
***DRAFT CHARTER
FOR
CARIBBEAN PUBLIC SERVICES***

February 15, 2016

DRAFT
CHARTER FOR CARIBBEAN PUBLIC SERVICES

PREAMBLE

We the States of the Caribbean Community

CONVINCED of the critical importance of the public services to economic and social development;

RECOGNISING the importance of the Public Authorities to such development as highlighted in Article 76 the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caribbean Single Market and Economy;

FURTHER RECALLING that Ministers of Public Administration assembled in Port of Spain in July of 2015 resolved that a Charter for Caribbean Public Services be formed and subscribed to by Member States of the Community;

FURTHER RECALLING those commitments undertaken in the Charter for Civil Society for the Caribbean Community especially the undertaking “to preserve the existence of an independent career public service which is open to all on the basis of merit and is effective, efficient, responsive and adaptive in its conduct of public administration”;

DO ACCORDINGLY endorse this Charter with the objectives of:

- establishing a common ethical basis for the delivery of public services in subscribing states
- ensuring that the public services of the region are effective, efficient, responsive, adaptive and service-oriented
- forming a basis for the delivery of quality and innovative service that meets the needs of our societies.

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- fostering collaboration of subscribing states in modernising administration and strengthening institutional capacity for improved public services and;
 - encouraging the harmonisation of policies and procedures related to Public Service and Administration among Member States with the aim of promoting regional integration;

DECLARE our resolve to pay due regard to the following principles by which our Governments commit themselves to respect and strengthen the fundamental elements of the Public Services;

Article I – Use of Terms

In this Charter, unless the context otherwise requires, the following expressions shall have the following meanings:

“Data and Information” refers to data that can be used for action or decision making and refers to sources that are current or historical;

“Innovation” means the concept to improve competitive advantage and is one of the strategic priorities of transformation in the region;

“Governance” means the manner in which the public sector organizations execute their responsibilities and stewardship by being transparent, accountable and prudent in direction setting, decision making, performance management, in providing advice and in managing and delivering services, programmes and projects;

“Public Entities” refer to any department, agency, special purpose district, or other instrumentality of a State or States or local government;

“Public Officers” means a person who has been appointed to office and who exercises governmental functions, or generally any person who holds a public office;

“Public Service” is composed of all the institutional arrangements through which public employment and public service employees are defined and managed in the context of a specific national reality;

“Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caribbean Single Market and Economy” refers to the Intergovernmental Agreement signed by the Heads of Government of the Caribbean Community ON July 5 2001 at their Twenty-Second Meeting of the Conference in Nassau, The Bahamas;

“Standards” refer to a level of quality set up and established by authority as a rule for the measure of quantity, value or quality;

“Subscribing States” mean State Parties subject to this Charter;

“Transparency” means Government’s obligation to share information with citizens and is at the heart of how citizens hold their public officials accountable.

Article II

Ethical Foundations for the Public Service

1. Public Officers shall act at all times in consonance with the following values and ethics
2. Public Officers shall be honest in their actions and truthful at all times
3. Public Officers shall at all times be mindful of the responsibility of elected officials to be accountable to citizens through Parliaments and shall undertake to faithfully and impartially serve and advise the government of the day, as

well as to faithfully discharge their obligations to provide truthful and accurate data and information to elected officials.

4. Public Officers shall uphold the rule of law and shall at all times act in accordance with the Constitution as well within the dictates of all relevant legislation. Where Public Officers are entitled to exercise discretion, such discretion shall be exercised reasonably, in good faith, for the purpose for which such power is conferred and without exceeding the limits of such powers.
5. Public Officers shall act at all times in such a manner as to preserve and enhance the trust of the public. Public Officers shall at all times exercise the highest standard of care in their stewardship of public resources and assets.

Article III
Administrative Impartiality

1. Public Officers shall operate at all times with the utmost impartiality with respect to the people whom they serve and when giving advice to their various political directorates.
2. Service shall be delivered to stakeholders without discrimination based on ethnicity, race, gender, sex, class, religion, political opinion, or place of origin save and except subject to such policies that may be put in place from time to time with the manifest objective of ameliorating negative effects of systemic and sustained historical marginalization.

Article IV
Efficiency and Effectiveness

Public Entities and Public Officers shall as far as is practicable, use all tools, techniques and technologies to ensure that services are consistently provided at the least possible cost, in the fastest possible time, minimizing mistake or defect, according to the contemporary standards of the day.

Article V
Service Orientation

In the design and delivery of public services, the convenience and interest of beneficiaries should be the paramount factor. Public Services should, as far as is practicable be delivered at times, places and through means that maximize the convenience of access on the part of the public. The layout of physical facilities should enhance user convenience.

Article VI
Fairness and Equity

Public Officers shall in every instance treat each person with courtesy, dignity and respect.

