



Governor's Office
British Virgin Islands

Third Quarterly Review

Implementation of the Commission of Inquiry Recommendations

9 June 2023

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OFFICE OF THE GOVERNOR
British Virgin Islands



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Executive Summary

- 1.1. This is my third Quarterly Review under the provisions of the 'Framework for the Implementation of the Recommendations of the Commission of Inquiry (COI) Report and Other Reforms' (Framework Agreement). This Review covers the period from 1 February 2023 to 30 April 2023, however the decision was taken to delay publication due to the General Election and to allow time for the Government to propose new deadlines as necessary. I have hence included updates to the end of May 2023.
- 1.2. I welcome the free and fair election that took place on 24 April and I commend the diligent work of the Supervisor of Elections. I was pleased to read the initial findings of the independent election observers, which show that the Virgin Islands continues to uphold democratic processes with regard to elections. At the same time, I look forward to receiving the final report of the election observers and to the House of Assembly acting on outstanding recommendations for electoral reform.
- 1.3. I welcome the continued commitment to reform made by Hon. Dr. Natalio D. Wheatley in the opening days of his new Premiership. The Premier was clear that now is the time to reenergise the reform process and swiftly move forwards with the implementation of the remaining elements of COI recommendations. I look forward to working closely with the new and returning Ministers to ensure the delivery of the wide-ranging programme of reforms together.
- 1.4. As the UK Minister for the Overseas Territories, Lord Goldsmith, however commented in response to my second Quarterly Review, progress in implementing the COI recommendations lags substantially behind in too many areas. I have been working with the Premier over the past few weeks to ensure that the deadlines associated with the Framework Agreement are both achievable and realistic. It is vital that the pace of reform increases to compensate for delays to date, and that action is not left until the last minute.
- 1.5. It is also vital that the focus of work moves forward from process to actual substantive delivery of practical reforms. The need, as set out in the letter from Lord Goldsmith, is to ensure that the reforms have "taken root" no later than May 2024. If it looks as though this will not be the case, additional action will be required. I have some concerns that the proposed deadlines which have been compiled by the Government are not sufficiently ambitious and indeed could result in bottlenecks towards the end of 2023 and early in 2024.



- 1.6. In this Quarterly Review, I provide more detail about the content of reviews and audits. Four reviews and four audits have been laid in the House of Assembly, and are hence now in the public domain. It has concerned me that it has taken many months for reviews to be made public. It is also important to note that the carrying out and publication of a review is merely the start of a reform process. The need now is to take action on recommendations from reviews, following consultation as necessary, to address the governance failings identified in the COI Report.
- 1.7. A number of the reviews and audits expose systems which were open to abuse and a culture whereby elected officials and well-connected persons appear to have been able to use their positions to benefit closely-connected individuals and/or their families, in some instances, to a great degree. For example, the audit report on Assistance Grants, conducted in response to recommendation B12, concluded that there were indications of abuse of discretionary authority by members of the House of Assembly in awarding grants as well as abuse by applicants who utilised deficiencies in the process to benefit themselves significantly. Some of the issues exposed in the audits are matters for the Police to investigate. In all instances, it is important that safeguards are put in place so that the people of the Virgin Islands are not failed in this way in the future.
- 1.8. There have been some positive steps, albeit some in their infancy, over recent months. I am pleased that the Protocol for Statutory Board Appointments has now been agreed and is starting to be applied. I am grateful to the Deputy Governor's Office for finalising the Public Service Management Code after consultation. I am pleased to report that His Majesty's Inspectorate of Constabulary and Fire & Rescue Services have now completed their work in another jurisdiction, and hence were able to visit the BVI in May to begin the law enforcement review.
- 1.9. I am encouraged by the increased use of open procurement, but would reiterate that single source procurement must be the exception rather than the norm. Indeed the Public Procurement Act 2021 expressly states that single source procurement can only be used in specific exceptional circumstances. It is also important that Ministries carry out timely procurement to ensure that good value and good governance is achieved, and that the making of retrospective payments is avoided.
- 1.10. There are two areas that the BVI Government urgently needs to devote more resources to in order to meet commitments made in the Framework Agreement. First, it is vital that police investigations carried out in line with the COI Report recommendations and in response to audits are completed thoroughly and as



swiftly as possible so that those who may have broken the law are held to account. The Royal Virgin Islands Police Force must have sufficient capacity to conduct COI related investigations in a robust and timely way. I am pleased to report that the Premier has committed to providing the necessary resources by July 2023.

- 1.11. Secondly, there has been very limited work carried out to date to clear the large backlog of Residency and Belonger status applications, and this means that the Government is so far failing in its commitment to apply the 'ten-year requirement for residency' law in many cases. I am pleased to report that the Premier has committed to an early action plan to clear the backlog of applications.
- 1.12. I believe that the working relationship between myself and the Premier remains constructive. I am extremely keen that there is no ambiguity around how reforms must be taken forward and what success looks like. No doubt, the General Election had an impact on the BVI Government's ability to progress reforms over recent months. It is now vital that momentum is regained and that the new Government prioritises this programme of reform for the benefit of the people of the Virgin Islands.
- 1.13. For my own part, I will continue to work diligently towards ensuring that the necessary reforms have "taken root" by no later than May 2024, which should allow the Order in Council to be lifted then. I will continue to consider whether there is anything more that I need to do to support and/or accelerate the reform programme, including exploring additional resources or seeking a grant of additional powers.
- 1.14. As Governor, I will always keep in mind the aspiration of people in the Virgin Islands for greater self-governance, and indeed the duty of the United Kingdom to develop self-government under Article 73 of the Charter of the United Nations. However, I will also keep in mind the express duty conferred by Article 73 to protect the people of the Virgin Islands against abuses. By addressing the serious failures identified within the COI Report and by achieving the better governance that the people deserve, I believe the Virgin Islands can be placed on a better path for the future.

Background

- 2.1. The Commission of Inquiry was established in January 2021 by the previous Governor, Augustus Jaspert. The terms of reference for the independent inquiry were to consider whether serious dishonesty in relation to public officials may



have taken place in the BVI. It made recommendations for improving the standards of governance, and the operation of law enforcement and justice agencies in the Territory. It was published on 29 April 2022 and made forty-nine recommendations.

- 2.2. An Order in Council was passed which allows the UK Foreign Secretary to provide the Governor with the powers needed for corrective action, including the possibility of temporary suspension of the House of Assembly and Cabinet, and a temporary Governor-led administration, if the BVI Government fails to deliver the commitments to reform without reasonable justification.
- 2.3. The Government of National Unity, under the Premiership of the Hon. Dr. Natalio D. Wheatley, committed to full implementation of all of the COI recommendations, with the exception of recommendation A1 (partial suspension of the Constitution). The Government of National Unity made a proposal to UK Ministers setting out their commitment to delivering all of the other recommendations as part of a Framework Agreement.
- 2.4. The Framework Agreement also sets out the infrastructure for delivering the reforms: including the establishment of an Implementation Unit based in the Premier's Office, and monthly Tripartite meetings between each Minister and the Premier, their Permanent Secretaries and the Governor. The Director of the COI Implementation Unit and the Director of Strategy in the Governor's Office also attend the Tripartite meetings.
- 2.5. Much of the first phase of COI implementation pertained to the ordering of investigations, reviews and audits, or specific legislative changes. Overviews are provided at Annex A, B and C respectively. Throughout this Quarterly Review, I have provided detail about the findings from the reviews and audits which have been made public to date.
- 2.6. My previous Quarterly Review was published on 13 February 2023. I reported that I was encouraged by the positive trend towards public procurement, while I was concerned that the overall pace of reform was slower than expected. At the beginning of April 2023, I received and published a response to the Review from Lord Goldsmith in which he set the expectation that reforms must "take root" no later than May 2024. If that could be achieved, then this should allow the Order in Council to be lifted. In parallel, the UK Minister asked me to consider if there is a need to support and/or accelerate the new Government's reform programme, for instance through additional resources, a grant of additional powers or technical expertise. The letter from the Minister can be accessed [here](#).



