## 3. Administrative Facilities for Members of Parliament

An Office for the Member of Parliament with appropriate staffing should be established within each constituency.

Administrative control of these offices should be the responsible of the Clerk to the Houses of Parliament.

## 4. Parliamentary Salaries

Increases in parliamentary salaries as well as those for the Prime Minister, Deputy Prime Minister and the Cabinet should not exceed the weighted average of increases granted to the public sector.

## 5. Constituency Development Programmes

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.

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

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 Committee should consist of representatives of civic and community-based organisations and should include representatives of all registered political parties. It should submit a report annually to Parliament.

# Reform Agenda

## LOCAL GOVERNMENT REFORM

### 1. Concept

We recognise that Local Government is an integral part of the democratic process and we are committed to an efficient effective autonomous and responsive Local Government system. In order to achieve this, the Local Government system should be specifically provided for in the Constitution and its authority and functions should be set out in appropriate statutes.

We believe that because of the concentration of population in the urban and metropolitan areas and the peculiar problems which result therefrom, a special structure for municipal government should be designed with the Local Government system.

### 2. Structure

The Local Government system should comprise two basic structures:

#### (a) Municipalities

Municipalities would be defined as contiguous areas with a population of not less than fifty thousand (50,000), and not exceeding one hundred thousand (100,000).

Each municipality would be administered by a City Council headed by a Mayor who would be directly elected by the voters throughout the municipality and would include one councillor elected by each division within the municipality.

A City Manager would be appointed by the City Council from a panel of three persons submitted by the Public Services Commission and would be responsible for the executive

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

administration of the municipality accountable to the City Council.

## (b) Parish

Each parish would have a Parish Council comprised of Councillors elected for the divisions in each parish excluding those divisions which form part of a municipality.

Each Parish Council would be headed by a Chairman elected by the Council from among its members as is the current practice.

A Parish Manager would be appointed by the Parish Council from a panel of three persons submitted by the Public Services Commission and would be responsible for the executive administration of the Council's services and accountable to the Council.

## (c) Staff Appointments

Appointment of staff to the City Councils and Parish Councils would be made by the Public Services Commission.

## 3. Functions

The functions of City Councils and Parish Councils should be clearly defined, should be separate and distinct from those of Central Government and should be the exclusive jurisdiction of the Councils, permitting no interference by Central Government.

These functions should comprise: -

- 1) Roads and Bridges (excluding arterial and major connecting roads)
- 2) Drainage -
- 3) Public Cleansing and Sanitation
- 4) Street Lighting
- 5) Public Markets
- 6) Public and Community Parks
- 7) Traffic Management
- 8) Civic Amenities
- 9) Disaster Preparedness
- 10) Public Safety and Abatement of Public Nuisances
- 11) Cemeteries
- 12) Abattoirs
- 13) Poor Relief and Public Infirmaries
- 14) Animal Pounds
- 15) Local public health administration

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

Each Council would appoint appropriate Committees to monitor and oversee the discharge of these functions.

## 4. Financing

### (a) Revenue

The operations of the City Councils and Parish Councils would be financed principally from remittances by Central Government which should be required by statute to remit 5% of Recurrent Revenue on a monthly basis to each Council in amounts proportionate to the population of the area for which each Council is responsible.

The existing provision under which each Council is empowered to impose a city tax or parish tax based on property values would be retained but should not exceed in any fiscal year 1% of the tax roll value.

Revenue inflows to councils would be augmented by user charges (eg. Market and burial fees) and specific licence fees (eg. Hairdressers, butchers, barbers, etc.)

### (b) Budgetary Arrangements

The Mayor of each City Council and the Chairman of each Parish Council would be required to present to the Council no later than January 31 each year an estimate of expenditure and revenue for the ensuing fiscal year. These estimates would be subject to the approval of the Council.

### (c) Loan Financing

Councils would be permitted to raise loans only for capital development and only pursuant to a resolution supported by not less than two thirds of the members of the Council and subject to the approval of the Minister of Finance. Loan liabilities by any Council should not at any time exceed the revenue for the previous fiscal year and any excess should be a prior charge on the revenues of the Council.

Loans contracted by the Council would be treated as a part of the national debt.

## 5. Salaries of Mayors and Councillors

# Reform Agenda

Salary increases for Mayors and Councillors should not exceed the weighted average of salary increases granted to public sector employees.

## 6. Audit and Accountability

The accounts of each Council would be subject to audit by the Auditor General and examination by the Public Accounts Committee of Parliament.

The provisions of the proposed anti-corruption legislation would be applicable to members and employees of the Councils and Mayors and Councillors would be subject to impeachment.

## 7. Land Development and Building Approvals

Detailed codes governing land development and building construction should be developed by the Town and Country Planning Authority in consultation with the various City and Parish Councils and promulgated with appropriate zonal modifications for the entire island.

Applications for approval should be filed with the Town Planning Department and the relevant Council. Any objection by a Council or the Town Planning Department should be lodged with the Town and Country Planning Authority within ninety (90) days of the filing of the application. Objections must be grounded in an alleged breach of the relevant codes.

Any application to which objection has not been lodged and the applicant notified accordingly specifying the grounds of objection within one hundred and eighty (180) days of filing should be deemed to have been approved as filed and the applicant would be legally entitled to proceed with the development or construction in accordance with the specifications contained in the application and subject to the relevant codes.

Any objection made against an application must be considered by the Town and Country Planning Authority and a determination made within sixty (60) days of the applicant being notified of the objection or within such further period as may be agreed to by the applicant.

