



GOVERNMENT OF THE VIRGIN ISLANDS

PROPOSAL

FRAMEWORK FOR IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION OF INQUIRY REPORT AND OTHER REFORMS

GOVERNMENT OF NATIONAL UNITY OF THE VIRGIN ISLANDS

I. OVERVIEW

This proposal outlines the Government of National Unity's proposed approach to reform in the best interest of the people of the Virgin Islands. More specifically, it sets out a framework for the implementation of the recommendations of the Commission of Inquiry Report (COI Report) under continued democratic governance, as well as other reforms. The Government of National Unity is fully committed to expeditiously implementing all of the report's recommendations made by Rt. Hon. Sir Gary Hickinbottom, with the exception of *Recommendation A1: Temporary Partial Suspension of the Constitution* that would not apply under this proposal. The recommendations overall are aimed at strengthening weak areas of governance highlighted in the report. It is envisioned that the reform process will be completed over the course of two years in which the elected arms of Government, working in close cooperation with His Excellency (H.E.) the Governor Mr. John J. Rankin, CMG, would remain under enhanced monitoring and supervision by the United Kingdom (UK) while the recommendations are implemented. The actors responsible for delivering the COI Report recommendations include the Governor, Premier, Cabinet, Ministries of Government, and House of Assembly (HOA). The ultimate objectives of the reform process are to deliver justice where wrongdoing is found, engender a new culture in Government in the handling of the public's business, and ensure the effective functioning of the Government institutions and systems that support good governance. Delivering these objectives for the people of the Virgin Islands is at the heart of this proposal and will have other meaningful benefits, such as improved infrastructure, improved delivery of public services and justice for all. These in turn will inspire greater confidence in Government's ability to deliver for the people of the Territory.

II. BACKGROUND

On 19th April 2022, Sir Gary Hickinbottom submitted the completed COI Report to Governor Rankin for his consideration. Governor Rankin subsequently made the report public on 29th April 2022. It highlighted very serious problems in governance across consecutive Government Administrations and several urgent issues that must be addressed.

From 2nd – 3rd May 2022, UK Minister for the Overseas Territories (OTs) Rt. Hon. Amanda Milling, MP visited the Virgin Islands where she and Governor Rankin discussed the findings and recommendations of the COI Report with the then Acting Premier and Minister of Finance Dr. the Hon. Natalio D. Wheatley

and his Special Envoy Mr. Benito Wheatley, as well as representatives of the Opposition parties in the HOA, who included the Leader of the Opposition and Representative of the Eighth District Hon. Marlon Penn (National Democratic Party), Representative of the Second District Hon. Melvin “Mitch” Turnbull (Progressive Virgin Islands Movement) and Third District Representative Hon. Julian Frazer (Progressives United); Attorney General Hon. Dawn Smith; and other stakeholders from civil society and the private sector.

In their respective meetings with the then Acting Premier and representatives of the Opposition parties, Minister Milling and Governor Rankin raised serious concerns about the governance issues identified in the report. In response, the then Acting Premier acknowledged the findings of the report, which involved the immediate past and prior Government Administrations. He expressed the urgent need for reform and a change of culture in Government to place the Territory on a new development trajectory. However, he confirmed that he did not support the implementation of the report’s recommendation to partially suspend the constitution (i.e., Recommendation A1) and was confident governance could be improved under continued democratic governance. The then Acting Premier also confirmed that he was in full agreement with the recommended audits, investigations and fundamental institutional reforms contained in the COI Report.

Notably, on 6th May 2022, the then Acting Premier moved a motion in the HOA for a vote of no confidence in the then Premier and Minister of Finance, Hon. Andrew A. Fahie. The successful vote was unanimous. Governor Rankin subsequently swore in Dr. the Hon. Natalio D. Wheatley as Premier of the Virgin Islands and Head of the Government of National Unity comprised of Members of three of the major political parties represented in the HOA. At the swearing in ceremony, Premier Wheatley pledged to lead with honesty and integrity and to champion reform. He stated that the top priority of the Government of National Unity is the implementation of the recommendations of the COI Report, except Recommendation A1. The public has welcomed the Governor’s appointment of a Government of National Unity, which provides political stability and offers the elected arms of Government an opportunity to demonstrate a change in political culture and the ability to implement the recommendations of the COI Report.