- 2.7. On 24 April 2023, the General Election took place and I was able to swear in a Government the following day. The Virgin Islands Party led by Hon. Dr. Natalio D. Wheatley, with six seats, and Hon Lorna Smith, who had ran as a National Democratic Party candidate, formed a majority Government. I was pleased that the election observers from the Commonwealth Parliamentary Association, who I invited to observe, commended a well-administered General Election in their initial findings.

Implementation of the COI Recommendations

- 3.1. In their most recent report, the COI Implementation Unit reported that twenty-four of the forty-eight recommendations had been completed. Whilst this represents some progress over the previous few months, overall progress has been far from satisfactory. Many of the recommendations delivered to date pertain to the ordering of reviews and audits, many of which were received several months ago and it has taken far too long for these reports to be taken forwards and made public. The five recommendations which are reported as having been completed since my previous Quarterly Review are:
- a. B3: Plan for implementation of Registration of Interests system to cover all persons in public life.
 - b. B28: Protocol for the appointment and removal of statutory board members.
 - c. B29: Review to consider if any revocations should be made to Statutory Board appointments.
 - d. B34: Audit of all applications for and grants of residency and Belonger status under the Fast Track scheme.
 - e. B39: Appointment of an independent agency to conduct full vetting of law enforcement agencies.
- 3.2. Whilst I am pleased to see progress, a “plan” for implementation does not in itself constitute the actual change; the adoption of a protocol does not necessarily improve practice; and the appointment of an agency to conduct vetting is only the first step towards reducing the risk of corruption within law enforcement agencies. The Implementation Unit within the Premier’s Office and the Governor’s Office continue to monitor progress against the delivery of all recommendations.
- 3.3. Throughout this Quarterly Review, I have provided detail on delivery under each of the headings from the Commission of Inquiry Report. I have



summarised the content from the four audits and four reviews which were laid in the House of Assembly over this reporting period. For convenience, I have provided links to the documents that are accessible online.

Elected Public Officials' Interests

- 3.4. The Commission of Inquiry found that there is inadequate infrastructure for properly managing elected public officials' interests, and that the system for the Registration of Interests was not working and "lacked teeth". There appear to have been few visits to the Registrar and the concerns that I articulated in my previous Quarterly Review, that the Register of Interests in its current form does not yet offer the press and public a useful enough tool for holding elected officials to account, seem to be proven correct. The extent to which the Registrar can disclose information about the Register, including even on the number of visits to the Register, appears to be at best very limited and unclear.
- 3.5. In my last Review, I welcomed some of the amendments that had been made to the Register of Interests Act, but raised serious concerns that the Register is as yet not fully public, in that the restrictions placed on it reduce the likelihood that the public will be able to use the Register for its intended purpose. The current Register covers elected officials but can only be accessed by visiting in person, reviewing paper records and paying \$15 per record. Before the end of the year, I expect to see the Act revised with improvements in accessibility and transparency. I also expect the Register to be extended to include public officials as appropriate in order to meet the Framework Agreement commitment.
- 3.6. For the office of the Registrar to function effectively, there must be an independent body to which concerns can be raised. Without this, the Registrar is rendered relatively powerless in the face of non-compliance or deliberate falsification. The creation of the Integrity Commission will offer a platform for the Registrar to report findings and raise concerns. I provide more details about the Integrity Commission in the 'Governance & Serious Dishonesty in a Public Office' section of this Review.

Assistance Grants

- 3.7. The Virgin Islands has a welfare benefits scheme which operates from the Ministry of Health and Social Development. However, the COI found that in addition to that scheme, money was made available for Members of the House of Assembly to distribute by way of discretionary assistance grants.



- 3.8. In my Second Quarterly Review, I reported that a wholesale review of the system of benefits and grants conducted by UNICEF and the Social Policy Research Institute (SPRI Global) had been received (B7), and that I expected this to be presented to Cabinet and made public in the following weeks. Unfortunately, this has not yet happened. I note however that grants are now administered by the Social Development Department rather than under the previous discretionary system.
- 3.9. I am content that the Ministry of Health and Social Development has begun work on a new scheme of benefits. However, it is imperative that the public are aware of the recommendations and are consulted as part of the reform process. The Government has requested an extension to the deadline for the delivery of this scheme to the end of May 2024. I am concerned that these reforms will not be able to take root in line with the expectations of the UK Government.
- 3.10. On 1 March, I publicly condemned the leaking of part of an un-redacted version of the Assistance Grants Audit (B12), noting the importance of Cabinet confidentiality. I await the findings of the leak inquiry carried out by the Cabinet Secretary. The document, with appropriate redactions, was formally made public once it was laid in the House of Assembly. The findings are deeply concerning.
- 3.11. The funds were largely not governed by any financial rules or eligibility criteria and were hence not consistently distributed based on need. All of the programmes were absent of documented objectives and the audit highlighted that individuals “within the orbit of the political arena may have received preferential treatment in the awarding of assistance”. Between 2019 and 2022, the Government awarded a total of \$23m in Assistance Grants across three ministries and the House of Assembly. The former Premier’s Office accounted for 47% of the total awards given from these programmes.
- 3.12. The audit concluded that the programmes were allowed to “operate unabated at the whims and pleasure of elected officials”. For the most part, the Assistance Grants did not serve to “resolve any socio-economic deficiencies” and were “largely utilized to satisfy individual wants and desires”.
- 3.13. The classes of persons who applied and received assistance from these programmes included Permanent Secretaries and other senior public officers. In one instance, a senior public officer and their immediate family members received grants totalling \$217,900 over the period. The audit concludes that there is evidence of “abuse of discretionary authority by Members in awarding



grants” as well as “abuse by applicants who have utilized the deficiencies to benefit themselves significantly”.

