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**THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM**

**Caribbean regional seminar on the implementation of the Third International  
Decade for the Eradication of Colonialism: accelerating decolonization  
through renewed commitment and pragmatic measures**

**Saint George's, Grenada**

**2 to 4 May 2019**

**STATEMENT BY**

**PREMIER**

**MR. ANDREW A. FAHIE**

**(BRITISH VIRGIN ISLANDS)**







**UNITED NATIONS CARIBBEAN REGIONAL SEMINAR ON DECOLONISATION  
ST. GEORGE'S, GRENADA  
2<sup>ND</sup> – 4<sup>TH</sup> MAY 2019**

**STATEMENT BY PREMIER OF THE BRITISH VIRGIN ISLANDS  
THE HONOURABLE ANDREW A. FAHIE**

Excellences, Honourable Ministers, distinguished delegates, ladies and gentleman,

Good morning and God's Blessings!

Madam Chair, let me congratulate you on your election as Chair of the Special Committee on Decolonisation that has organised this most important regional seminar.

I also want to thank you Madam Chair, for receiving my Special Envoy, Mr. Benito Wheatley, in New York in advance of this meeting, and for the warm hospitality extended to me and my delegation by the Government of Grenada here on your beautiful island.

*I bring you greetings from the people of the British Virgin Islands (BVI) who are grateful for your friendship.*

Madam Chair, if I am not mistaken, I am the Territory's first Head of Government to address this regional seminar since they began many years ago. I am also aware that we have not made representation to the Special Committee for some time.

I am pleased to inform you that the people of the BVI elected a new Government on the 25<sup>th</sup> of February 2019, and under my leadership, things will change.

I want to reassure you that going forward we will remain engaged with the Special Committee and immediately resume reporting to you as would be expected by a Territory on the United Nations (UN) list of Non-Self-Governing Territories.

## **INTRODUCTION**

Ladies and gentleman, I am here today because the relationship between the BVI and United Kingdom (UK) is not one that should be limited to engagement between the two sides.

Our relationship requires the international accountability that is provided for by the UN decolonisation framework. This Caribbean regional seminar is an integral part of that process.

Let me be clear at the outset, the BVI remains on the UN list of Non-Self-Governing Territories because we have not yet determined a final status for ourselves; and we believe the UN is the international institution that has the legitimacy to preserve our right to self-determination.

Our present status as a British Overseas Territory evolved from the BVI's position as a colony after the islands ceased to be a presidency of the Federal Colony of the Leeward Islands on 1<sup>st</sup> July 1956.

Constitutional Reviews in the decades that followed brought important advances in self-governance.

- In 1967 the Ministerial system of Government was adopted.
- In 1977 the Territory Government assumed control of the territory's finances and grant-in-aid ceased in 1978.
- In 2007 the Territory Government's constitutional responsibility for international relations was formalised and vastly expanded.

However, despite these significant constitutional advances, contradictions in the BVI's internal self-government arrangements remain.

For example, an unelected Governor is still appointed by Her Majesty the Queen who presides over a Cabinet composed of a Premier and Ministers who have been duly elected by the people of the BVI to represent them.

This institutional contradiction at the heart of government decision-making runs counter to the right of a free people to govern themselves in a democratic society.

The Governor, on the basis of the monarchical authority vested in him, also retains reserve powers to intervene in the affairs of the BVI.

There is an inescapable friction in our constitutional arrangements in which the democratic will of the people of the Territory runs against the monarchical authority of the Governor appointed by the UK.

To be sure, what I am referring to here is not the question of independence, but rather the upholding of the principle of self-governance, even under our current constitutional arrangements.

As a matter of principle, it is still our right as a people to govern ourselves, until such time as we decide our final status.

We have demonstrated over the course of our modern history that we are fully capable of doing so.

## **CURRENT SITUATION IN THE BRITISH VIRGIN ISLANDS**

Madam Chair, let me now turn to the current situation between the BVI and the UK.

As I am sure you are aware, in recent years the BVI-UK relationship has become increasingly strained as the UK has become more intrusive in areas of governance constitutionally devolved to the Territory Government.

The UK has strayed away from the modern partnership it sought to establish with the Overseas Territories that was set out in its 1999 White Paper—*Partnership for Progress and Prosperity*; and again in its 2012 White Paper—*Security, Success and Sustainability*. Both were based on the principle of mutual respect and mutual responsibility. There have been a number of worrying developments over the course of this decade that have signaled a rolling back of the progress that was earlier achieved.

In 2011, the UK began to step up its intrusion into the financial affairs of the BVI. The Protocols for Effective Financial Management were put in place in 2012, whose intrusive requirements fall outside of the bounds of our constitution.

In 2013, the UK during its G8 presidency, pressured the BVI on the question of international taxation, despite our compliance with international tax standards set by the OECD Global Forum.

In 2016, the UK insisted that the BVI adopt a public register of beneficial ownership, despite the fact that our jurisdiction met the required international standards on company transparency set by the Financial Action Task Force (FATF) that are largely followed by the rest of the world.

In that instance, we were able to agree to an Exchange of Notes on Beneficial Ownership that enhanced the exchange of beneficial ownership information between the BVI's and UK's respective law enforcement authorities.