A decision by the Town and Country Planning Authority shall lie on appeal to an Independent Tribunal and such appeal may be made by the applicant, the relevant Councillor or by any other person.

## 8. Fixed Election Dates

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

The election of Mayors would be held on a fixed date every five years simultaneously with election of Members of Parliament.

The election of Councillors of both City and Parish Councillors would be held on a fixed date every five years simultaneously with the election of the Prime Minister and the Deputy Prime Minister.

In the event of the death, resignation or removal of a Mayor or Councillor, a by-election should be held in that municipality or division within sixty (60) days to fill the vacancy for the remainder of the unfinished term provided that the vacancy does not arise within six months of the date when normal elections are due to be held.

## ELECTORAL REFORM

### 1. Electoral Commission

The Electoral Advisory Committee should be replaced by an Electoral Commission with final rather than recommendatory powers and provisions for its establishment, tenure, authority and functions should be the subject of simple entrenchment in the Constitution.

The membership of the Commission should not include political party representatives and should be appointed on the basis of nominations by the Prime Minister approved by two-thirds majority of each House of Parliament.

### 2. Voiding of Elections

We support the proposal for the establishment of a Quasi-Judicial body to be known as the Election Tribunal with powers to declare an election void in circumstances where irregularities in voting, violence or intimidation are such as to create reasonable doubt as to whether the declared results of the election reflect the will of those persons who were eligible to vote. This power of declaration may be applied to individual polling stations as well as to the entire election.

Membership of the Tribunal should not include any member of the Electoral Commission. A decision by the Tribunal to void an election should be challengeable on an election petition filed within five (5) days, which should be heard in the Supreme Court.

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

Where an election is voided by the Tribunal it should have the power to reschedule that election within a period not exceeding twenty-one (21) days provided that its decision to void the election has not been challenged on petition.

We support the recommendations of the Electoral Advisory Committee dated April 24, 1996 for expediting the hearing and disposal of election petitions.

## 3. Registration of Political Parties

Every political party should be required by law to be registered annually with the Electoral Commission.

In order to qualify for registration, every political party should satisfy the Electoral Commission that: -

- (a) It has a written constitution showing that it has, as one of its principal objectives, the contesting of elections for the position of Prime Minister or membership in Parliament, City Council or Parish Council.
- (b) Its internal organisation is governed by a clearly defined democratic process including a constitutionally required schedule for the election of its officers.
- (c) It has a membership of not less than five thousand (5,000) persons.

Every political party should be required to submit annually to the Electoral Commission audited financial statements.

## 4. Nomination Proceedings

"Nomination Day" as it has come to be known, should be dispensed with and replaced by a requirement that nomination of candidates for any election be submitted not less than twenty-one (21) days before Election Day.

## 5. Financing of Political Parties

Legislation should be established to regulate financial contributions to political parties and individual candidates.

Political parties should be required to disclose to the Electoral Commission the source of financial contributions or the monetary value of contributions in kind which, in any one year exceeds Twenty Five

THE NATIONAL DEMOCRATIC MOVEMENT

# Reform Agenda

Thousand (\$25,000) Dollars in the case of individuals or Two Hundred and Fifty Thousand (\$250,000) Dollars in the case of organisations or corporate entities.

Financial contributions or contributions in kind to individual candidates should only be permitted within a period of three months prior to or after election day and only after the candidate has been duly nominated. Each candidate should be required to disclose to the Electoral Commission the source of financial contributions or the monetary value of contributions in kind which exceed Twenty Five Thousand (\$25,000) Dollars in the case of individuals or Two Hundred and Fifty Thousand (\$250,000) Dollars in the case of organisations or corporate entities.

Contributions reported to the Electoral Commission would qualify for tax credit upon certification by the Commission.

The Electoral Commission would be precluded, except with the consent of the contributor or upon judicial enquiry, from disclosing the source of any contribution to any political party. It would, however, be required to disclose annually to the public the total amount of contributions reported by each political party and within six months after every election, the total amount of contributions reported by each candidate.

The monetary limits contained in these provisions would be subject to review by the Electoral Commission and could be amended by order published in the Gazette.

Appropriate sanctions including cancellation of the registration of political parties, disqualification of candidates and removal from office of elected candidates would be applied for violation of these provisions or knowingly false declarations to the Electoral Commission. Sanctions would also be applied to contributors who breach the restrictions on contributions to individual candidates.

# Reform Agenda

## ENHANCING INTEGRITY AMONG PUBLIC OFFICIALS

### 1. Declaration of Income, Assets and Liabilities

All elected officials, ministers and deputy ministers, designated public officers and directors and designated executives of statutory bodies and public enterprises would be required to submit at the time their election or appointment and thereafter annually to the Integrity Commission a declaration of income, assets and liabilities.

The Integrity Commission would be required to publish those declarations in respect of all elected officials, ministers and deputy ministers.

Appropriate sanctions would be applied for breaches of these provisions and the Integrity Commission would be required to report such breaches to the Director of Public Prosecutions or the Prosecutor General as the case may be.

The Prosecutor General should have access to any information within the possession of the Integrity Commission.

### 2. Anti-Corruption Legislation

We propose the enactment of tough anti-corruption legislation with severe penalties to combat corruption among public officials and individuals who seek to corrupt public officials.

# **Reform Agenda**

The legislation would address issues such as the offer and acceptance of gifts, improper use of authority for personal gain and the exertion of undue influence to give unfair advantage. The Prosecutor General would be responsible for investigating reports, complaints, or suspicion of breaches of anti-corruption laws and initiating prosecution through the Courts.