- 3.14. I have forwarded the audit on Assistance Grants to the Attorney General's Office for the Attorney General to assess whether the Government should pursue the recovery of funds, and I have also asked the Director of Public Prosecutions and the Police to assess if any offences were committed.
- 3.15. The Auditor General's audit on Assistance Grants can be accessed [here](#).
- 3.16. The statutory timelines for prosecution of previous obstruction of the Director of Internal Audit in respect of the audits on Covid-19 Assistance Programmes (B14) has now passed. I am however encouraged that I am no longer receiving reports of obstruction and that criminal recourse remains a tool for ensuring that the Director of Internal Audit and Auditor General are free to do their jobs.
- 3.17. I expect the audit on Covid-19 assistance grants distributed by Members of the House of Assembly to be laid in the House in the coming weeks. I will then ensure that it is publicly accessible. There are a number of additional audits on Covid-19 assistance grants linked to Recommendation B13. These include audits on the Transportation Programme, the Micro, Small and Medium Enterprises Programme, the Farmer and Fisherfolk Programme and the Day Care, Schools and Religious Organisations Programme. Although some audits covering these schemes were completed in 2021, I have asked the Auditor General to revisit her findings given issues faced when completing these audits previously. I expect all audits connected to Recommendation B13 to be completed following the outstanding COI audits which are due for completion in the middle of July.

Contracts

- 3.18. The COI Report expressed concern that contracts had been distributed in a manner which, to the knowledge of the elected public official responsible for them, resulted in added cost with no identifiable public benefit. The report hence makes a number of recommendations for further review and criminal investigations. I provide an update on current procurement practices in Sections 3.30 and 3.31 of this report.
- 3.19. In response to Recommendation B20, I referred the Sea Cow Bay Harbour Development Project and the Virgin Islands Neighbourhood Partnership Project to the relevant authorities.



- 3.20. In response to Recommendation B21, criminal investigations into the Elmore Stoutt High School Perimeter Wall and BVI Airways continue. In relation to the former, three suspects have been charged.
- 3.21. On 3 March 2023, I published audits on government contracts with Claude Skelton Cline and EZ Shipping, conducted in response to Recommendations B22 and B23 respectively.
- 3.22. Part of the audit on government contracts with Claude Skelton Cline pertained to a remuneration of \$16,330 per month, above that of Cabinet Ministers or the Premier. Additionally, the audit covered two additional contracts issued by way of tender waivers and a third contract issued whilst the consultant did not have a valid trade licence. Projects the consultant reported to be involved with were wide-ranging, including climate resilience projects, Covid-19 related initiatives, cruise port development and revenue generating opportunities.
- 3.23. The audit found that Mr Cline “failed to provide any analysis or assessment of the proposals” and that “none of these were progressed.” The audit report concludes that the review of the documents, information and contracts suggests that the primary purpose of the consultancy was not to add value to the Government but rather to provide employment to the Consultant, and the records do not show any demonstrated effort by the Consultant to satisfy the deliverables stipulated in the contracts. The report also found that there was “no regard for good governance and accountability in the use of public resources”.
- 3.24. The Auditor General’s audit on Government contracts with Claude Skelton Cline can be accessed [here](#).
- 3.25. The purpose of the audit on Government contracts with EZ Shipping was to provide independent information and advice on whether efficiency, economy and effectiveness were achieved from the award and payment of contracts for the provision of radar barges. The former Premier informed the public that the barges were intended to allow for more intense twenty-four hour surveillance of the sea borders for example, and this was particularly necessary during the Covid-19 crisis.
- 3.26. The Auditor General found that although the pandemic put the BVI Government under considerable pressure to protect BVI’s borders, there was no evidence presented to support statements regarding the effectiveness of the barges. The Auditor General also notes that during the period the barges were in use, the RVIPF conducted two major drug busts that were not detected by the barges. The cost to the public of the three associated contracts was \$2.1m in total. The



Auditor General also found that payments of \$700k were “unearned” and “covered two months when the barges were not used”.

- 3.27. The Commissioner of Customs, Mr Wade Smith, in correspondence with the then Acting Financial Secretary asserted that the barges were used from “September 2020 to January 2021.” In the same correspondence, Mr Smith refused to sign the certificate on the payment voucher to confirm that the barges had been used during part of this time.
- 3.28. The Auditor General's audit on Government contracts with EZ Shipping can be accessed [here](#).
- 3.29. I have forwarded the audits in relation to Recommendations B22 and B23 to the Attorney General's Office for the Attorney General to assess whether the Government should pursue recovery of funds spent on the contracts and I have also asked the Director of Public Prosecutions and the Police to assess if any offences were committed. Investigations are underway.
- 3.30. In April, I wrote to Lord Goldsmith with an update on procurement by the BVI Government between January to March 2023 as he had requested. During this period there were eleven contracts valued at over \$100,000 agreed by the Government of National Unity, five of these were approved following open tendering, four were single source procurements and two were for specialist legal work (which is exempt from the requirements of the Public Procurement Act).
- 3.31. A number of contracts were agreed in the weeks preceding the General Election, and the Cabinet Secretary has provided me with an update for the reporting period of 1 January 2023 to 21 April 2023. In this period, one tender waiver was agreed (which pertained to a legacy contract), nineteen publicly-tendered contracts were approved, there were nine single source procurements (many of which are for the leasing of buildings) and four public procurement exemptions. I believe that better planning would allow for better procurement and improved value for money from Government contracts. Agreeing to tender waivers and having to make retrospective payments because of an absence of forward planning is contrary to good governance.
- 3.32. Whilst I am encouraged by the increased use of open procurement, which is in contrast to the COI finding that there was no public tendering in two thirds of government contracts between 1 January 2019 and April 2021, I have concerns about the number of single source procurements. As a matter both of law and good governance this should be the exception rather than the norm. I am concerned about the length of time it is taking to publish tender waivers; of the



nine tender waivers carried out by the Government between May to December 2022, only five of these have so far been published.

Statutory Boards

- 3.33. The Commission of Inquiry raised a number of concerns about the many Statutory Boards which operate in the BVI. To give a sense of the scale, the Commission of Inquiry identified that the Auditor General's Annual Report for 2016, issued on 21 March 2019, records that grants from the BVI Government to Statutory Boards totalled \$67.5 million and accounted for 23% of the Government's recurrent expenditure.
- 3.34. The COI found that despite their significant responsibility and budget, many Statutory Boards had failed to execute their duties under their founding law and there were strong signs of political interference in relation to the appointments to boards. The Commissioner recommended a number of reviews into the functioning of boards. Two of these have now been received (B25 and B29), and have been tabled in Cabinet and laid in the House of Assembly.
- 3.35. I am grateful to Mr Jamal Smith who conducted a comprehensive review of the provisions under which Statutory Boards are established and maintained (B25). The review found that when assessed against global corporate governance standards outlined by Organisation for Economic Co-operation and Development (OECD), there were serious deficiencies with respect to most Statutory Boards, and some which require urgent attention. Conversely, the International Tax Authority and the Recovery and Development Agency are singled out as "gold standard" and should be commended.
- 3.36. A major observation from the B25 report is that the number of Statutory Boards is categorically too high for the population and budgetary constraints of the Virgin Islands. The review makes forty recommendations, some of which relate to specific Boards and others are general. For example, the review recommends agreeing a definition of what a Statutory Board is, that an exercise should be undertaken to rationalise boards with overlapping and connected agendas, that there should be improved coordination and that information about Boards should be publicly accessible.
- 3.37. The review of Statutory Board provisions conducted by Mr Jamal Smith can be accessed [here](#).
- 3.38. I extend my thanks to Ms Sheila Brathwaite who reviewed whether any revocations to appointments should be made due to the inadequacies in recruitment to Statutory Boards (B29). She proposes a small number of



revocations which should be considered by the Premier's Office. Since the review was commissioned, there has been significant turnover in the membership of a number of Statutory Boards. The review does not identify any urgent need for revocation but rather provides proposals for improving the diversity and representation on Boards. Therein are some useful suggestions and principles for effective Board creation and succession planning.