To facilitate this process, the BVI invested millions of dollars in technology to develop the Beneficial Ownership Search Secure system (BOSSs) that allows BVI law enforcement agencies to immediately share beneficial ownership information with UK law enforcement upon request, without tipping off the subjects.

In 2018, despite the Exchange of Notes and success of our cutting-edge system, the UK adopted the Sanctions and Anti-Money-Laundering Act 2018 that imposes public registers of beneficial ownership on the Overseas Territories.

This singular issue gets to the heart of the BVI's current concerns regarding the UK.

The UK illegitimately passed legislation to try to force the BVI and other Overseas Territories to adopt public registers, despite the fact that this is an area constitutionally devolved to the Territory Government.

The UK has set an implementation deadline of 2023 before an Order in Council is passed to force the Overseas Territories to comply. However, this is currently being contested by Members of Parliament who want to see an earlier implementation deadline of 2020.

The actions taken by the UK violate the principle of self-governance. It has long been established that the UK Parliament does not legislate for the BVI without our consent.

The Territory is not represented in the UK Parliament and we do not wish to be. We have our own parliament composed of representatives that were elected by the people of the BVI to make decisions for our jurisdiction.

The exception to the established practice of the UK Parliament, is that it would legislate for the Overseas Territories in extreme cases where a Territory is not in compliance with a requirement in which the UK has an international legal obligation for the Territories.

However, on the question of beneficial ownership, this was not the case. The BVI continues to meet the requirements set by the FATF and OECD Global Forum and has received favourable compliance ratings from both.

Another important consideration is the economic impact of forcing the Overseas Territories to adopt public registers before they are an international standard. Doing so will only serve to drive legitimate business away from our jurisdictions to others that are not as well regulated.

The economic damage to the BVI's financial services industry would be irreparable. Financial services accounts for over 65% of Government revenue.

The importance of this sector to the delivery of public services such as healthcare, education and law enforcement cannot be understated.

It must also be kept in mind that we are still recovering from two category five hurricanes in 2017. More than 80% of all structures were damaged or destroyed and the tourism industry wiped out.

If the financial services industry were to fail because of an arbitrary decision made by the UK Parliament, how can we be reasonably expected to rebuild our society.

The UK's international obligation under the UN Charter is to advance our economic growth and development, not undermine it.

This insensitivity by our Administering Power triggered the largest protest in the BVI's history in May of last year.

Ladies and gentleman, there are enough academic studies now available by the World Bank and others to confirm that public registers of beneficial ownership are not the most effective means of tackling financial crime.

Rather, research indicates that it is beneficial ownership information exchange arrangements between law enforcement agencies in different jurisdictions that is the most effective means by which to catch financial criminals.

We are proving this in the BVI with our cutting-edge Beneficial Ownership Search Secure system that has been helpful in various UK cases and continues to work well.

Far from being the source of the problem, the BVI as a jurisdiction is in fact a model for others to follow.

#### **FOREIGN AFFAIRS COMMITTEE REPORT ON THE OVERSEAS TERRITORIES**

Madam Chair, it is important that I say few more words about the UK Parliament.

There continues to be pressure on us in the area of beneficial ownership, but some Members of Parliament want to go further in their impositions to include other issues.

The House of Commons Foreign Affairs Committee published a report in February of this year on the future of the UK and Overseas Territories.

In the report's recommendations, the committee calls on the Overseas Territories to legalise same sex marriage; abolish Belonger status which is category of citizenship that is granted by the Territory Government; and to permit legally resident British and Overseas Territories Citizens that are currently ineligible to vote or run for elected office in the Territories to be able to do so.

While the report has no legal force, it is very disturbing that such an important committee in the UK Parliament has made recommendations that completely disregard the constitution of the BVI and other Overseas Territories.

The Members of Parliament who authored the report place little value on the unique culture and values of our people, nor the principle of self-governance or the right to self-determination.

The report also recommends that the blunt colonial legislative instrument, an Order in Council, is used to impose these measures on the BVI and other Overseas Territories should we not comply.

As I mentioned earlier, the UK's Sanctions and Anti-Money Laundering Act already contains such a provision in regard to the adoption of public registers of beneficial ownership.

What our recent experience with the UK Parliament has taught us is that when the UK Government has challenges controlling its benches, whether as a result of Brexit or other turmoil, the UK Parliament can blackmail or leverage the Government into going against its own policy. This was the case in relation to the public registers issue.

The ongoing splintering in the UK Parliament and current weakness of the UK Government, leaves the BVI highly exposed to parliamentary forces who do not support us. In such circumstances the Overseas Territories are easy political targets in UK politics because of our size and distance from Britain.

The current situation has made it clear that we require stronger constitutional provisions to shield us from the whims of the UK Parliament, especially during periods of turmoil and Government weakness.

The BVI is due for a Constitutional Review and we hope to address this matter during that process.

## **STATE OF THE TERRITORY**

Madam Chair, with the time remaining I would like to briefly describe conditions on the ground in the BVI.

As you are aware, the Territory was hit by two catastrophic category five hurricanes in 2017 which levelled our islands.

The UK, along with other Overseas Territories, CDEMA, CARICOM, OECS and international partners, were essential in stabilizing the situation during the crisis period in the immediate aftermath of the storms.