III. ROLES AND RESPONSIBILITIES FOR REFORM

The responsibility for delivering reform will be shared by the Governor, Premier, Cabinet, Ministries of Government, and HOA as the main actors in the process. Their respective roles are described below.

Governor

The Governor, in partnership with the Premier, will be responsible for monitoring the overall implementation of the COI Report recommendations and the Government’s work programme and implementation timetable over a two-year period. The Governor will also lead implementation of the COI Report recommendations in his areas of constitutional responsibility.

Premier

The Premier will be responsible for the implementation of the recommendations of the COI Report in his areas of constitutional responsibility through engagement with the Governor and coordination of the Ministers of Government. The Premier will also ensure that all agencies and departments in these areas provide full support to the Governor in the implementation of recommendations in the Governor's areas of constitutional responsibility. As the Leader of Government business in the HOA, the Premier will drive the legislative agenda regarding reform.

Cabinet

The Cabinet will be responsible for agreeing and passing policies necessary to implement reforms. The Cabinet recognises that implementation of the reforms will require prioritisation and allocation of resources, as well as legislative changes, and fully commits to using its powers to achieve this. In line with the new culture in Government, with immediate effect, the Cabinet will ensure:

- full cooperation with all audits, investigations and reviews in the COI Report recommendations;
- that immediate appropriate action is taken in response to any findings of wrongdoing or misgovernance which might emerge from the audits and investigations conducted as a result of the COI Report recommendations;
- that Cabinet and its members will express full public support for implementation of individual COI Report recommendations, and the overall reform programme;
- tender waivers are only agreed in exceptional, unavoidable cases, and which must be explained publicly;
- members of the Cabinet will not use ministerial discretion to override or circumvent agreed policies or laws;
- support for the broadest possible participation from across Virgin Islands society in the Constitutional Review process; and
- members of Cabinet are committed to using the full term of the current HOA to work on the implementation of the COI Report recommendations without proposing early elections.

Ministries of Government

Ministries will be responsible for implementing the reform policies agreed by Cabinet.

HOA

The HOA will be responsible for passing all relevant legislation necessary for delivering reforms. Members will amend the Standing Orders as required to achieve this objective.

IV. FRAMEWORK

The Government of National Unity proposes a framework for implementation of the recommendations of the COI Report, and other important reforms, under continued democratic governance. The framework features enhanced monitoring and supervision of the elected arms of Government by the United Kingdom, as well as enhanced cooperation between the elected arms of Government and the Governor. The elements of this framework are as follows:

Enhanced Monitoring

- Submission of monthly delivery reports by each Ministry and their departments for review by the Governor and Premier and their bilateral consultation on progress.
- Submission of quarterly updates by all statutory boards to the Premier and Governor for review.
- Submission of written quarterly reports from all individuals leading reviews, investigations, and audits arising from the COI Report recommendations to the Governor. These will include evaluation of progress made and level of cooperation encountered.

Enhanced Supervision

- Mandatory pre-review by the Governor of any contract worth \$100,000 or more which the Government wishes to enter into before a contractual commitment is made, until further legislative amendments and constitutional changes are made in relation to public financial management.
- Mandatory pre-review by the Governor of any intended sale or distribution of Crown Land before the transaction takes place, until further legislative amendments and constitutional changes are made in relation to the disposal of Crown Land.

Enhanced Cooperation

- Enhanced cooperation between the Premier's Office and Governor's Office through the establishment of an implementation unit by the Government to support the delivery of the COI Report recommendations.
- Monthly tripartite policy dialogue meetings between each Minister of Government, joined by the Premier, and their Permanent Secretaries, with the Governor.
- Enhanced cooperation between the Governor, Cabinet Ministers, Attorney General and Cabinet Secretary in the preparation of Cabinet papers related to reform through the early circulation of draft Cabinet papers and pre-discussions before official submission of Cabinet Papers for Cabinet's consideration.