- 3.39. The review of Statutory Board appointments conducted by Ms Sheila Brathwaite can be accessed [here](#).
- 3.40. The review of Statutory Boards which considers the extent to which Boards meet their obligations and follow good governance practices (B24) has yet to be received from reviewer Ms Antoinette Skelton. Unfortunately, the deadline extension to the end of April was missed due to challenges in receiving responses from Boards, and I am now advised I should receive this by the middle of June. I have been mindful of the impact of late reviews on delivering reforms when renegotiating Framework Agreement deadlines with the Premier.
- 3.41. Since January 2023, the Premier and I have undertaken Enhanced Monitoring of Statutory Boards, including requesting a quarterly update covering changes in Board membership, key achievements and challenges and an update on statutory requirements for annual reporting and audits. This Enhanced Monitoring has exposed that many Boards are still non-compliant and have not provided audited accounts for many years. It should be noted that the Enhanced Monitoring described in the Framework Agreement has received limited engagement, and this means that the scale of issues is not yet fully known. Ms Skelton's report will hopefully provide more detail on this, and provide direction for remedial plans which will need to be taken forward by all those concerned.
- 3.42. I look forward to hearing the Premier's plans for implementing the recommendations which stem from the reviews of Statutory Boards. I expect that the findings of reviews should urgently be communicated with the Boards themselves and corresponding Ministries, who should take any necessary urgent action.
- 3.43. I am pleased to report that after several months delay, a Protocol for Statutory Board Appointments is now in place and has been laid in House of Assembly, although there is still some significant measure of discretion held by Ministers. Additionally, the definition of which family members constitute a conflict of interests requires clarification. I expect the Protocol to be updated following the publication of the reviews. However, in the meantime I look forward to seeing the Protocol used properly and consistently.



Crown Land Disposals

- 3.44. The COI identified Crown Land disposals as one of the areas where decisions are taken without published criteria, and on the unfettered discretion of Ministers and Cabinet. I am pleased that the Crown Lands Distribution Policy Review Report, conducted by Mr David Abednego under the terms of Recommendation B30, was laid before the recalled House of Assembly on 17 April.
- 3.45. Mr Abednego's review proposes the establishment of an independent Crown Land Authority to manage the process of disposals under established criteria. The Authority would have enforcement powers e.g. to prevent "flipping" of properties and could apply penalties if applicants failed to develop land allocated to them. Further to the COI recommendation, a Crown Land Advisory Committee would also be established to ensure community involvement, and a Crown Land Register and Inventory would be established.
- 3.46. The Review concludes that Crown Land disposal and management should be carried out in a manner that is free from political influence, and long term sustainable policies should benefit the people of the Virgin Islands. I am advised that the Ministry of Natural Resources and Labour had begun the process of consultation and policy drafting. However, responsibility for Crown Lands was transferred to the Premier's Office following the recent election. I hope that reform in this area is sufficiently prioritised. The proposed deadline for legislation and policy to be in place is now the end of November 2023, with guidance and processes to be put in place the following month.
- 3.47. I referred the matter of the disposal of Parcel 310 of Block 2938B, Road Town Registration Section, to the appropriate authorities in response to Recommendation B32. I am advised that an investigation is underway.
- 3.48. Under the terms of Recommendation B31, the Auditor General is performing a full audit of all Crown Land disposals over the last three years. I am expecting to receive this Audit by 30 June 2023.

Residency and Belonger Status

- 3.49. The criteria and process for agreeing Residency and Belonger status is a contentious and emotive issue, and I understand the need for it to be progressed with sensitivity. It is clearly an issue which affects many, and many have very strong views on the matter. I am determined though that those who are eligible for Residency and Belonger status have their applications processed in a timely and equitable way. The focus that the UK Government



and I place on resolving the issues surrounding Residency and Belonger status is solely to ensure that eligible people, who have been lawfully living in the BVI for the required period, are given what they are entitled to. For example, a right to political representation, a right to own property and a right to access benefits and services. The vast majority of outstanding applications are from individuals who were born elsewhere in the Caribbean, but have chosen to spend their lives contributing in the BVI.

- 3.50. The audit on applications for grants of Residency and Belonger status under the Clear Path to Regularisation programme, or 'Fast Track' scheme, (B34) was completed in March. As a result of advice from the Attorney General I received an Addendum to the audit on 3 April. The audit found that the scheme, which was a special project spearheaded by the former Premier, "lacked essential governance principles of transparency, participation, accountability and equity."
- 3.51. A Government statement on 2 June 2019 announced that as a result of public consultation the qualifying period under the 'Fast Track scheme' should be raised from fifteen to twenty years. However, the amendments actually made to the Immigration and Passport Act at the time gave Cabinet a discretion in exceptional cases or "for any other reason" to grant a certificate of Belonger status to persons who had been ordinarily resident for not less than seven years. As a consequence, there were sixty-four individuals who were awarded status(es) as part of the scheme who did not meet the publicly-stated twenty year criterion. There was evidence that some decisions were influenced by policy makers who directly benefited in some instances. For example, some persons closely connected to Members of the House of Assembly received status as part of the Fast Track scheme despite not being resident for the stated twenty year period. I have asked the Director of Public Prosecutions and the Police to assess if any offences were committed.
- 3.52. On 17 April, I took the unprecedented step to recall the House of Assembly following the findings of the audit on applications for Residency of Belonger status under the Fast Track scheme. This decision was taken in consultation with the Premier and based on the advice of the Attorney General. The immediate concern for the recall of the House of Assembly was the potential impact of the findings on the validity of the General Election. The House of Assembly agreed a way forward, passing legislation to validate the status of the 688 residents referred to in the audit, many of whom are registered to vote and most of whom had lived in the BVI for more than twenty years and hence well exceeded the statutory criteria. The fact that such drastic action was required highlights a disregard for good governance and fairness.