Nearly two years on, our recovery is proceeding. UN agencies such as UNDP, ECLAC, UNICEF, PAHO and other agencies have provided critical support and continue to work on our behalf.

The UK has also continued to provide support. They have also offered a \$400 million loan guarantee to assist the Territory Government in securing financing for the recovery. However, we are concerned about taking on unsustainable debt and must weigh our options carefully.

Our main goal is to rebuild the society with greater resiliency and to diversify the economy to support long-term growth.

It is important that as we continue to rebuild, that it is the Territory Government that is the primary body steering the recovery process, as provided by our constitution.

Our responsibility is to ensure that the recovery benefits the people of the BVI and reflects their aspirations.

The UK and other partners must respect this principle and work in genuine partnership with us.

#### **DEEPENING RELATIONSHIP WITH THE UN**

In support of our national development objectives and the sustainable development goals (SDGs), we wish to deepen our relationship with the UN.

Currently the BVI is unable to access international funds under UN programmes from sources such as the Global Environment Facility (GEF) and Green Climate Fund (GCF) or even the UK's own climate change fund for small island developing states (SIDS).

The international community has a moral obligation to assist all SIDS, including the BVI, in adapting to the negative effects of climate change which we have not caused, but suffer from.

It was also an injustice after the hurricanes of 2017 that we were unable to receive overseas development assistance (ODA) from aid donors on account of the OECD's Development Assistance Committee (DAC) rules. It is important that the committee's reforms to the rules directly address and rectify this problem, which is inhumane.

To ensure we meet the sustainable development goals by 2030, we believe a relationship with two additional UN agencies is critical.

We would welcome Associate Membership in the Food and Agricultural Organisation (FAO) and also the United Nations Framework Convention on Climate Change (UNFCCC).

These agencies will be able to assist us in meeting our food security and climate resiliency objectives.

Participation at the Small States Forum under the auspices of the World Bank would also be useful given the common challenges we share with current members.

### **SPECIAL COMMITTEE ON DECOLONISATION**

Madam Chair, I wish to close where I began.

I mentioned at the outset that the UK's relationship with the BVI should not be simply limited to the two sides.

We have a relationship that requires international accountability which is provided for under the UN framework on decolonisation.

As the Special Committee continues its work in the remaining period of the Third International Decade for the Eradication of Colonialism, the BVI believes the Special Committee has a meaningful role to play in our case.

We call on the Special Committee to:

- facilitate a Self-Governance Assessment (SGA) of the BVI to assess any democratic deficiencies in the BVI-UK relationship;
- dispatch a visiting mission to the BVI;
- facilitate an education campaign on self-determination to raise awareness on the range of options beside independence available to the BVI; and
- sit as an official observer to public deliberations during the BVI's next constitutional review.

As a part of the CARICOM and OECS families, we also believe that these regional organisations and our fellow Associate Members and Members have an important role to play in ensuring that the human rights of all of the people of the Caribbean are upheld and that the self-governance and self-determination of the Non-Self-Governing Territories are protected.

### **VII. CLOSING**

Ladies and gentleman, I am grateful for this opportunity to deliver this update on the situation in the BVI and thank you for your indulgence.



**FW: BVI Loan Guarantee Technical Call - follow up email**

[Redacted] >

Thu 1/16/2020 8:00 AM

To: Michelle Richmond - Phillips <MRichmond@gov.vg>

Sorry...keep forgetting to check whether you're getting them.

From: [Redacted] (Sensitive) [Redacted]

Sent: 14 January 2020 19:40

To: Glenroy A Forbes <GAForbes@gov.vg>

[Redacted]

; Kedrick Malone <KMalone@gov.vg>

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

I wanted to send a short email to let you know that we are progressing with the contingent liability approval process - unfortunately I cannot give a deadline by which the process will be finalised as it is a rigorous cross-Government exercise. But I hope we can stick to the rough timings as set out in Alex's previous project plan.

I also wanted to let you know that we are, at the same time, carefully considering the ask Alex put to us - and as was mentioned in the letters the Premier recently sent to the Prime Minister and to Lord Ahmad - to agree to a recalculation of the liquid assets ratio. I am aware that it will impact the Debt Sustainability Analysis and the underlying model and I therefore hope that we can revert very shortly.

Best wishes,

[Redacted]

[Redacted] Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | [A King Charles Street](#) | London SW1A 2AH

[Redacted]

From: Glenroy A Forbes <GAForbes@gov.vg>

Sent: 24 December 2019 18:14

To: [Redacted]

; Kedrick Malone <KMalone@gov.vg>;

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear [REDACTED]

Thank you for your below email message of 20 December 2019.

I have noted the contents of the said email message and like you I look forward to us continuing the discussions towards what I hope will be a successful resolution, that is, a mutually beneficial partnership agreement with the UK loan guarantee at the heart of it.

Kind regards and season's greetings with the very best to you and your family for the coming New Year.

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

[REDACTED] > wrote: -----  
To: "Glenroy A Forbes" <GAForbes@gov.vg>  
From: [REDACTED] >  
Date: 12/20/2019 07:03AM

[REDACTED]  
< [REDACTED] >, "Kedrick Malone" <KMalone@gov.vg>, "  
[REDACTED]

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you again for sending through this information. I wanted to send a quick update so that you and colleagues are aware of the work ongoing at our end on the loan guarantee.

