

Conflicts of Interest Among Parliamentarians

By: David P Rowe, Esq.

I have raised the issue of Senatorial Conflict of Interest in Jamaica germane to the extradition of Christopher Coke. It has proven to be an emotive topic. At the time of writing, the Government of Jamaica has received an Extradition request for Christopher Coke, to which it has not officially acceded. I was invited to comment on the issue in my academic capacity by the BBC and the Breakfast Club a prominent local Jamaican radio talk show.

Most Commonwealth jurisdictions have become very serious about the elimination of parliamentary Conflicts of Interest by legislatively forbidding them. Canada has a Conflicts of Interest Act to "help public officer holders avoid conflicts of interest"

A Conflict of Interest in the Parliamentary situation may be defined as a situation in which parliamentarians have an actual or potential interest that may influence or appear to influence the conduct of their official duties. Earlier this year, the Canadian Defence Minister Peter McKay was asked to explain the conflict of interest that arose when he was a director of two family forestry companies while serving in the Federal Canadian Government. McKay resigned these two private directorships because he could not serve "two masters".

In 2007, in the United States President Bush was severely criticized after receiving 2 million dollars in presidential campaign funds from Enron and then changing US energy policy to suit and benefit Enron.

Conflicts of Interest may lead to politicians using their influence to make decisions that compromise the public interest.

In the United Kingdom in April of this year, Lady Maddock was barred from participating on the investigative Parliamentary Committee on Standards in Public Life because she is married to a Liberal Democrat MP Sir Alan Beith. The potential conflict, i.e. her husband being an MP, was considered inappropriate.

Once a Parliamentarian has accepted a retainer from a major US criminal defendant, can he participate in policy discussions in Parliament which may directly concern his client? Should he make public comments concerning the bilateral partner in his client's extradition? It is respectfully submitted that this type of conduct potentially creates a Conflict of Interest which, as in the McKay case, should lead to resignation from the Parliament, specifically in this case the Jamaican Senate. Which of the two Masters should be served the major criminal defendant or the people of Jamaica?

David P. Rowe is a Professor of Law at the University of Miami School of Law

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[Return from Conflicts of Interest to Constitution and Rights Home Page](#)