- 3.53. The Auditor General's audit on the Fast Track scheme can be accessed [here](#) and the Addendum can be accessed [here](#).
- 3.54. Mr Kedrick Malone has been appointed to lead a review of processes for the grant of Residency and Belonger status (B33), and I am expecting to receive this by the middle of July. Mr Malone reports that the review is progressing well and a programme of public engagement is planned for June. A request to extend the deadline for corresponding legislation to be passed has been received, and I am advised that this will now take place by 30 April 2024. I have expressed concern that the deadline is not conducive to allowing the reforms to "take root" no later than May 2024.
- 3.55. In my previous Quarterly Review, I reported that there was a significant backlog of Residency and Belonger status applications and that there had been little if any progress in dealing with these applications. It is disappointing to report that this is still the case, in spite of the Government's Framework Agreement commitment to follow the residency threshold defined in legislation.
- 3.56. As part of the Enhanced Monitoring arrangements, I received a report on 24 May from the Immigration Board covering the period from 1 January 2023 to 31 March 2023. During the period, the Immigration Board reported that it had met twice and conducted three interview sessions. During the quarter, twenty-three applications for Belonger status by marriage were referred to Cabinet, as well as eighty applications for status by tenure, seventy-four applications for status due to the applicant being the great-grandchild of a Belonger, in addition to thirty-two applications for Residency.
- 3.57. Since January, Cabinet has considered and approved thirty-two applications for Residency which were submitted between March-October 2022 and forty-three which were submitted in December 2021-March 2022. Additionally Cabinet considered and approved fifty applicants for Belonger status which were submitted between December 2021-March 2022: nine of these were spouses of Belongers (an additional three were rejected by Cabinet due to a failure to meet this ground), and forty-one were accepted by virtue of tenure. In summary, over the past five months, 125 applications for Residency and Belonger status were considered and approved by Cabinet, while a total of 2,226 applications are reported to remain in the system (as at 1 June 2023).
- 3.58. The below table sets out the number of pending applications for Residency and Belonger status as reported by the Immigration Department:



Pending Applications for Residency And Belonger status as at 1 June 2023

Timeline	Applications for Residency	Applications for Belonger Status
Applications received prior to 1st June, 2022	469	245 (includes 74 for Fourth Generation)
Applications received between 1st June 2022 to 31st December, 2022	959	143 (includes 15 for Fourth Generation)
1st January to 30th May, 2023	340	70 (includes 16 for Fourth Generation)
TOTALS	1768	458

3.59. On 26 February, the Premier wrote to me requesting technical assistance for the Immigration Department. The process for assessing Residency and Belonger status applications entails the review of subject files, application forms and their attachments, police certificates, an interview and a cultural exam. The Deputy Governor and my Director of Strategy have visited the Department and met with senior leaders and the team. A number of challenges were identified, including:

- a. There is only a single full time staff member to handle a job that requires multiple stages, and a large volume of paperwork.
- b. The system is entirely paper-based.
- c. A considerable proportion of applications are incomplete, and the practice is to follow-up on these rather than rejecting the application. This is time-consuming, and can take many months.
- d. Some applications are made prematurely, where the applicant has not yet met the threshold and these are held pending.
- e. The volume of applications has increased since June 2022, without the commensurate staff allocation. This increase is presumably in response to the Government's Framework Agreement commitment to follow the ten-year rule.
- f. The Immigration Board's role includes a responsibility for interviewing applicants as well as board meetings, which creates a bottleneck. The Board has not always been able to meet due to turnover in membership.

3.60. I do not doubt that there are challenges in dealing with applications for Residency and Belonger status, and I welcome the collegiate approach which the Premier has invited. It would seem as though the key issues could be dealt with by the following actions, amongst other reforms:



- a. Increase staffing from one person to between five and ten staff on a temporary basis to process the backlog.
- b. Transfer the duty of first interviews with applicants from the Board to staff, empowering staff to make assessments.
- c. The Board should only review complex or potentially problematical applications, reducing the need for their operational involvement in straightforward applications.
- d. Increase as necessary the number of times the Board meets each month to consider applications.
- e. Restart the digitisation project alongside the operation to remove the backlog, using a separate team.
- f. Publish clear criteria and guidance based on current legislation, thus reducing the number of new applications that are incomplete or premature.

3.61. The Premier has committed to producing an early action plan to address the backlog and my team will continue to support with technical advice. I look forward to receiving the action plan: I believe some of the above steps could be taken in a matter of weeks. For example, a programme could be established to hire temporary staff on a full time basis and some of these could be reassignments from throughout the service. It is vital that due process is followed, and any new programme must learn from the mistakes of the Fast Track scheme. This would be a clear demonstration of commitment to reform from the Premier's Office.

The Public Service

3.62. On 28 March, I was pleased to participate in a press conference in which the Deputy Governor announced significant progress on public sector transformation in response to Recommendation B35. As I said at the time, a modern public service operating in accordance with international best practices is vital to the good administration of the Virgin Islands, and so too is a public service that always upholds its core values of integrity, honesty, and impartiality.

3.63. One of the key announcements made at the end of March, was that the Public Service Management Code had been finalised (B36). The Code reinforces the values for the public service, and sets out terms and conditions and standards of conduct for public officials. The Public Service Management Code replaces the General Orders, which were produced in 1971 and revised in 1982. It encapsulates policy changes from recent years in a single document which is accessible to all. This has been a tremendous amount of work and I



congratulate the public officers who have been involved in its production on their dedication and diligence.

- 3.64. The new Public Service Management Code sets the expectations for open merit-based recruitment, as well as protection for whistleblowers and an obligation to report unethical or improper conduct. It is vital that the best possible public officers are recruited, and that they are empowered to report wrongdoing.

Law Enforcement and Justice

- 3.65. I am pleased to report progress on the law enforcement review of HM Customs, Immigration Department, Royal Virgin Islands Police Force, Financial Investigation Agency, Office of the Director of Public Prosecutions, Attorney General's Chambers and Prison Service in response to Recommendation B38. Additionally the review will consider Recommendation B41, intended to ensure that the RVIPF and (as necessary) other enforcement agencies have the facilities and powers to prevent, monitor and detect crime. In my previous Quarterly Review, I reported that His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) had been appointed to conduct the review, however they were unable to begin sooner due to prior commitments in other Overseas Territories.
- 3.66. HMICFRS were in the BVI for a scoping visit between 16 – 26 May and during this time they met all of the key agencies. I am pleased that other key agencies in the UK will be involved with the review, including His Majesty's Crown Prosecution Service Inspectorate. The Foreign, Commonwealth & Development Office will provide up to a maximum of \$1m from the UK Government towards the total costs of the project.
- 3.67. Progress has been slower than I expected in establishing arrangements for and conducting vetting across the Royal Virgin Islands Police Force, HM Customs, Immigration Department and the Prison Service (B39), due to competing demands on the agency I appointed to undertake this work. In order to better manage this process, which falls squarely within my area of responsibility, the UK Home Office's International Policing Assistance Service (IPAS) took on a leadership role and has been driving this forward since my last Quarterly Review. A strategic lead was appointed, and two officers from the National Police Chief's Council (NPCC) will return to the BVI this month to start this important vetting work.



- 3.68. In line with Recommendation B40, officers were assigned by the Commissioner of Police to investigate possible corruption within HM Customs. An investigation is underway.
- 3.69. It is anticipated that longer-term reform, for example covering the Criminal Procedure Rules and proper consideration of judge-only criminal trials will not be completed until much later in 2023. I expect such matters will be in the scope of the law enforcement review, and as appropriate, the Constitutional Review.