We are using the information BVIG has provided to prepare the UK Government's contingent liability checklist – a crucial tool that enables us to fulfil our fiduciary duty to manage public money to the highest standards. The FCO will submit it to HMT once it has been completed. The checklist will inform UKG Ministers' decisions as to whether we can proceed with the loan guarantee. Any further information or clarification provided by BVIG will be incorporated as best it can be.

I look forward to discussing further in the new year - and wish you and your colleagues a Merry Christmas.

Kind regards,  
[REDACTED]

[Redacted] |Head of Caribbean, Bermuda and Economics Unit| Overseas Territories | Foreign & Commonwealth Office | W2.75| Â King Charles Street | London SW1A 2AH

From: Glenroy A Forbes <GAForbes@gov.vg>

Sent: 09 December 2019 21:56

To: [Redacted] >  
[Redacted]  
>; Kedrick Malone <KMalone@gov.vg>; [Redacted]

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted],

Further to your email of 2 December, 2019 and resting with yours of 6 December, 2019, I am hereby transmitting the following documents:

- 1. the draft Regulations "Virgin Islands Recovery and Development Agency Regulations, 2019" (Appendix A). These draft Regulations are prepared and ready for Cabinet's approval; and
- 2. Proposed amendments to the Virgin Islands Recovery and Development Agency Regulations, 2019 (Draft) (Appendix B).

With respect to (2) above, the incoming Administration has asked that we seek to amend the earlier draft Regulations (Appendix A) and hence, the proposed amendments. These proposed amendments however, did not get the requisite approval from the Attorney General to be acted upon by Cabinet. Specifically, the Attorney General cited that "**Some of the proposals in Appendix 1 appear to be ultra vires the principal Act.**" One would assume that if the sections of the proposed Regulations that are at variance with the principal Act will need to be removed or the principal Act amended to allow the proposed Regulations to become law.

Kind regards,

Glenroy A Forbes  
Financial Secretary"  
Ministry of Finance  
Government of the Virgin Islands

----- [Redacted] wrote: -----

To: "Glenroy A Forbes" <GAForbes@gov.vg>

From: [Redacted] >

Date: 12/02/2019 07:35AM

[Redacted]

5/13/2021

>, "Kedrick Malone" <KMalone@gov.vg>, "

<  
>  
Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for your email below. As Lord Ahmad's letter of 16 October set out, he wanted to reach a satisfactory conclusion of the technical discussions on issues related to the rRDP by 15th November. I note your email below came through after that deadline. As such, we had to seek the Ministers' view on whether he was content to grant a short extension to the assessment process.

We managed to persuaded Lord Ahmad to extend the deadline of the assessment process to the 9th December. A short letter will follow to confirm this in writing, but I wanted to come back to you now to let you know the good news.

We are pleased to have your confirmation that the role of the Recovery Advisory Group will be solely as set out in the note Joshua attached to his email of 11 November. Referring back to my email of 8 November and its four action points - I would now like to request that all the regulations that will sit alongside the Recovery to Development Act are submitted to UKG by the 9th December. After that UKG will finalise its assessment and come to a view as to whether we can progress to the next stage of discussions, including setting up the Partnership Agreement Document.

As we have always maintained, the conditions in the High Level Framework represent the UK's offer and are not for negotiation. As Lord Ahmad set out in his letter, following the discussions held in London this summer, we recognise that proceeds from insurance settlements or funds from Government revenue or surplus should be allocated to the Consolidated Fund. It is a decision for the BVI Government as to whether they are allocated to the RDA, via the Trust, to support recovery projects as set out in the Plan. The condition that the independent recovery agency is the sole structure for investments in recovery, irrespective of whether the investment is guaranteed by the UK Government, remains as core to the offer of the loan guarantee and therefore cannot be amended.

Best wishes,

[Redacted signature]

[Redacted] | Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office |  
W2.75 | A King Charles Street | London SW1A 2AH

[Redacted contact information]

From: Glenroy A Forbes <GForbes@gov.vg>

Sent: 20 November 2019 14:00

To: [Redacted]

[Redacted]  
 [Redacted]  
 [Redacted]; Kedrick Malone <KMalone@gov.vg>; [Redacted]  
 [Redacted]; Glenroy A Forbes <GAForbes@gov.vg>

**Subject:** Re: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted]

I write in reference to your email message of 18 November, 2019 in response to the Deputy Financial Secretary's (Jeremiah Frett) note to you on my behalf of 15 November, 2019.

First I must once again apologise for our inability to let you have sight of the three Draft Regulations. Unfortunately, to date, we have not been able to obtain Cabinet's approval of the Drafts. We remain hopeful to get this done within the next week or so. Given our current reality, I would respectfully suggest seeking approval for an extension say until 26<sup>th</sup> November, 2019 to ensure that we are able to resolve the two outstanding issues.

