

The Virgin Islands Consortium

Our Legislature Must Lead The Fight Against Corruption In The Virgin Islands

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In bringing transparency to our government and fighting corruption in the Virgin Islands, we often look to the executive and judicial branches of government as being pivotal.

Importantly, however, the war against corruption must be fought on many different fronts and our Legislature also plays a crucial part. In fact, it must take the lead and do what it is empowered and entrusted by the people of the Virgin Islands to do in this fight.

Bringing transparency to government and eliminating corruption are world-wide goals which countries are striving to achieve. In this op-ed, I will be relying on information garnered from reports of the World Bank Institute and the National Democratic Institute for International Affairs. The World Bank Institute is the branch of the World Bank that

provides policy advice, learning programs, and technical assistance to governments, non-government agencies, and individuals so that they can implement programs and projects aimed at combating poverty, many of which are directed at proper governance and anti-corruption measures.

The World Bank describes corruption as “a disease” since it weakens economic growth through “unsound policies, unpredictable processes, and distorted public expenditures resulting from vested interests that lead to macroeconomic instability, weakened property rights, reduced competition, inefficient allocation of resources, deteriorated physical infrastructure, and smaller expenditures on education.” The poor suffer the most because it “threatens the[ir] hopes for a better future for themselves and their children. It drains finances that might otherwise go to programs that bring education within reach of poor children, or that offer health care to an ailing farmer or a young mother.”

The National Democratic Institute for International Affairs is a global, non-profit organization with experts who provide assistance to civic and political leaders to advance democratic values, one of the most important of which is eliminating corruption. One of its major studies in the anti-corruption fight involved the importance of legislative bodies adopting rules of ethics to govern their actions.

There are many ways that our Legislature can lead the fight against corruption. The first is for it to clean up its own house. How does it do that? The answer is simple – adopt a code of ethical standards and a system to administer those standards. It is undisputed that senators face ethical dilemmas in their roles as each has to decide among potentially conflicting or competing interests: the interests of the Virgin Islands as a whole; the interests of their constituents; the interests of their political parties; and their own personal interests. Senators are also subject to scrutiny from the media and the public.

According to the World Bank Institute, the adoption of a code of ethics creates an environment that is less likely to tolerate misconduct and other forms of unethical behavior, and, by doing so, members of a legislative body are less likely to engage in corrupt practices. When public trust of politicians is at an all-time low in the Virgin Islands, our Legislature's taking this action would be a significant step toward regulating its behavior and rebuilding the people's trust.

A code of ethics should include regulations on such things as conflicts of interest; acceptance of gifts/gift restrictions; financial disclosures; travel expenses; outside employment during tenure; and post tenure employment. There should also be a process to address alleged wrongdoings through complaints, hearings, and sanctions.

And, senators need to be educated on the new code of ethics so that they fully understand what is involved. There has been talk in the past about our Legislature doing this, but nothing has been done to date. The U.S. Senate and House of Representatives as well as state legislatures all over the U.S. have adopted codes of ethics. It is now time for our Legislature to do so too.

Second, and perhaps the most obvious, our Legislature must adopt anti-corruption measures and then, through its committees, ensure that they are being enforced. Anti-corruption legislation typically addresses bribery, nepotism, cronyism, conflict of interests, and favoritism in the award of contracts. The central aspect of any law should be how to prevent the abuse of public office for private gain. At the outset, a complete examination

of existing laws should be made and then a determination of what other laws are necessary. Importantly, not just criminal laws should be considered. Civil laws are another important tool as they can provide for the Virgin Islands government and private citizens to be awarded both compensatory and punitive damages. An example of a civil law against corruption is one that specifically empowers citizens to sue wrongdoers directly and then be awarded attorney's fees and costs for doing so.

However, there is little reason to adopt new laws if the current and new laws will not be enforced. That is where our Legislature's budget and committee oversight are so critical. It is up to our Legislature to make sure that there is sufficient money budgeted to enforce the laws and that money that is appropriated is actually used for the purposes that it is intended. Therefore, budgeting with checks and balances is absolutely necessary as well as holding the executive branch to properly account for its use of the money appropriated. Without accountability, corruption can run rampant.

Third, our Legislature must adopt a resolution to have Congress amend the Revised Organic Act to create an independent V.I. Department of Justice and Office of the Inspector General. Once there is such independence, it should create and specifically fund a separate division within our Department of Justice that will concentrate on investigating and prosecuting public corruption. Without such independence, any such division could be controlled and used improperly by a governor. With independence, such a division would be akin to the one that now exists within the U.S. Department of Justice -the Public Integrity Section- with persons specializing in these types of investigations and prosecutions. According to information on its website, the Public Integrity Section "oversees the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government." In fact, it is attorneys from this division who are currently involved in the prosecution of criminal bribery charges against Julito Francis, John Woods, and Gerard Castor in the District Court of the Virgin Islands.

An example of a country that succeeded in turning its economy around by taking a tough stand against corruption is Singapore. Singapore was infamous for corruption throughout most of its history. Because corruption was having a dramatic negative affect on foreign investments and economic growth, its legislature passed the Prevention of Corruption Act and created a commission dedicated to investigating corruption and preparing cases for prosecution. As a result of years of commitment to creating an environment that would be conducive to economic growth, Singapore is now ranked among the top ten most "cleanest" or least corrupt countries in the world, according to Transparency International, the global coalition against corruption.

To the members of our 31st Legislature, be bold and take the lead in fighting corruption because you have the power to do so. The people of the VI need you to put action to your words. Our economic future depends on you.

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Feature Image: Senate building in downtown Charlotte Amalie, St. Thomas.

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