Governance & Serious Dishonesty in a Public Office

- 3.70. The Integrity in Public Life Act has been under development for a number of years and still requires some amendment. The COI report and the recently received independent review into the declaration of interests of elected officials in relation to contracts with government conducted by Mr Denniston Fraser (B5) both make recommendations on improving the Act to ensure that the Commission and the Registrar of Interests can operate effectively. Additions may include effective sanctions for non-compliance or fraudulent entries, as well as fuller definitions of 'family members', and proper resourcing.
- 3.71. I welcome the Premier's declared commitment to enforcing the Integrity in Public Life Act, which I assented to in February 2022, and drafting instructions are now being prepared for amendments to the Act. This will be followed by the recruitment of an Integrity Commissioner who will establish the Integrity Commission. The independence of the Integrity Commission must be guaranteed. It will be constituted of members nominated by the Governor, the Premier, the Leader of the Opposition, the BVI Christian Council, and the chair will be a retired judge.
- 3.72. I note that alongside the Integrity Commission, the Whistleblower Act must be brought into force in order to enable public officials to raise concerns about corruption and wrongdoing. The audits I have received on Assistance Grants and the Fast Track scheme on Belonger status and Residency indicate a public service that has been unable to act when faced with possible corruption. I strongly believe that an effective whistleblowing system would have offered protection to public officials. Elements of whistleblower policy have been included in the Public Service Management Code, led by the Deputy Governor, and the Premier committed to the new legislation in a recent press conference.
- 3.73. Recommendation B45 includes a commitment for Cabinet to approve a reporting structure for the Complaints Commissioner to the Governor and Deputy Governor, as well as recommended response times to complaints,



based on the recommendations of the Complaints Commissioner. Progress has been slow with further examination required of what precise amendments to the Complaints Commissioner Act 2003 may be appropriate. However, it is essential that those wishing to raise concerns have a platform to do so, and that there is a suitable mechanism for hearing and dealing with these complaints in a timely manner.

Constitutional Review

- 3.74. The Constitutional Review (A2), led by Commissioner Ms Lisa Penn-Lettsome, is well underway. The Commission concluded its educational and consultative sessions at the end of February, with sessions with 12th Graders at two secondary schools. As part of this programme of engagement, 400 people attended town hall meetings, 352 people attended meetings with private audiences, as well as 170 in attendance at the schools. There have been over 19,000 views of various social media interviews, including with Real Talk, 284 Media and Talking Points.
- 3.75. It is disappointing to see that only fifteen of the forty-seven key individuals invited for comment as part of the Constitutional Review have responded. I hope that everyone with a stake in the Constitution of the BVI and the widest possible audience is able to contribute to these vitally important reforms, which must stand the Virgin Islands in good stead for many years to come.
- 3.76. The Constitutional Review Commission is due to report by the end of 2023 and I am advised that they are on track to do so.

Discretionary Powers

- 3.77. The Commission of Inquiry identified the overarching concern regarding unfettered discretion exercised by elected officials that led to decisions which were not in the best interests of the general public. The COI report finds that Assistance Grants made by the Premier and Members of the House of Assembly were not subject to any published guidance, rules, or means testing, but rather were distributed by individual Members at their own discretion. Discretionary powers may also have been misused in relation to the revoking and appointment of Statutory Board members.
- 3.78. As part of the Framework Agreement, an independent review of discretionary powers held by Members of the House of Assembly was commissioned, 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 (A3).



- 3.79. The report by reviewer Ms Anthea Smith was laid in the recalled House of Assembly on 17 April. I am grateful to Ms Smith for her work on this extensive review of legislation. The Review provides detailed commentary across a wide range of legislation, and sets out whether or not the powers are necessary or unnecessary or should be retained or removed. Ms Smith also identifies specific areas which could give rise to the possibility of challenge by way of a constitutional motion.
- 3.80. Ms Anthea Smith gives examples of discretion which could be open to abuse detailed elsewhere within this report, namely in relation to Assistance Grants or Crown Land disposals. The review also offers something of an accountability mechanism, a new Administrative Justice Act which could be modelled on the Administrative Justice Act in Barbados. The Act would provide the option for members of the public to request reasons for decisions affecting them and receive a response within a fixed timeframe.
- 3.81. Ms Smith's conclusion, having studied an extensive number of laws, is that the problem is largely not the law itself but rather the practice of discretion and process of decision-making by elected officials.
- 3.82. The discretionary powers review conducted by Ms Anthea Smith can be accessed [here](#) and the appendix can be accessed [here](#).
- 3.83. I look forward to seeing an implementation plan from the Premier's Office. It is important that Government ensures that there is always clear policy and guidance to support ministers and public servants in the decision-making process, especially where a law by itself does not provide enough specificity. This guidance acts as a guardrail for elected officials and public servants and provides protection for both in the decision-making process. Written documentation detailing how decisions have been made, including options considered, and advice from officials on the law and regulations to guide decision-making would help to guard against future abuses.

Commission of Inquiry Act

- 3.84. In my previous Quarterly Review, I reported that I had received Ms Ms Fikile Dlamini's Review of the Commissions of Inquiry Act (B1). I hope that the Review will be made public soon. I will endeavour to work with the Premier to find a way forward on any appropriate legislative changes.



Electoral Reform

- 3.85. As part of the Framework Agreement, the Government of National Unity made commitments to other reforms not directly linked to COI recommendations, including on electoral reform.
- 3.86. The House of Assembly made only limited amendments to existing legislation shortly before the 2023 General Election in response to the recommendations of the Supervisor of Elections' General Elections Report from the 2019 election and the recommendations made by the 2019 election observers.
- 3.87. Part of the reason for the small number of amendments made was the view that it would not be appropriate to conduct significant electoral reform so close to a General Election. The Framework Agreement makes specific commitment that the House of Assembly will consider campaign finance reform although it is yet pass legislation. The Premier has previously made express commitment to delivering electoral reforms and to "ensure the integrity of the electoral process is as high as humanly possible". I expect the Government to return to these reforms early in its tenure, and this should include the findings from the Commonwealth Parliamentary Association who observed the 2023 General Election.

Communications

- 4.1. Since my last Quarterly Review, I have issued eight press statements linked to the COI and conducted three press conferences, which have been broadcast live online. I have made no secret of my desire for the public to be able to digest, scrutinise and hold leaders to account on the basis of the findings of the COI and subsequent activity.
- 4.2. I have been publishing audits, following their laying in the House of Assembly, and I have pressed for the publication of reviews. I was pleased that the Premier took the decision for a range of reviews to be laid in the recalled House of Assembly, and hence they were made public documents. They are not however easily accessible, and I have resorted to publishing audits myself. I will do so in relation to the reviews and other documentation if accessibility issues are not resolved and if reviews are not laid in a timely fashion in the House of Assembly. Much of the content of reviews is uncontentious, but they set out a path to reform that the public will be interested in reading or influencing.
- 4.3. Plans for COI related communications within the Premier's Office, either as part of existing communications arrangements, as part of the Implementation Unit,



or as a standalone function, appear to have stalled. We are now half way through the process of delivering the necessary reforms, and public communication, consultation and engagement by all parties will be vital to ensuring that these reforms “take root”.

- 4.4. It is vitally important that the public receive the assurance that they deserve, that work is progressing to improve governance within the BVI. This is a joint endeavour with the BVI Government.