Notwithstanding the above, I take this opportunity to confirm our team's agreement with the wording to offer the desired level of comfort to UK Ministers with respect to the Recovery Steering Group (RSG) and conveyed to us by your Treasury colleague, [Redacted] in the attachment to his email of 11 November, 2019. I am sure that the suggested change in nomenclature from the "Recovery Steering Group" to "Recovery Advisory Group" should not prove controversial on our side. That being the case however, "the RSG's remit ***as set out in the draft Regulations to the Virgin Islands Recovery and Development Act, 2018*** is solely to provide an advisory function for the Premier in his capacity as the minister responsible for recovery".

However, with respect to the quoted condition from the High Level Framework document, that is, "Immediate establishment of independent recovery agency delivery structures, which will be the sole structures for investments in recovery, irrespective of whether the investment is guaranteed by the UK government", demands to be revisited. You may recall that there was UK Ministerial approval that some proceeds such as insurance and donations directed to Central Government, although destined for recovery, will not as a matter of course, be placed with the RDA. In this regard, I will humbly suggest that since there have been significant derogation from the earlier quoted condition that the phrase 'irrespective of whether the investment is guaranteed by the UK government' be modified or deleted.

This particular condition could be made a lot more practical for the BVI were that phrase replaced with the following sentence ***"It is mutually understood and agreed that all proceeds of loans under the UK loan guarantee will be deposited in the Resilient Trust Fund for access by the RDA"***.

With special reference to the last paragraph of Mr. Frett's email to you and referenced earlier, I am hard pressed to understand what concerns raised by the Governor that the Deputy Financial Secretary was referring to. I have reflected on the comments made by Mr. Frett and in the interest of clarity, and to not hinder communication and/or discussions between us, I am prepared, as you have suggested to have that last sentence of the said piece of correspondence retracted. Please regard this note as sufficient authority to disregard that particular statement.

Kind regards,  
 Glenroy A Forbes  
 Financial Secretary  
 Ministry of Finance  
 Government of the Virgin Islands

[Redacted] > wrote: -----  
 To: "Jeremiah Frett" <JFrett@gov.vg>  
 From: [Redacted]  
 Date: 11/18/2019 01:36PM

[Redacted]



5/13/2021

[Redacted]  
 [Redacted]  
 "Kedrick Malone" <KMalone@gov.vg>, "  
 [Redacted]  
 [Redacted] >, "Glenroy A Forbes" <GAForbes@gov.vg>

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Jeremiah,

Thank you for your email.

I note that BVI Government (BVI) was not able to provide a response on the note UK Treasury colleagues sent across on the role of the new Recovery Steering Group, or copies of the three draft regulations by 15th November. As Lord Ahmad's letter of the 16th October set out, he hoped that we would have been able to resolve outstanding issues on the rRDP by the 15th November in order to allow him to advise other Ministers as to whether we could proceed with the hurricane recovery package, as set out in November 2017.

Should BVI wish to proceed with the hurricane recovery package we can request an extension to the deadline to allow for your response on both the Recovery Steering Group and draft regulations. Therefore, we would be grateful for a response to this email setting out your intention by close tomorrow, 19th November. I should note that there is no guarantee that an extension will be considered by UK Ministers.

We note your position on Governor representation on the Recovery Steering Group, and that colleagues have been speaking on a separate email chain about the borrowing ratios. However, we are confused by the reference in the last sentence of your email - which mentioned concerns raised by the Governor with respect to the Premier. At no point during our calls or correspondence were any concerns raised by the Governor. As you know, our discussions have been at official level and have not involved the Governor. We would be grateful therefore either for clarification, or for this comment to be retracted.

Kind regards,

[Redacted]

[Redacted] |Head of Caribbean, Bermuda and Economics Unit| Overseas Territories | Foreign & Commonwealth Office |  
 W2.75| Â King Charles Street | London SW1A 2AH

[Redacted]

From: Jeremiah Frett <JFrett@gov.vg>

Sent: 15 November 2019 20:31

To:

[Redacted recipient list]

Kedrick Malone <KMalone@gov.vg>;

Glenroy

A Forbes <GForbes@gov.vg>

Subject: Fw: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted]

I write on behalf of the Financial Secretary with respect to your email dated 8 November, 2019. Thank you for following up after our most recent teleconference between BVIG and UKG regarding aspects of the Loan Guarantee, which details our agreed action points. We have received UKG's written draft of a possible shared agreement on the role of the Recovery Steering Group. Please note that we are currently reviewing this document and will revert to you soon.

BVIG had indicated that it would share the three draft regulations, pursuant to the Virgin Islands Recovery and Development Act once the same were approved by the Cabinet. We were hoping to have the draft regulations reviewed by Cabinet this week, but unfortunately this has not occurred. That being the case, we are unable to share the draft regulations at this time. We therefore ask your indulgence to allow for an extension to Friday 22nd November, 2019 to fulfill on this deliverable.

On the matter of BVIG considering representation from the Governor's Office on the RSG (which merely replaces the DRCC), please note that after consultation with the Premier, BVIG's position remains the same. With the charter and role of the RSG as outlined in our note to you, we do not see a need or any benefit of having a designated representative from the Governor's Office serving on the RSG. As indicated on our call, all Permanent Secretaries or their designate including the Permanent Secretary in the Deputy Governor's Office will serve on the RSG. Therefore, the Governor's Office will not have a designated representative on the RSG.