V. IMPLEMENTATION OF COI REPORT RECOMMENDATIONS

The Government of National Unity is fully committed to expeditiously implementing all of the recommendations of the COI Report, with the exception of *Recommendation A1: Temporary Partial*

Suspension of the Constitution that will not apply under this proposal. The Government proposes to implement the recommendations of the COI Report as follows:

(Constitutional Review)

Recommendation A2

- Cabinet proposes a revised Constitutional Review committee. Final membership to be jointly agreed by the Governor and Premier.

Deadline: 30th June 2022

- Constitutional Review Committee presents draft Terms of Reference to the Premier and Governor for joint sign-off. The Terms of Reference should consider, among other things:
 - i. the aspirations of the people of the Virgin Islands;
 - ii. how the executive ministerial government can be held to account in the HOA (e.g. by some different structure, number and/or configuration of seats) and/or in other ways;
 - iii. whether the current constitutional pillars of governance are sufficient, and in any event how those independent institutions can be effective;
 - iv. the powers that need to be reserved to the Governor, and how issues as to the exercise of devolved and reserved powers respectively, when they arise, are to be resolved;
 - v. a mechanism for the transfer of reserved powers to the devolved Virgin Islands' Government in the future, without a further change to the Constitution being required;
 - vi. whether there should be a regime in relation to election expenses in the form of a requirement on election candidates to submit a breakdown of expenses including donations above a specific sum and/or a cap on such expenses;
 - vii. whether statutory boards should be embedded in the Constitution and, if so, whether there should be a Statutory Boards Commission;
 - viii. whether the term "Government of the Virgin Islands" is intended to encompass statutory bodies;
 - ix. whether the Speaker should continue to be a political appointment, or whether he or she, even if elected, should be independent of the political parties; and
 - x. without prejudice to earlier legislative action, clarification of the circumstances in which persons seeking election to the House of Assembly who contract with the Government of the Virgin Islands (either personally or through a dba, a partnership or a company with which he or she is associated), need to declare an interest, how such a declaration should be made, and the consequences of him or her not doing so.

Deadline: 31st July 2022

- Constitutional Review Commission presents final report to the Premier and Governor.

Deadline: 30th June 2023

(Curtailment of Open-Ended Discretion)

Recommendation A3

- The Governor commissions an independent review of discretionary powers held by Ministers of Government and Cabinet, with a view to removing the powers where they are unnecessary; or, where they are considered necessary, ensuring they are exercised in accordance with clearly expressed and published guidelines. The review will be conducted by a senior Virgin Islands lawyer or retired Virgin Islands/Eastern Caribbean judge. The completed report will be presented to the Governor and Premier.

Start date: 1st July 2022

Completion date: 31st October 2022

- HOA legislates in accordance with the review's recommendations.

Deadline: 31st December 2022

(Audits and Investigations)

Recommendation A4

- The Governor oversees review of all areas of government by the Auditor General, together with other independent persons or bodies instructed by her to assist.

Start date: 1st July 2022

- The Auditor General provides an initial report preparing a timetable for audit of appropriate areas to the Governor.

Deadline: 1st June 2022

- The Governor establishes one or more independent unit(s) to conduct investigations, as directed by the Auditor General, and to be responsible for taking steps to secure money, land or other assets pending criminal and/or civil confiscation and/or recovery proceedings, if appropriate. They should also be responsible for civil recovery.

Deadline: The Governor will be advised by the Auditor General.

- HOA amends the Audit Act 2003 so as to make a failure on the part of any person to cooperate with the Auditor General or otherwise impede her work a criminal offence, as set out in **Recommendation B16**.

Deadline: 31st July 2022

- The Governor amends the Public Service Code, and the Service Commission Regulations as required, to make the failure to cooperate with the Office of the Auditor General or Internal Audit Department by any public officer or employee of a statutory board, an act of gross misconduct that carries a stiff penalty, as set out in **Recommendation B17**.