Conclusion

- 5.1. Progress continues to be slow. The General Election had an impact on the BVI Government's ability to progress reforms over recent months and momentum must be regained. The new Government must prioritise this vital programme to improve governance and tackle the serious failings identified in the COI report.
- 5.2. The majority of reviews and audits have now been received and many of these are now in the public domain. The need now is to consult as necessary on the recommendations made and then swiftly take action to implement substantive reforms.
- 5.3. The Royal Virgin Islands Police Force continue to carry out investigations linked to Audits and in some instances I have asked the Attorney General to consider the possibility of civil financial recovery.
- 5.4. There have been some welcome achievements over the past few months: I am pleased that the Protocol for Statutory Board Appointments is starting to be applied, the Public Service Management Code represents a significant step forwards, the scoping visit for the law enforcement review has taken place, and I am encouraged by improvements to procurement in some, though not all, areas.
- 5.5. Genuine reform will take time. What we can assess now is commitment, and this commitment must be demonstrated through prioritisation and the allocation of resources. There are particular areas in which I believe progress is too slow and this could be partly due to a lack of resources: namely, within the Immigration Department and with law enforcement agencies (particularly the Royal Virgin Islands Police, Attorney General's Chambers, and the Office of the Director of Public Prosecutions). The BVI will struggle to move forwards if there is a continued backlog of applications for status and if criminal investigations that date back many years cannot be progressed due to a lack of resources, and I welcome the commitment of the Premier to address both of these issues.



- 5.6. In April, the Minister for the Overseas Territories wrote to me and asked me to consider whether there is anything that I need to “support and/or accelerate the new government’s reform programme for instance resources, a grant of additional powers or technical expertise”. This is a pivotal moment in the Commission of Inquiry Process, and the success of the COI will depend on what happens over the next few months, making reforms in the upcoming quarter and then applying them in practice to ensure that they will have fully “taken root” no later than May 2024.
- 5.7. If we do not see the ‘meat on the bones’ of these reforms by my next Quarterly Review, additional action will be necessary. I will hence be exploring options for additional resources, powers and technical expertise to accelerate reforms. In particular I will consider whether the necessary resources are allocated to the reform process, whether work is sufficiently prioritised, and whether the reforms are implemented in practice.
- 5.8. The Premier has publicly committed to delivering these COI reforms and I look forward to continuing to work closely with and supporting him on this wide-ranging and necessary programme. I believe we both want the same thing, the best for the people of the Virgin Islands. I will publish my fourth Quarterly Review at the end of August, and it is imperative that both the Premier’s Office and Governor’s Office keep the public informed on how these commitments are being delivered at such a critical time.



Annex A: Reviews

Recommendation	Description	Reviewer	Status
A3	Review of discretionary powers	Ms Anthea Smith	House of Assembly
B1	Review of the Commissions of Inquiry Act	Ms Fikile Dlamini	Due for Cabinet
B5	Review of the practice of House of Assembly members contracting with government, including Statutory Boards	Mr Denniston Fraser	Due for Cabinet
B7 and B10	Wholesale review of the benefits and Grants system	UNICEF /SPRI	Due for Cabinet
B24	Review of all Statutory Boards and their compliance with policy and good practice	Ms Antoinette Skelton	Due 30 June 2023
B25	Review of provisions under which Statutory Boards are maintained	Mr Jamal Smith	House of Assembly
B29	Investigation into whether any appointments to Statutory Boards made since 2019 should be revoked	Mrs Sheila Brathwaite	House of Assembly
B30	Wholesale review of the process for disposal of Crown Land	Mr David Abednego	House of Assembly
B33	Review of Residency and Belonger status policy	Mr Kedrick Malone	Due 15 July 2023
B38 and B41	Review of law enforcement and justice systems Panel to ensure that Royal Virgin Islands Police Force and, as necessary, other enforcement agencies have facilities and powers to prevent, monitor and detect crime	His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)	Due 31 March 2024



Annex B: Audits

Recommendation	Description	Status
B12	Full audit of all grants made by members of the House of Assembly and/or Government Ministries for the last three years, including applications which have not been granted	House of Assembly
B13	Full audit of Covid-19 Assistance Programmes	Due for House of Assembly
B18	Full audit of all contracts valued over \$100,000 considered by Cabinet or approved by a minister over the last three years	Due 15 July 2023
B22	Full audit of government contracts with Claude Skelton Cline since 2019	House of Assembly
B23	Full audit of government contracts with EZ Shipping concerning the provision of radar barges since 2019	House of Assembly
B31	Full audit of all disposals of Crown Land over the last three years	Due 30 June 2023
B34	Full audit of all applications for and grants of residency and Belonger status under the Fast Track scheme	House of Assembly



Annex C: Investigations

Key investigations identified in COI report are set out in the table below.

Recommendation	Description
B14	Conduct of the Premier's Office (under the previous Premier) in obstructing the Director of the Internal Audit Department in respect of her audit of the COVID-19 Assistance Programmes
B20	Sea Cow Bay Harbour Development project and the Virgin Islands Neighbourhood Partnership project
B21	The Elmore Stoutt High School Perimeter Wall Project and the BVI Airways Project
B32	Disposal of Parcel 310 of Block 2938B, Road Town Registration Section
B40	Investigation into possible corruption within HM Customs

Audits referred to the Police and DPP to assess if any offences were committed

Recommendation	Description
B12	Full audit of all grants made by members of the House of Assembly and /or Government Ministries for the last three years, including applications which have not been granted
B22	Full audit of government contracts with Claude Skelton Cline since 2019
B23	Full audit of government contracts with EZ Shipping concerning the provision of radar barges since 2019
B34	Full audit of all applications for and grants of Residency and Belonger status under the Fast Track scheme



Annex D: COI Implementation Unit Dashboard



COI Implementation Unit

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

REPORT SUMMARY FOR THE MONTH OF APRIL 2023

The Commission of Inquiry Implementation Unit has reported to the Governor and Premier on the status of work completed up to the end of April 2023.

Based on the timelines agreed in the Framework for Implementation of the Recommendations of the Commission of Inquiry Report and Other Reforms:

Work on 49 of the 50 Framework Recommendations has begun. 24 of the Recommendations have been completed (an increase of 2 Recommendations) and 25 Recommendations are in progress.

The Recommendations are currently split into 130 Actions. Of these, 74 (57%) are completed (an increase of 2 actions), 19 (15%) are in progress and on track (a decrease of 3 actions), 22 (17%) are in progress but experiencing challenges (an increase of 2 actions) and 15 (11%) have not been started as yet.

Most notably, during the month of April:

- The Auditor General submitted her audit of all grants for Residency and Belongership status under the Fast Track Scheme - COI Recommendation B34.
- The following independent reviews and audits were laid on the Table of the House of Assembly and thereby made public:
 - Internal Audit Department - The Clear Path to Regularisation: Residency and Belonger Status Programme (Fast Track Programme) Audit Report - COI Recommendation B34;
 - Internal Audit Department - The Clear Path to Regularisation: Residency and Belonger Status Programme (Fast Track Programme) Audit Report Addendum - COI Recommendation B34;
 - Government of the Virgin Islands Protocol for the Appointment and Removal of Statutory Board Members – COI Recommendation B28;
 - Statutory Boards Review by Jamal S. Smith - COI Recommendation B25;
 - Report on Investigation into Statutory Boards by Sheila N. Brathwaite - COI Recommendation B29;



- Report on the Discretionary Powers held by Elected Officials by Anthea Smith - COI Recommendation A3;
- Virgin Islands Crown Lands Distribution Policy Review Report by David Abednego - COI Recommendation B30

The Dashboards give a pictorial summary of the status of the fulfilment of the COI recommendations as agreed in the Framework, as well as other reforms, so you can track the status of work on each recommendation. The Key lists and summarises each of the 50 COI Framework Recommendations as well as the other reforms, now being worked on as the main focus of Government of the Virgin Islands to raise our standards of governance in our beautiful Territory. It is colour coded to quickly indicate the overall progress on work connected with that particular Recommendation.