On the matter of the borrowing ratios, we look forward to a mutually agreed upon time when we can speak separately on this very important matter. Lastly, concerns raised by the Governor particularly with respect to the Premier should be addressed independently in order for a thorough response to be provided.

Kind regards,

Jeremiah A. Frett (Mr.)  
Ag. Deputy Financial Secretary  
Ministry of Finance

Email: [jfrett@gov.vg](mailto:jfrett@gov.vg)  
Tel#: 1-284-468-2028

To: "Glenroy A Forbes" <GForbes@gov.vg>

From:

Date: 11/08/2019 01:53PM

[Redacted content]

5/13/2021

"Kedrick Malone" <KMalone@gov.vg>

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for your time yesterday and that of your team. I am aware that these talks have involved lots of hard work from both UKG and BVIG, for which I am grateful. As mentioned, we hope through this process to be able to provide sufficient comfort to UKG ministers such that we can progress with the loan guarantee and support recovery in the BVI.

On the call we agreed:

1. UKG to set out in writing a shared position for agreement on the role of the Recovery Steering Group
2. BVIG to send UKG the three regulations once they have been approved by Cabinet
3. BVIG to consider representation for the Governor's Office on the Recovery Steering Group (RSG)
4. UKG and BVIG to speak separately about borrowing ratios

We will send a short note on Monday to cover the first action. Please accept our apologies that we could not send this through today. On the second point, we hope that you are able to send through the three regulations by the 15<sup>th</sup> Nov and the remainder shortly thereafter. We also hope to hear from you on the third point by the 15th November. On the fourth point, Aarath has sent you a separate email to start the discussion.

Best wishes,

[Redacted signature]

[Redacted] | Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | [A King Charles Street](#) | London SW1A 2AH

From: Glenroy A Forbes <GAForbes@gov.vg>

Sent: 06 November 2019 17:45

To:

[Redacted recipient list]

Kedrick Malone

<KMalone@gov.vg>

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dea [Redacted]



I acknowledge with thanks your email message of 5 November, 2019.

This is to confirm that the BVI team will be available for the teleconference call at 12:00 noon to 1:00 pm BVI time on Thursday, 7th November, 2019.

We look forward to speaking with you and your team at that time.

Kind regards,

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

[Redacted] wrote: -----  
To: "Glenroy A Forbes" <GAForbes@gov.vg>  
From: [Redacted]  
Date: 11/05/2019 12:22PM

[Redacted]  
>, "Kedrick Malone" <KMalone@gov.vg>,  
"

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you again for sending through your response.

Would you and your colleagues be able to make a teleconference on Thursday 7th November at 16:00 - 17:00 UK time (12:00 - 13:00 BVI time)?

Best wishes,

[Redacted]

---

From [Redacted]  
Sent: 05 November 2019 10:03  
To: Glenroy A Forbes <GAForbes@gov.vg>

[Redacted]  
<KMalone@gov.vg>; [Redacted]

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for sending through BVIG's responses. We will analyse them and get back to you

shortly with a date / time for our next teleconference.

Best wishes,

[Redacted]

[Redacted] | Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | [Â King Charles Street](#),  
London SW1A 2AH

**From:** Glenroy A Forbes <[GAForbes@gov.vg](mailto:GAForbes@gov.vg)>

**Sent:** 04 November 2019 21:52

**To:** [Redacted]  
[Redacted]  
[Redacted] Kedrick Malone

<[KMalone@gov.vg](mailto:KMalone@gov.vg)>;

**Subject:** Re: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted]

I am attaching BVIG's responses to the comments and questions raised by the FCO/Treasury team. I can only trust that the detailed responses adequately address your concerns.

While I do apologise for the slippage of time to get the referenced responses to you, I am sure you will appreciate that your insistence for detailed responses have exercised our team in meeting your request.

Given the situation wherein we are now under the tyranny of the clock, I can only now hope that you will be in a position to communicate to us soonest when your team will be in a position to continue our teleconference negotiations.

Looking forward to hearing from you soon.

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

----- " [Redacted] " wrote: -----

**To:** "Glenroy A Forbes" <[GAForbes@gov.vg](mailto:GAForbes@gov.vg)>

**From:** [Redacted]

**Date:** 11/04/2019 01:32PM

[Redacted]

[Redacted]  
[Redacted], "Kedrick Malone" <KMalone@gov.vg>,  
[Redacted]

Subject: Re: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for your email.

Unfortunately, I don't think that the UK team will be able to continue our discussion tomorrow at 11am BVI time as we have yet to see a response to the asks of my email dated 30th October. We are very happy to have another discussion once we have received and analysed BVI's response.

Best wishes,

[Redacted]

[Redacted] | Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | [A King Charles Street](#) | London SW1A 2AH

[Redacted]

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From: Teshonda Thomas <TesThomas@gov.vg> on behalf of Glenroy A Forbes <GAForbes@gov.vg>

Sent: 04 November 2019 15:22

To: [Redacted]

<KMalone@gov.vg>;

Kedrick Malone

Subject: RE: BVI Loan Guarantee Technical Call - follow up email

[Redacted]

I am able to confirm that the BVI team is happy to continue the discussions tomorrow 5th, November, 2019 at 11am BVI time. I do hope that this is convenient for your team.