Deadline: 31st July 2022

- The Cabinet supports the audits and investigations identified by the Auditor General, or some other independent person or body instructed by her, those identified in the COI Report recommendations, and those that subsequently arise from that work. These include the following:

Recommendation B12

- The Auditor General, or some other independent person or body instructed by her, immediately proceeds with a full audit of all grants made by HOA Members, Government Ministries, and Government Ministers over the last three years, including applications which have not been granted. The Auditor General will present the completed audit report to the Governor.

Deadline: 31st December 2022

Recommendation B13

- The Auditor General, or some other independent person or body instructed by her, immediately proceeds with a full audit of all COVID-19 Assistance Programmes, including the Transportation Programme; Micro, Small and Medium Enterprises (MSME) Programme; the Farmer and Fisherfolk Programme; and the Daycares, Schools and Religious Organisations Programme. The Auditor General will present the completed audit report to the Governor.

Deadline: 31st March 2023

Recommendation B14

- The Governor orders a criminal investigation into whether the Premier's Office obstructed the Director of the Internal Audit Department in carrying out an audit of the COVID-19 Assistance Programmes.

Referral date: 12th May 2022

Recommendation B15

- The Governor orders an investigation into whether the Premier's Office obstructed the Auditor General in carrying out an audit of the COVID-19 Assistance Programmes.

Deadline: 30th June 2022

Recommendation B18

- The Auditor General, or some other independent person or body instructed by her, performs a full audit of all contracts in respect of major projects (i.e. projects valued at over \$100,000, even if they have been the subject of contract splitting or sequential contracts) considered by Cabinet (or, if not considered by Cabinet, considered and approved by a Minister) over the last three years. The Auditor General will present the completed audit report to the Governor.

Deadline: 31st May 2023

Recommendation B20

- The Governor refers the Sea Cows Bay Harbour Development Project to the appropriate authorities to consider a criminal investigation and an investigation in relation to the recovery of public money expended.

Referral date: 12th May 2022

- The Governor refers the Virgin Islands Neighbourhood Partnership Project to the appropriate authorities to consider a criminal investigation and an investigation in relation to the recovery of public money expended.

Referral date: 12th May 2022

Recommendation B21

- The responsible authorities continue the criminal investigation into the Elmore Stoutt High School Perimeter Wall Project.

Deadline: Ongoing

- The responsible authorities continue the criminal investigation into the BVI Airways project.

Deadline: Ongoing

Recommendation B22

- The Auditor General, or some other independent person or body instructed by her, performs a full audit of government contracts with Claude Skelton Cline since 2019. The Auditor General will present the completed audit report to the Governor.

Deadline: 31st December 2022

Recommendation B23

- The Auditor General, or some other independent person or body instructed by her, performs a full audit of the government contracts with EZ Shipping concerning the provision of radar barges since 2019. The Auditor General will present the completed audit report to the Governor.

Deadline: 30th November 2022

Recommendation B31

- The Auditor General, or some other independent person or body instructed by her, performs a full audit of all disposals of Crown Land, whether outright, by lease or otherwise, over the last three years. The Auditor General will present the completed audit report to the Governor.

Deadline: 31st January 2023

Recommendation B32

- The Governor refers the disposal of Parcel 310 of Block 2938B, Road Town Registration Section, to the appropriate authorities for consideration of whether a criminal investigation and/or investigations in relation to the recovery of the public money expended should be made having regard to: (i) all the available evidence including the information provided to the COI; and (ii) the dual evidential and public interest tests.

Referral date: 12th May 2022

Recommendation B34

- The Auditor General, or some other independent person or body instructed by her, performs an audit of all applications for grants of residency and belonging status under the Fast Track scheme. The Auditor General will present the completed audit report to the Governor.

Deadline: 30th June 2023

Recommendation B40

- The Governor orders an investigation into corruption within HM Customs by the Royal Virgin Islands Police Force.