If you have any specific questions on the implementation of any of the COI Framework Recommendations or desire further information, please email the COI Implementation Unit directly at implementationunit@gov.vg.

KEY OF COI FRAMEWORK RECOMMENDATIONS AND OTHER REFORMS	
A02	Review the Constitution to enable the people of the BVI to meet their aspirations, including those in respect of self-government within the context of modern democracy.
A03	Review discretionary powers held by elected public officials, removing where unnecessary or, where considered necessary, ensuring they are exercised in accordance with clearly expressed and published guidelines.
A04	Review all areas of government based on audit timetable and prepare reports on appropriate areas.
B01	Review the Commissions of Inquiry Act and make recommendations designed to improve the conduct of Commissions of Inquiry in the BVI.
B02	Establish a system of Registration of Interests, open to public access, with effective provisions to require compliance.
B03	Properly formulate and cost a plan for implementation of Registration of Interests system to cover all persons in public life.
B04	Consider extension of Registration of Interests system to other public officials on an incremental basis.
B05	Amend the Constitutional Review Commission Terms of Reference to include making clear the circumstances in which a person seeking election to the House of Assembly, or a Member of the House, is required to declare interest in contracts with Government.
B06	Amend the Constitutional Review Commission Terms of Reference to include making clear whether the term "Government of the Virgin Islands" encompasses statutory bodies.
B07	Review welfare benefits and grants system.
B08	Cease House of Assembly Members' and Government Ministries' Assistance Grants.
B09	Reallocate assistance grants funds to Social Development Department for distribution.



B10	Review local district projects and develop open and transparent process for proper recording, assessment and monitoring of projects.
B11	Determine process for allocating grants for educational scholarships.
B12	Audit all grants made by House of Assembly Members for the last three years.
B13	Audit all four COVID-19 Assistance Programmes.
B14	Instructions given to begin criminal investigation of the obstruction of the Internal Auditor by the Premier's Office related to COVID-19 Assistance Programmes.
B15	Instructions given to begin criminal investigation of the obstruction of Auditor General by Premier's Office, related to COVID-19 Assistance Programmes.
B16	Consider amending the Audit Act to make a failure to cooperate with or otherwise impede Auditor General a criminal offence.
B17	Amend the Public Service Code and Service Commission Regulations to make failure to cooperate with the Auditor General or Internal Auditor an act of gross misconduct.
B18	Audit all major contracts in respect of major projects in the past three years.
B19	Amend Cabinet Paper Drafting Process to ensure that there are no associated contracts which together would trigger an open tender process, for all Government contracts and also include Internal Audit's opinion in all proposed tender waivers to Cabinet (Tender Waiver is no longer an option for contracts under the new Public Procurement Act and Regulations 2021 that came into force in September 2022).
B20a	Instructions given to refer SCB Harbour Development project to be considered for criminal investigation.
B20b	Instructions given to refer VI Neighbourhood Partnership Project to be considered for criminal investigation.
B21a	Instructions given to continue criminal investigation into Elmore Stoutt High School Perimeter Wall Project
B21b	Instructions given to continue criminal investigation into BVI Airways Project
B22	Audit all Claude Skelton-Cline Government contracts since 2019.
B23	Audit EZ Shipping-Government contracts concerning provision of radar barges since 2019.
B24	Review all Statutory Boards to determine overall level of governance and steps required to remedy any deficiencies.
B25	Review provisions under which statutory bodies are established and maintained.
B26	Consider the establishment of an overriding statute setting out framework for the establishment and maintenance of all statutory boards.
B27	Amend the Constitutional Review Commission Terms of Reference to include considering whether a Statutory Boards Commission should be responsible for selecting and revoking statutory board membership and monitoring internal policies and procedures.
B28	Develop Protocol for appointment and removal of statutory board members.



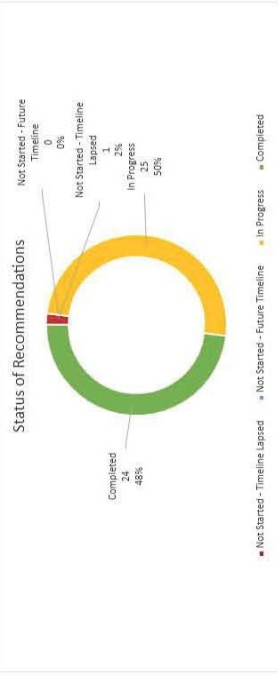
B29	Consider revoking any appointments to statutory boards made since 2019.
B30	Review processes for disposal of Crown Land.
B31	Audit all disposals of Crown Land over the last three years.
B32	Instructions given to refer the process for the disposing of parcel 310 of Block 2938B be considered for criminal investigation.
B33	Review processes for grant of residency and belonger status.
B34	Audit all applications for and grants of residency and belonger status under the Fast Track scheme.
B35	Drive forward Public Service Transformation Programme.
B36	Finalise Public Service Management Code or Act.
B37	Coordinate expenditure on training of public officers within the Department of Human Resources.
B38	Review law enforcement and justice systems.
B39	Vet all serving HM Customs and Immigration Department Officers.
B40	Investigate possible corruption within HM Customs.
B41	Consider ensuring RVIPF and other enforcement agencies have facilities and powers to prevent, monitor and detect crime.
B42	Review Criminal Procedure Rules to give courts modern case management powers.
B43	Consider revisions to Jury Act to increase size of jury pool and grant court wider powers to hear judge-only criminal trials.
B44	Build upon current initiatives for revising, consolidating and publishing in readily accessible form the laws of the BVI.
B45	Make arrangements for the Complaints Commissioner to report annually to Governor, Deputy Governor and House of Assembly.
OR	Other reforms including reforming the electoral process including campaign finance and ensuring enhanced cooperation and oversight.
PrS	Preparatory steps and other work required to action all Framework Recommendations



STATUS OF IMPLEMENTATION OF RECOMMENDATIONS FROM COMMISSION OF INQUIRY
April 23

A		B		C		D		E		F		G		H		I		J		K		L		M		N		O		P		Q		R		S		T		U		V		W		X		Y		Z	
A2	In Progress	B8	In Progress	B18	In Progress	B28	Completed	B38	In Progress	B38	In Progress	B39	Completed	B39	Completed	B40	Completed	B40	Completed	B41	In Progress	B41	In Progress	B42	In Progress	B42	In Progress	B43	In Progress	B43	In Progress	B44	Completed	B44	Completed	B45	In Progress	B45	In Progress	Other Reforms	In Progress	Prep. Steps	In Progress								

RECOMMENDATIONS	
Not Started - Timeline Lapsed	1
Not Started - Future Timeline	0
In Progress	25
Completed	24
TOTAL	50



RECOMMENDATIONS	
Not Start	2%
Not Start	0%
In Progr	50%
Complet	48%
TOTAL	100%