Kind regards,

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

-----Teshonda Thomas/government/VG wrote: -----

To: [Redacted]

From: Glenroy A Forbes/government/VG

5/13/2021

Mail - Michelle Richmond - Phillips - Outlook

Sent by: Teshonda Thomas/government/VG

Date: 10/30/2019 06:28PM

[Redacted]

"Kedrick Malone/government/VG@bvigov,"

Subject: RE: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted]

I acknowledge with thanks your email message of today's date.

We are endeavouring to respond substantively by Friday 1st November, 2019 as you have requested. Please note that I will confirm on Friday which of the two suggested dates, that is, 4th November or 5th November is more suitable for BVIG for the continuation of the technical discussions between our respective teams.

Kind regards,

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

[Redacted] wrote: ---  
To: "Glenroy A Forbes" <GAForbes@gov.vg>  
From: [Redacted] >  
Date: 10/30/2019 01:06PM

[Redacted]

"Kedrick Malone" <KMalone@gov.vg>,"

Subject: RE: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for your time yesterday and for submitting the note on the implementation of the revised Recovery Development Plan (rRDP). I am pleased we reaffirmed our desire to hold these talks in good faith and that we had a productive call.

As discussed, we and our HM Treasury colleagues have a number of concerns with the rRDP that prevent us from assessing whether it meets our conditions. These concerns relate to the implications of the **breadth** of the plan, and the new **implementation** structures. Our discussion yesterday was useful - and to further help us to assess whether the rRDP meets our conditions, please can you respond in writing to the requests below:

1. The attached document sets out our questions based on the projects list and 'implementation' document you submitted - and we would be grateful for a response to each of the questions posed.
2. To help us assess the implications of the slimmed down rRDP on the RDA, please can you obtain the view of the

RDA of the rRDP, including the implications of the revised scope on its operations, an outline of the consultation between BVIG and the RDA in developing the rRDP, and the RDAs view on the new implementation structures.

3. We didn't manage to discuss yesterday, but we would also be grateful if you could clarify what amendments you intend to make regulations regarding the Recovery Trust (as noted in the rRDP).

Please can you send through this information by Friday 1<sup>st</sup> November. We would be happy to have a follow up call on Monday 4<sup>th</sup> or Tuesday 5<sup>th</sup> November.

Lastly, as mentioned, we will need to assess the draft regulations that BVIG are preparing. You said these may be ready within two weeks. We would be grateful for as early as sight as possible of these – and before the 15<sup>th</sup> November - as they will be key to us being able to make recommendations to UK Minsters as to whether we can proceed with the loan guarantee.

Best wishes,

[Redacted]

[Redacted] Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | King Charles Street | London SW1A 2AH

[Redacted]

**From:** Glenroy A Forbes <GAForbes@gov.vg>

**Sent:** 25 October 2019 16:02

**To:** [Redacted]

Kedrick Malone <KMalone@gov.vg>

**Subject:** Re: BVI Loan Guarantee Technical Call - follow up email

Dear [Redacted]

I am now forwarding our response (attached) with respect to your email message of 22nd October, 2019. As conveyed to you yesterday, please accept my apologies for this delayed response.

My colleagues and I here in the BVI would be happy to field any questions that you and/or your team in the UK may wish to pose to us.

Kind regards,

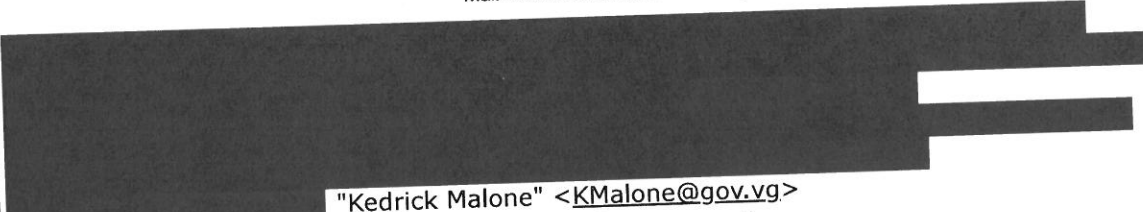
Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

[Redacted] wrote: -----

**To:** "Glenroy A Forbes" <GAForbes@gov.vg>

**From:** [Redacted]

**Date:** 10/22/2019 02:07PM



"Kedrick Malone" <KMalone@gov.vg>

Subject: BVI Loan Guarantee Technical Call - follow up email

Dear Glenroy,

Thank you for your time earlier today. I wanted to follow up with a quick email to make sure that we are on the same page in terms of the information that you and your colleagues offered to provide ahead of the call on Thursday, and to give you the high level sense of the types of projects that we would have expected to see in a recovery plan.

Apologies but I don't have your other colleagues email addressees - would you be able to forward this email on?

### 1) Scope of the projects

As mentioned on the call, we note that the revised RDP (rRDP) no longer focuses on projects that might build resilience into the recovery or drive economic growth - or seemingly raise revenues for the Government that could be used to repay debt guaranteed by the UK.