Article VII
Accountability

In the performance of their duties, Public Entities and Public Officers shall use all feasible means to account to the stakeholders whom they serve. These means include:

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- (a) Public commitments to service level standards for cost, time, quality and consistency;
 - (b) Proactive, prompt, and frequent public reporting on performance against such standards;
 - (c) Prompt provision of reasons for decisions especially in cases where discretion is exercised.

Article VIII
Openness and Transparency

1. Except where an explicit case can be made to justify withholding of information from the public, all activities of the Public Entities and Public Officers shall be open to scrutiny by the members of societies on whose behalf they act.
2. Data and Information shall be available to the public in a proactive, prompt and timely manner and in a form that maximizes their utility and their ability to be analyzed and interrogated.
3. In delivering services, Public Entities should recognize an obligation to continually inform beneficiaries of the stages and status of their individual cases including the identities of processing officers unless such identification can explicitly be shown to be prejudicial to the public interest.

Article IX

Merit

1. Subscribing States undertake to select Public Officers based on merit¹. Selection entities should, as far as is practicable, utilize any or all of advertisements, examinations, assessment centres, competency-based interview, performance management history and any other relevant evaluation criteria that may exist at the time.
2. All positions in the public service shall consistently have clear, explicit and objective qualification criteria.

Article X

Independence

1. Subscribing States undertake to ensure the preservation of the independence of the Public Services by any (all) feasible means.
2. Public Officers should not be subject to excessively long periods of acting appointments and emoluments shall be determined by explicit and consistently transparent arrangements.
3. It is recognized that circumstances where public officers enjoy tenure “at pleasure” are particularly vulnerable to compromise of independence thus removal of public officers should be as far as possible restricted only to cases “for cause” or “in the public interest” and shall in all cases be subject to judicial review.

¹ Selected is used as opposed to “Appointed” since in at least one Member States some senior level public service appointments are within the purview of the Prime Minister rather than a Public Service Commission.

Article XI
Competence and Capacity

Subscribing States undertake to continually invest in enhancing and developing the capacity of public officers. In particular, the Subscribing States commit to ensuring that as far as is practicable:

- (a) Every Public Officer undergoes training in the practical manifestations of upholding the Ethical Foundations of the Public Service as outlined in this Charter,
- (b) Public Officers are continually equipped with the competencies that are required for each job they encumber, and
- (c) Public Entities are provided with the tools, techniques and technologies to effectively work together to deliver the relevant services that they are mandated to provide.

Article XII
Innovation and Continual Improvement

Subscribing States undertake to continually assess the services they provide and the effectiveness of these services over time and as societal norms and expectations as well as techniques and technologies evolve and develop. In particular public entities shall strive to continually innovate in their delivery of services using all tools, techniques and technologies available to meet contemporary expectations of service standards and public accountability.

Article XIII
Regional Approach and Regional Integration²

1. Public Entities and Public Officers commit to upholding the agreements entered into by their respective governments with respect to regional integration.
2. In the routine discharge of their duties, due care and attention shall be paid to ensuring that binding agreements entered into under the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caribbean Single Market and Economy are observed.
3. Public Entities shall as far as is practicable undertake to harmonize administrative and regulatory procedures in order to give effect to a single regulatory space for the optimal facilitation of regional economic endeavours.

Article XIV
Entry into Force

The present Charter shall enter into force on signature of [insert #] of Member States of the Caribbean Community

Article XV
Amendments

The present Charter shall be amended with the approval of [insert #] of the Signatory States

² Consideration may be given as to whether to elevate this article to the status of one of the values of public administration in the region

Every such amendment shall enter into force in relation to a Signatory State on the date on which it deposits its Instrument of Ratification of the amendment with the Secretary-General.

Article XVI
Depositary

The present Charter shall remain deposited with the Secretary-General and duly certified copies thereof shall be transmitted by the Secretary-General to all Signatory States

Article XVII
Implementation

The Signatory States declare their resolve to pay due regard to and to implement the provisions of the present Charter

- (a) Unilaterally in all cases which lend themselves to such action
- (b) Regionally within the framework of the Principal Organs and Institutions of the Caribbean Community

1. Signatory States undertake to take such administrative and legislative measures as are necessary to implement the provisions of the present Charter.

Article XVIII
Saving

Nothing in the present Charter shall be interpreted as impairing the provisions of any regional or international agreement to which Signatory States are parties.

[The Conference of Heads of Government of the Caribbean Community at their # [Inter-Sessional/Regular] Meeting:

Reaffirming their confidence in the Caribbean Community as an association of States and Territories bonded by a common heritage and cooperating in the interests of their own peoples;

Being committed to the fundamental principles of the efficient operation of the Public Service and conscious that this Charter shall enhance the integration process;

Determined that the principles declared in this Charter in response to the challenges of the Twenty First Century;

Now therefore resolve to adopt this Charter and agree to pay due regard to its principles and to ensure that this Charter receives the widest possible circulation within their respective States and Territories.]

IN WITNESS WHEREOF the representatives of the Governments of the Member States have signed the present Charter.

Done at this day of Two Thousand.....

Signed by

Of the Government of XXX on201x

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