

**FIFTH SITTING OF THE FOURTH SESSION
OF THE FOURTH HOUSE OF ASSEMBLY
OF THE VIRGIN ISLANDS**



**TO BE HELD ON
TUESDAY, 19TH JULY, 2022
AT THE SAVE THE SEED ENERGY CENTRE
DUFFS BOTTOM, TORTOLA
AT 10:00 A.M.**

AMENDED

ORDER OF THE DAY

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1) Prayers

2) Administration of Oaths

3) Confirmation of Minutes

- Confirmation of Minutes for the Meeting of Thursday, 30th June, 2022.

4) Announcements by the Speaker

5) Statements by Ministers

6) Presentation of Papers

a) The Premier and Minister of Finance to lay on the table the following document:

- i) Statutory Instrument 2022 No. 63 - A proclamation by the Governor under Section 83(1) of the Virgin Islands Constitution Order, 2007 (U.K.S.I. 2007 No. 1678) appointing the time and place at which the Fifth Sitting of the Fourth Session of the Fourth House of Assembly of the Virgin Islands shall be held.

b) The Minister for Health and Social Development to lay on the table the following document:

- ii) Statutory Instrument 2022 No. 62 – COVID-19 Control and Suppression (Entry of Persons) (Revocation) Regulations, 2022.

7) Notices of Motions Given Orally

- a) The Leader of the Opposition and Member for the Third District to give notice that, at a later stage in the proceedings, he would seek leave to move the Motion standing in his name under Item 8(1)(i) on the Order of the Day.

8) **Public Business**

1) **Government Business**

i) **The Leader of the Opposition and Member for the Third District to move the following motion:**

WHEREAS The Virgin Islands are home to a people who came from Africa in chains and made slaves before being freed. Their freedom was not handed to them. They fought for it.

WHEREAS The Virgin Islands are home to a people who Owned every square inch of every acre of land. That land was not handed to them. They bought it.

WHEREAS The Virgin Islands are home to a people who has welcomed others no matter their origin, religion, race or social status, there is no reason for them to feel better than anyone. They just want to be afforded the dignity to make their own decisions.

WHEREAS The Virgin Islands are home to a people who were in 1956 liberated from the Leeward Islands Colony *-which they were a part of since 1871-*, and attained the status change from Presidency to Colony with a greater degree of self-government. The people are content that their progress was positive and steady.

WHEREAS The Virgin Islands are home to a people with a modern Constitution (2007) that has in its preamble “Affirming that the people of the Virgin Islands have generally expressed their desire to become **a self-governing people** and to exercise the highest degree of control over the affairs of their country at this stage of its development”.

- **The people are left to now wonder whether the UK Government is about to renege on our agreement.**

WHEREAS The Virgin Islands are home to a people with a modern Constitution (2007) that has in that same preamble “that the United Kingdom, the administering power for the time being, has articulated a desire to enter into a modern partnership with the Virgin Islands based on the principles of mutual respect and **self-determination**”.

- **The people are left to now wonder whether the UK Government is about to renege on our agreement.**

WHEREAS Under section 2 of the Commissions of Inquiry Act 1880 (Chapter 237 of the Revised Laws of the Virgin Islands) and in an instrument dated 19 January 2021, His Excellency Augustus Jaspert, appointed The Rt Hon Sir Gary Hickinbottom as sole Commissioner in respect of a full, faithful and impartial inquiry into whether there was information that corruption, abuse of office or other serious dishonesty in relation to officials, whether statutory, elected or public, may have taken place in recent years; if there were such information, to consider the conditions which allowed such conduct to take place and whether they may still exist; and, if appropriate, to make independent recommendations with a view to improving the standards of governance and the operation of the agencies of law enforcement and justice in the Territory. On 22 January 2021, he attended before His Excellency and Senior Magistrate and took the oath.

WHEREAS by letter dated April 4th 2022 the Report was submitted to the Governor, one year and 3 months after being commissioned.

WHEREAS Paragraph 23 of the Executive Summary of the Report reads: “I have carefully considered lesser measures but, **whilst I - commissioner- appreciate that the Governor and the UK Government will consider this only as a last resort** – as do I – **I have concluded that the only way in which the relevant issues can be addressed is for there to be a temporary suspension of those parts of the Constitution by which areas of government are assigned to elected representatives.** The suspension should be as short as possible to enable principled elected government to be restored”.

- **This in my view clearly appears to have been a foregone conclusion**

WHEREAS Paragraph 26 of the Executive Summary of the Report goes on to read:

“Second – and again looking to the future – I have concluded that a Constitutional Review is also essential, with the aim of ensuring that mechanisms are put in place so that abuses which I have identified cannot continue or be repeated; and, more constructively, to ensure that the needs and aspirations of the people of the BVI (**including their aspiration for self-government**) are met. The last such Review was held in 2006, and led to the 2007 Constitution. The COI has demonstrated that that Constitution cannot take the weight it has to bear. The Review must be focused, open, inclusive and expedited”.

- **This mention of self-government seems to be disingenuous at best.**

WHEREAS this investigation lasted over a year and saw perhaps hundreds of witnesses and the submission of thousands of documents, including legal and other fees to the tune of eight million fifty seven thousand four hundred and eighty three dollars and eighty cents (\$8,057,483.80), the Commissioner did not disappoint, because it was always the consensus among the well informed that the agenda was built around a foregone conclusion.

WHEREAS The Commissioner wasted no time in proffering his conclusion which he lodged in his Recommendation A1 as follows:

- **Recommendation A1: Temporary Partial Suspension of the Constitution**

I recommend partial suspension of the Constitution, by the dissolution of the House of Assembly, the cessation of ministerial government and necessary consequential suspension of provisions of the Constitution, for an initial period of two years. During that period, I recommend direct rule by the Governor with such assistance as he considers appropriate, e.g. an Advisory Council to advise him on the formulation of policy and exercise of his functions. That Council should reflect BVI civic society. In the period of the temporary constitutional arrangement, I also recommend and urge the Governor to draw primarily upon the pool of Public Service talent in the BVI to advise and aid him. In that period, the Governor should have all necessary executive powers, including the power to make any public appointments.

I recommend that there should be a return to ministerial government and an elected House of Assembly as soon as practicable; and the Governor should regularly, and at least every six months, take advice from any Advisory Council and/or from whom otherwise he considers appropriate as to the earliest practicable date on which such government can resume. The Governor shall publish a report on that issue at least once every six months.

WHEREAS it appears that the Commissioner in reaching his conclusion disregarded the historical march of the people of the Virgin Islands through time as they advanced from being chained in the bellies of ships through slavery to *Self-Government* over centuries, and with a Modern Constitution Order 2007 that promises through agreement with the UK Government a path to Self-Determination.

AND WHEREAS we are not satisfied that the Commissioner demonstrated adequate rise in his findings to meet the threshold for his conclusions in **Recommendation A1**.

NOW THEREFORE BE IT RESOLVED that as it is the duty of this Honorable House to inform the People of the Virgin Islands, a debate of the Report of the Commission of Inquiry is in order. And further, to demonstrate our disagreement with Recommendation A1 we reject it on the grounds that it seeks to disenfranchise the people of the Virgin Islands, it is Unnecessary, and more importantly, it is Undemocratic.

- 2) **Private Members Business**
- 9) **Other Business**
- 10) **Adjournment**