

BVI Unity Government Proposes Far-Reaching Reforms Aimed at Rooting Out Corruption, Setting Guardrails

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Janeke Simon **June 15, 2022**

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Tortola, BVI. By. V.I. CONSORTIUM

In the British Virgin Islands, the National Unity Government's reform proposal accepted by authorities in the UK establishes a framework for the strict control of government operations, overseen jointly by Premier Dr. Natalio Wheatley and Governor John Rankin.

The 22-page document outlines a system of close scrutiny, founded on the enhanced monitoring and enhanced supervision of all ministries, statutory agencies, and government departments, as well as the enhanced cooperation between the executive branch and the governor.

The proposal seeks to implement all of the Commission of Inquiry report's recommendations, except devolving executive power into the hands of the governor through the partial suspension of the BVI constitution. The document sets out deadlines for each component of each recommendation. Some items have already been actioned, including referrals from the governor to appropriate agencies for the consideration of criminal investigations into several projects, namely the Sea Cows Bay Harbor Development, the Virgin Islands Neighbourhood Partnership, the sale of a parcel of Crown Lands in Road Town, and potential corruption within the customs department.

The next deadlines are at the end of June — by the 30th, the Virgin Islands Police Force is to assume responsibility for security at the ports. The governor also has to get the ball rolling on an investigation into whether the Premier's Office obstructed the audit of the Covid-19 assistance programs. He and the premier must also agree on a new constitutional reform committee. Reviews of the territory's public grants systems will also begin, to include welfare benefits, and scholarship/educational grants. The ability of elected members and ministers to directly award grants will be eliminated, with the money instead to be disbursed by the Social Development Department. On that same day, the House of Assembly must make the Register of Interests public. The House must also reach out to the Commonwealth Parliamentary Association to design a new system to register interests by elected members. Additionally, the House must pass amended legislation which would require elected members to declare their interests on time or face suspension for two sittings of the House and the withholding of their salary, and ultimately removal from their House seat.

July will be no less busy, beginning with the commencement of reviews and audits of every single area of government. To support this work, the governor will amend public service regulations to make the failure to cooperate with auditors an act of gross misconduct that would attract a penalty. At the same time, the House would amend the prevailing legislation to make the failure to cooperate with government auditors or otherwise impede their work a criminal offense. Additionally, the House must amend the Public Finance Management Act to close an existing loophole in which several smaller contracts can be awarded to avoid triggering an open tender process. In the same month, a review of the discretionary powers of Cabinet ministers will begin, with the goal of removing unnecessary powers and ensuring that those deemed necessary are exercised in accordance with clearly defined, published guidelines.

Comprehensive reviews of the law enforcement and justice systems are scheduled to begin next month as well, as is the independent vetting of all Customs and Immigration officers, as well as perhaps some Police and Prison officers. The House will consider revising the appropriate legislation that would increase the size of the jury pool in the BVI, as well as granting the court wider leeway to conduct judge-only trials. Cabinet must also approve a new framework for the operations of the Complaints Commissioner to facilitate greater transparency over responses and actions taken as a result of the commissioner's recommendations and critiques. By July 31st the Constitutional Review Committee should have presented its draft Terms of Reference to the premier and governor for joint sign-off.

The rest of the year unfolds in a similar fashion, with audits of contracts awarded to popular broadcaster Claude Skelton Cline from 2019 onwards, an audit of contracts awarded to EZ shipping, and audits of the grants made by elected members, government ministers and Ministries stretching back three years all expected to be completed on or before December 31st. Before that, amended legislation to reform the electoral process is also expected, which includes attention to campaign finance reform.

A review of the process of granting residency or Belonger status is also expected to be completed before the start of 2023. By the middle of the year, June 30th 2023, the Constitutional review committee is scheduled to submit its final report, paving the way for a new slew of actions based on its findings and the findings of all the other audits and reviews that are expected to have been wrapped up by then.

In order to accomplish this ambitious list of reforms, a major budget reprioritization exercise is planned in order to ensure that the national budget is realigned with the new priorities of the Government of National Unity. As the British Virgin Islands embarks on a fundamental transformation of its system of governance, all stakeholders remain keenly aware of the consequences of failure in this regard.

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