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Commission of Inquiry Report Calls For BVI to Lose Autonomy and Be Governed Directly by Britain For at Least Two Years

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BVI Governor John Rankin

Before the shocking news of the arrest of Andrew Fahie reverberated around the territory on Thursday, arguably the most talked-about subject in the British Virgin Islands was the recently concluded Commission of Inquiry and the 946-page report it submitted to BVI Governor John Rankin at the beginning of this month.

In a press conference Friday, Rankin said that he'd initially intended to publish the report in June, but that the arrests of the premier and the head of the territory's Port Authority had made an overwhelming public interest case for releasing the report immediately.

“This, I believe, will help to end speculation that the arrests which occurred in Miami are somehow linked to the COI report. The COI was not a criminal investigation into the illegal drugs trade,” Governor Rankin explained.

What the report does cover, the governor summarized, was the failure of many members of Parliament to register their interests as required by law, irregularities in the distribution of grants by Parliamentarians and by central government, which suggest that corruption, dishonesty, and abuse of office may have taken place. Other government contracts were also scrutinized, several involving the premier. One example offered by Rankin was a series of contracts amounting to almost one million dollars awarded to a former special advisor to Premier Fahie.

The report also identified discrepancies in the way Belonger status was awarded. Governor Rankin said that Commissioner Gary Hickenbottom concluded that over 200 people were added to the rolls of Belongers by simple recommendation by members of Cabinet, without the stipulated due diligence or process being followed. The commissioner’s report, according to Governor Rankin, identified corruption in the police service, as well as serious concerns about the operations of the Customs department. The report concluded that “particularly in customs, there is an environment conducive to corruption.”

When it comes to governance, the governor said the executive branch was found wanting in that area as well. Reading an excerpt from the report, Rankin quoted Commissioner Hickenbottom: “Governance in areas under the control of government ministers is at best very poor, with principles such as openness and transparency not simply absent but positively shunned. Proper procedures, checks and balances are absent, or patently inadequate, or ignored, or bypassed. The evidence in this regard is overwhelming, and extends to almost all areas of government.”

The Commissioner noted moves to improve governance, such as the recently passed Integrity in Public Life Act, but said that those were not proactive efforts by the administration but reactive attempts to deflect from the Commission of Inquiry.

In addition to calling for further investigation of public officials implicated by the findings of the commission of inquiry, Commissioner Hickenbottom made over 40 specific, and four general recommendations for the territory, the most consequential of which is a temporary loss of autonomy for the British Virgin Islands.

"The only way in which the relevant issues can be addressed is for there to be a temporary partial suspension of the Constitution," Governor Rankin quoted the Commissioner as saying. This would involve the dissolution of the House of Assembly, with governance duties removed from the Ministerial Government and devolved onto the Governor's office, which would make decisions for the territory in consultation with an advisory panel made up of representatives of BVI civil society. This state of affairs would last for two years at the first instance, with a view to returning to the current status quo “as soon as practicable”, according to the Commissioner.

The Governor prefaced these comments with a reminder that the Commissioner’s recommendations were just that - and any decisions on the fate of the territory would only come after discussions with the relevant parties are held in the coming days. To facilitate these talks, UK Minister for Overseas Territories Amanda Milling has been dispatched to the BVI.

BVI Acting Premier Natalio Wheatley has already pushed back on this recommendation, saying that the report makes other suggestions that could be implemented without resorting to such drastic action.