Referral date: 12th May 2022

- Cabinet approves joint responsibility between the relevant government agencies and the Royal Virgin Islands Police Force for security of all ports, including airports, under the command of the Force, until security concerns are effectively addressed and new constitutional and legal arrangements have been considered.

Deadline: 30th June 2022

(Commission of Inquiry Methodology Process)

Recommendation B1

- Cabinet appoints a suitable reviewer, such as a retired Virgin Islands/Eastern Caribbean judge, to review the Commissions of Inquiry Act 1880 with a remit to make recommendations designed to improve the conduct of Commissions of Inquiry in the Virgin Islands and bring the Act into line with modern practices adopted by other Common Law jurisdictions. Appointment subject to joint agreement by the Premier and Governor. Completed report to be submitted to the Governor and Premier.

Start date: 1st September 2022

Completion date: February 2023

- Subject to agreement by the Governor and Premier, Cabinet amends the Commission of Inquiry Act in accordance with the recommendations of the review of the Act.

Deadline: 15th March 2023

(Elected Public Officials' Interests)

Recommendations B2, B3, B4 and B5

- HOA makes the Register of Interests public under the existing arrangements, while a new system is designed and developed to cover both elected and public officials.

Deadline: 30th June 2022

- HOA engages the Commonwealth Parliamentary Association (CPA) for assistance in designing a new system of registration of interests based on international best practices that will be accompanied by an implementation plan inclusive of costing for the introduction and maintenance of the new system.

Deadline: 30th June 2022

- HOA amends legislation to require each Member to declare his or her interest on time. Failure by a Member to declare his or her interest by the deadline, without a legitimate reason (e.g., incapacitation or serious medical emergency), would trigger automatic suspension for two sittings of the HOA and the withholding of the Member's salary, followed by the vacating of the Member's seat should no declaration be made by the end of the House's session.

Deadline: 30th June 2022

- Pending the conclusion of action under recommendation B5, the Governor selects a suitable reviewer, such as a senior jurist, to review the practice of HOA Members contracting with the

Government, including statutory boards. Completed review to be presented to the Governor and Premier.

Start date: 31st July 2022

Completion date: 31st December 2022

- HOA passes legislation in accordance with the recommendations of the review of the practice of HOA Members contracting with the Government.

Deadline: 28th February 2023

Recommendation B6

- The Constitutional Review Commission includes in the Terms of Reference of the Constitutional Review whether the term “Government of the Virgin Islands” should encompass statutory bodies.

Deadline: See Recommendation A2 (Constitutional Review) above.

(Assistance Grants)

Recommendations B7 and B10

- The Governor, with the support of the Minister of Health and Social Development, oversees a wholesale review of the Virgin Islands welfare benefits and grants system, including HOA Members’ Assistance Grants and Government Ministries’ Assistance Grants, with a view to moving towards an open, transparent and single (or, at least, coherent) system of benefits, based on clearly expressed and published criteria without unnecessary discretionary powers. The Governor selects a suitable reviewer, in consultation with the Minister of Health and Social Development, such as a welfare benefits expert, to conduct the review. The review will also consider whether local district projects are of benefit to the society, and if so, by what expressed and published criteria such projects should be assessed for public assistance; what type of open and transparent process is required for the proper recording, assessment and monitoring of projects; and what mechanism should be established for the proper assessment and monitoring of the project, such as a panel of persons from the district community. The completed report will be presented to the Governor and Premier.

Start date: 30th June 2022

Completion date: 30th November 2022

- HOA introduces legislation in accordance with the recommendations of the wholesale review of the Virgin Islands welfare benefits and grants system to remove unnecessary discretionary powers of Ministers to approve assistance grants in Ministries.

Deadline: 28th February 2023

- The Governor and Premier pre-approve programme design, criteria and monitoring and evaluation framework of any Ministry assistance grant considered necessary by the wholesale review of the Virgin Islands welfare benefits and grants system.

