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Report Calls For Criminal Investigation Into Fahie's Obstruction of Effort to Scrutinize Covid Funds, Says BVI Political Culture Must Change

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BVI Premier Andrew Fahie By. GETTY IMAGES

The system is broken, and elected officials in the current and previous administrations like it that way. That's the picture Commissioner Gary Hickinbottom paints in his 940+ page report that British Virgin Islands Governor John Rankin released to the public on Friday.

Paragraph 13 of the Executive Summary reads, "The parlous failings in governance identified have not only been allowed by successive informed BVI Governments, but there is evidence that they have been positively endorsed and even encouraged. I have concluded that the elected BVI Government, in successive administrations (including the current administration), has deliberately

sought to avoid good governance by not putting processes in place and, where such processes are in place, by by-passing or ignoring them as and when they wish – which is regrettably often.”

The report focuses on castigating ministers for ignoring the principles of good governance - openness, transparency - even the rule of law, in favor of making decisions “as they wish, without applying any objective criteria, without giving any reasons and without fearing any comeback.” Also cast aside were those tasked with highlighting gaps and deficiencies in governance. The Auditor General and the director of the Internal Audit Department were singled out for praise: “These auditors have been brave, forthright and clear in both their criticisms and their recommendations. But they have been consistently ignored.”

The scant regard elected officials held for their governance duties, the report concludes, has greatly harmed the people of the BVI. “Whilst the evidence suggests that they have worsened over time, these gross deficiencies in governance have afflicted almost all recent government Ministries, over different administrations. The BVI electorate, hoping for better from the next elected administration, have been consistently let down.”

One cohort of the population might be left feeling particularly let down by their government - public sector workers. The report notes that Premier Andrew Fahie and other elected ministers tried to blame the public service for the deficiencies identified by the Commission of Inquiry. However, Mr. Hickinbottom firmly disagreed, arguing that policy and providing resources to implement that policy were all in the hands of the elected government. Successive administrations, the report finds, simply declined to prioritize the public services for the sorely-needed resources.

What was a priority? De facto slush funds for members of the House of Assembly. The report asks, “How has it come to pass that, notwithstanding concerns for the public purse being raised explicitly many years ago, Members of the House of Assembly still enjoy a substantial allocation of public money to dispense in a manner which is for practical purposes unconstrained and unmonitored?” Referring to the Assistance Grants for House of Assembly Members and Government Ministers, the report called for them to be eliminated immediately in their current form, with the money instead being funneled towards the Social Development Department or educational scholarships.

The detailed report says that the deficiencies in governance are so broad and so fundamental, and elected officials so encouraging of the dysfunction, drastic steps need to be taken if the citizens of the British Virgin Islands are to have a hope of making a compelling case for self-determination in the future.

The drastic steps recommended by Commissioner Hickinbottom begin with the temporary suspension of the parts of the BVI constitution that grants parliamentarians and ministers their powers. This would remove the current elected government by dissolving the House of Assembly, and repose exercise of all executive power by the governor, who would rely on the assistance and the advice of an appointed Advisory Council.

While that is in place, the report recommends putting together a Constitutional Review project within a maximum of 18 months, with under 12 months being the goal. “As a return to elected Government will be difficult without constitutional reform, I regard the time for this Review to be concluded to be of the essence,” the report states. The committee would be tasked with strengthening the Constitution against abuse of power by the executive branch of government, considering adding regulatory reporting requirements to campaign financing, and also considering the establishment of a Statutory Board Commission, among other things.

The report called for the end of the “unfettered and unmonitored discretion” used by officials about government decisions, and said that comprehensive and urgent audits of and investigations into every major government agency are needed.

The governor, the report recommended, should support the audits and independent investigations with the resources they need to do their jobs. Some targets identified by the Commissioner for immediate audits are the four Covid-19 Assistance Programs (the Transportation Program, the MSME Program, the Farmer and Fisherfolk Program and the Daycares, Schools and Religious Organizations Program). The past three years of grants from Members of the House and Ministers should also be audited right away, Mr. Hickinbottom recommended. The commissioner also suggests the relevant authorities consider opening a criminal investigation into Premier Fahie’s obstruction of the Director of the Internal Audit Department in previous attempts to scrutinize the Covid-19 programs.

Along with an incredible workload for auditors on the territory, the COI’s report also heavily tasked the Royal Virgin Islands Police Force. Authorities have been asked to consider criminal investigations into the Sea Cow Bay Harbor Development Project and the Virgin Islands Neighbourhood Partnership project, among several others.

Should UK authorities, via Governor Rankin, adopt the COI report’s recommendations, the British Virgin Islands will have an immense task on its hands. That’s the price citizens will have to pay to make dreams come true, Mr. Hickinbottom wrote: “... in my firm view, for them to [achieve the BVI’s aspirations], the political culture must change; and it will only change if action is taken, urgently and decisively, now.”