Deadline: 24th March 2023

Recommendations B8 and B9

- HOA and Ministry of Health and Social Development transition HOA Members' Assistance Grants and the Government Ministries' Assistance Grants to the Social Development Department, as set out in ***Recommendation B8***. Ministry of Health and Social Development requests technical assistance to support transition.

Deadline: 30th June 2022

Recommendation B11

- Cabinet establishes a panel comprised of persons from civic society to review the scholarship/educational grants programme with a view to recommending clearly expressed and published criteria by which applicants are selected to ensure an open and transparent process and the proper recording, assessment and monitoring of the programme. The completed report will be presented to the Premier and Governor.

Start: 30th June 2022

Completion date: 31st October 2022

(Contracts)

Recommendation B19

- HOA amends the Public Finance Management Act to require all government contracts other than major contracts, to contain a provision that there are no associated contracts which

together would trigger the open tender process for major contracts; and that all Cabinet Memoranda which proposes a tender waiver should be provided to the Director of the Internal Audit Department in advance so that that she can make observations to Cabinet as to the appropriateness of a waiver, compliance with the law (i.e. Procurement Act), and also instigate any audit of the project she considers fit.

Deadline: 31st July 2022

- The Internal Audit Department conducts spot checks on non-major contracts to confirm conformity with the relevant provision(s) of the amended Public Finance Management Act as a complementary measure to the work that will be undertaken by the Contractor General once he or she is appointed.

Deadline: To commence following the amendment of the Public Finance Management Act.

- The Cabinet agrees a standing waiver to allow publication of the Cabinet documents relating to Memoranda proposing tender waiver.

Deadline: 30th June 2022

(Statutory Boards)

Recommendations B24 and B28

- Cabinet proposes a suitable reviewer, such as a senior public officer, to lead a review of all statutory boards to establish (i) the extent to which those boards are behind in their obligations to submit timely financial reports and audits; (ii) the extent to which those boards are applying policies intended to promote good governance such as a conflict of interest policy and a political interference policy; (iii) the extent to which those boards follow a due diligence policy; and (iv) what steps need to be taken to remedy any deficiencies and a timescale in which these steps should be accomplished. Appointment subject to approval by the Premier and the Governor. The completed report will be presented to the Premier and Governor.

Start date: 31st July 2022

Completion date: 31st December 2022

Recommendation B25

- Cabinet proposes a senior jurist or reputable attorney to review the provisions under which statutory boards are established and maintained, and in particular, in respect of each, any

powers that are exercised in respect of such boards by the executive government, with a view to identifying appropriate powers in statutory provision. The Premier and Governor jointly approve reviewer. The completed report will be submitted to the Premier and Governor.

Launch date: 1st September 2022

Completion date: 31st December 2022

Recommendation B26

- HOA passes a statutory boards' statute, incorporating the results of the review carried out under recommendation B25.

Deadline 28th February 2023

Recommendation B27

- The Constitutional Review Commission includes in the Terms of Reference of the Constitutional Review the creation of a Statutory Boards Commission.

Deadline: See Recommendation A2 (Constitutional Review) above.

Recommendation B28

- The Government publishes a protocol for the appointment and removal of statutory board members, as set out in ***Recommendation B28***.

Deadline: 1st July 2022

Recommendation B29

- Prior to the entry into force of the protocol envisaged in ***Recommendation B28***, the Government may make changes to the membership of statutory boards, in agreement with the Governor, where it is in the public interest to do so.

Start date: 9th May 2022

- The Governor appoints an independent investigator to examine whether any appointments to statutory boards made since 2019 should be revoked. Recommendations to be submitted to Cabinet.

Start date: 30th June 2022

Completion date: 31st December 2022

(Disposal of Crown Land)

Recommendations B30 and B31

- The Governor, in consultation with the Premier, appoints a suitable reviewer, such as a senior public officer, to conduct a wholesale review of processes for the disposal of Crown Land, to ensure that such disposals are the subject of an open transparent process, and to consider the issues set out in ***Recommendation B30***. The completed report will be presented to the Governor and the Premier.

Start date: 31st July 2022

Completion date: 31st December 2022

- HOA passes legislation in accordance with the recommendations of the review carried out under Recommendation B30.

Deadline: 28th February 2023

(Residence and Belonger Status)

Recommendation B33

- Cabinet proposes a suitable reviewer, such as a senior public officer, to lead a review of the existing policy and processes for granting residency and belonging status, including the open discretion by Cabinet to grant such statuses, and the length of residence required for belonging status, among other things. Appointment subject to joint approval by the Premier and Governor. The completed report will be presented to the Premier and Governor.

Start date: 1st September 2022

Completion date: 30th November 2022

- Cabinet approves and enacts recommendations of the public officer-led review under **Recommendation B33**.

Deadline: 31st January 2023

- Cabinet commits to follow existing legislation on residency threshold (minimum of 10 years), pending completion of the review under **Recommendation B33**.

Start Date: 1st June 2022

(Public Service)

Recommendations B35

- The Governor develops a revised Public Service Transformation Programme and implementation schedule for reform of the Public Service.

Deadline: Ongoing

Recommendation B36

- The Governor finalizes the Public Service Management Code.

31st July 2022

- HOA introduces the Public Service Management Act to incorporate the new Public Service Management Code.

31st March 2023

Recommendation B37

- The Governor oversees the Department of Human Resources' coordination of expenditure on the training of public officers.

Deadline: Ongoing

(Law Enforcement and Justice)

Recommendation B38

- The Governor, in consultation with the Premier, appoints a panel to conduct the review of the law enforcement and justice systems, which will form an element of the Constitutional Review, and will cover: (i) structure (including whether the front-line law enforcement agencies should have a lead agency, and which it should be, and under which arm(s) of government should law enforcement lie; and, particularly, where responsibility for border control should lie); (ii) resources and funding; (iii) conduct and standards; and (iv) terms and conditions. The law enforcement agencies covered in the review are the Royal Virgin Islands Police Force, Financial Investigation Agency, HM Customs, Immigration Department, Prison Service, Office of the Director of Public Prosecutions and the Attorney General’s Chambers and/or the courts. The completed report will be presented to the Governor and Premier.

Start date: 31st July 2022

Completion date: 31st March 2023

Recommendation B39

- The Governor appoints an independent agency to conduct full vetting of all HM Customs and Immigration Department Officers, and if necessary, officers of the Royal Virgin Islands Police Force and the Prison Service.

Deadline: 31st July 2022

Recommendation B41

- The Governor appoints a panel to ensure that the Royal Virgin Islands Police Force and, as necessary, other enforcement agencies, have the facilities and powers to prevent, monitor and detect crime, and prepare matters for prosecution, including by way of access to and use of modern scientific techniques and intelligence material. The panel can comprise representatives of e.g., the Attorney General, the Director of Public Prosecutions, the Police Commissioner, HM Customs Commissioner and the Chief Immigration Officer, with external expertise being brought in as and when required. The completed report setting out what is required will be presented to the Governor.

Start date: 31st July 2022

Completion date: 31st December 2022

Recommendation B42

HOA amends existing legislation in accordance with the recommendations of the Director of Public Prosecutions to update the Criminal Procedure Rules.

Deadline: 31st October 2022

Recommendation B43

- HOA considers revisions to the Jury Act, in consultation with the Governor, to increase the size of the pool of jurors to ensure the jury system is effective.

Deadline: 31st July 2022

- HOA considers granting the court wider powers to hear judge-only criminal trials.

Deadline: 30th November 2022

Recommendation B44

- HOA approves additional financial resources to the Attorney General's Chambers to continue the current initiatives for revising, consolidating and publishing in readily accessible form the laws of the Territory.

Deadline: HOA will be advised by the Attorney General.

(Governance and Serious Dishonesty in Public Office)

Recommendations B45

- Cabinet approves a reporting structure for the Complaints Commissioner to report to the Governor and Deputy Governor, as well as recommended response times to complaints, based on the recommendations of the Complaints Commissioner.

Deadline: 31st July 2022

- Cabinet requires Complaints Commissioner to report annually to the HOA Standing Finance Committee to set out the extent to which there has been a response to her criticisms and recommendations.

Deadline: 31st July 2022

VI. OTHER REFORMS

The Government of National Unity will undertake electoral reform as a part of the reform process.

Electoral reform

- HOA amends existing legislation in consideration of the recommendations of the Supervisor of Elections' General Elections Report 2019 and the recommendations made by the Observer Mission, including those on campaign finance reform.

Deadline: 30th September 2022

VII. PREPARATORY STEPS TO SUPPORT IMPLEMENTATION OF THE COI REPORT RECOMMENDATIONS

The Government of National Unity considers the following preparatory steps critical for the implementation of the recommendations of the COI Report.

Implementation

- The Cabinet approves the Terms of Reference of the COI Report recommendations implementation unit.

Deadline: 15th June 2022

- The Government, under the leadership of the Premier's Office, in cooperation with the Governor's Office, establishes a COI Report recommendations implementation unit.

Deadline: 15th July 2022

- The Premier coordinates the development of an overall work programme and implementation schedule involving HOA, Cabinet and Ministries of Government to implement the COI Report recommendations in accordance with their respective responsibilities under the Constitution. The Governor will monitor delivery of the COI report recommendations in partnership with the Premier.

Deadline: 30th June 2022

- HOA establishes a Reform Committee to ensure continuous follow-up by HOA on reform legislation.

Deadline: 30th June 2022

- HOA, in consultation with Cabinet, the Premier and Governor, develops a legislative timetable for implementation of COI Report recommendations.

Deadline: 30th June 2022

- Ministries of Government develop reform implementation plans for review by the Governor and Premier.

Deadline: 30th June 2022

- Ministries continue implementation of new good governance legislation, including the Procurement Act, Contractor General Act and Integrity in Public Life Act.

Deadline: Ongoing

Specialised funding for good governance and security

- HOA approves funding requests by the Office of the Auditor General to effectively carry out its functions.
- HOA approves funding requests by the Internal Audit Department to effectively carry out its functions.
- HOA approves funding requests of all other reviewers, and subsequent actions taken by appropriate authorities to effectively carry out their functions.
- HOA approves funding requests by the Royal Virgin Islands Police Force to effectively carry out its functions.
- HOA approves funding requests by the office of the Director of Public Prosecutions to effectively carry out its functions.
- HOA approves funding requests by the Attorney General’s Chambers to effectively carry out its functions.

VIII. ACCOUNTABILITY

Quarterly Reviews

The Governor will conduct quarterly reviews over the course of the reform process. This will include consideration of: (i) implementation of the COI Report recommendations; (ii) the written quarterly reports from all individuals leading reviews, investigations and audits arising from the COI

recommendations; (iii) other reforms enacted; and (vi) the political culture exhibited in the day-to-day running of government. The Governor will publish his quarterly reviews.

Implementation delay, failure, and rectification

A delay by any actor in meeting an implementation deadline without legitimate excuse will trigger consultations between the Governor, Premier and relevant actor(s) to assess and address the delay. A further delay without a legitimate excuse will be considered obstruction and will trigger consultations between the Governor and the UK Government.

IX. BUDGET REPRIORITIZATION AND FUNDING REFORM

Budget Reprioritization

The Government of National Unity will undertake a budget reprioritisation exercise to realign the budget to support implementation of reforms for the remainder of fiscal year 2022. Budget estimates for 2023 will also ensure financial resources are available to continue reform implementation. While primary responsibility for funding lies with the Government of the Virgin Islands, requests may also be made to the UK Government for technical assistance and other resources of a specialised nature where appropriate.

X. EXCHANGE OF LETTERS

The support for, and acceptability of, the above proposal will be confirmed in an exchange of letters between Premier and Minister of Finance Dr. Hon. Natalio D. Wheatley and Minister for the Overseas Territories the Rt. Hon. Amanda Milling, MP.