We noted that Lord Ahmad's letter of 22nd September set out that *'I would not want to see projects moved out of the Plan only to appear elsewhere, even if under a different name, as a means of diverting funds away from the Trust. The RDA should be the body with the technical capacity to work with lead Ministries to ensure the timely and proper implementation of your Plan'* - therefore we had concerns with the National Sustainable Development Plan.

We said we would provide an example of the type of projects we were expecting to see in the rRDP but were not there. We note that in the previous RDP, projects in the Health and Social Services sectors featured heavily. However, projects of this ilk seem almost entirely absent in the rRDP. We also note that the rRDP is missing any projects that may support the pillars of the economy (e.g. tourism) nor support resilience (e.g. road infrastructure, energy, access).

BVIG colleagues noted that a lot of the projects in the previous plan had been completed. against each project not taken forward in the plan. **You agreed to set out which ones had been completed, which ones would not be taken forward, and whether any might appear in the NSDP - setting out the funding required, implementation body, and timescales.**

### 2) Implementation of the Plan

We set out concern that the rRDP highlights that a *'Recovery Steering Group'* will be set up to be chaired by the Premier, and that each project listed in the rRDP will be *"delivered subject to the approval of the relevant Ministry and Cabinet"*. The rRDP notes that *"this Steering Group approved by Cabinet will have sufficient authority to effectively support and guide the recovery across all sectors and implementers"*.

We set out that the High Level Framework conditions included the *"immediate establishment of independent recovery agency delivery structures, which will be the sole structures for investments in recovery, irrespective of whether the investment is guaranteed by the UK Government."* We noted how this condition has been prescribed in the BVI Government's Recovery and Development Agency [RDA] Act, 2018, with an independent Board structure responsible for procurement procedures and for ensuring good governance (as per section 6(2)). We note that the RDA Act provides the Premier with the ability to appoint a Board member and a say over the Chairperson and Deputy Chairperson.

We understood from the rRDP that new Group and approval structure would give Premier, Cabinet and



Ministries greater control over projects, contracts, and procurement, rather than it sitting with the RDA Board. Our concern is therefore that this cuts across the condition of the High Level Framework and that it would not meet the UK Government's contingent liability process - a process we have to complete before we could enter into the guarantee.

**You agreed to share new draft regulations you had prepared, and to set out how the new Steering Group and the approval process involving the relevant Ministry and Cabinet would interact with the current RDA Board functions - as per 6(2) of the RDA Act.** This should set out the point at which Cabinet, Ministries and the Steering Group would give its approval to projects, the level of detail it would likely go into, and whether it could override decisions taken by the RDA Board on procurement, business cases, governance and projects.

I look forward to discussing further on Thursday.

Best wishes,

[Redacted signature]

[Redacted] | Head of Caribbean, Bermuda and Economics Unit | Overseas Territories | Foreign & Commonwealth Office | W2.75 | [Â King Charles Street](#), London SW1A 2AH

[Redacted contact information]

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[attachment "193010 Questions for BVIG.docx" removed by Teshonda Thomas/government/VG]

5/13/2021

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Foreign &  
Commonwealth  
Office

King Charles Street  
London SW1A 2AH

Minister of State

Dr Orlando Smith OBE  
Premier  
33 Admin Drive,  
Road Town,  
Tortola  
British Virgin Islands

24 November 2017

Dear Premier,

### **UK SUPPORT FOR THE BRITISH VIRGIN ISLANDS (BVI) HURRICANE RECOVERY**

Thank you for your letters of the 10 and 14 November updating me on your Government's plans to finance and deliver the reconstruction and development of the BVI following the largescale damage caused by Hurricanes Irma and Maria.

Financing the recovery will no doubt be challenging especially in light of the significant scale of funding required and I welcome the BVI Government's efforts to secure financing from the Caribbean Development Bank and European Development Fund. The UK Government also stands ready to support the BVI Government, through loan guarantees where the need exists, in order to access finance and deliver recovery projects.

As part of this, and as we have previously discussed, the UK Government will need to set conditions around such support to ensure this represents value for money and that the additional borrowing is sustainable for the BVI. Therefore, I recommend that our officials begin discussions to develop a Partnership Agreement between the UK Government and BVI Government in the margins of the upcoming Joint Ministerial Council meeting.

I am pleased to note the BVI Government's commitment to robust governance mechanisms to deliver recovery projects through an arm's length investment and development agency. I also welcome the role envisaged for the UK Government in shaping this vital organisation. With this partnership approach, I am confident that we will establish the necessary structures that will drive recovery, and thereby attract private investment. The details would be laid out in the aforementioned Partnership Agreement.

Appended is a broad outline of the principles upon which the Partnership Agreement will be based and some preliminary conditions, which I shall discuss with you in more detail, and hopefully we will agree, when we meet next week.

I look forward to seeing you on Tuesday.



*J Ahmad of Wimbledon.*

**LORD AHMAD OF WIMBLEDON**  
Minister of State for the Overseas Territories  
Prime Minister's Special Representative for Preventing Sexual Violence in Conflict



## **High Level Framework for UK support to BVI Hurricane Recovery**

This high level framework intends to set out the principles upon which the UK Governments support to the BVI Government on Hurricane Recovery will be structured in the Partnership Agreement as well as a preliminary list of specific measures of conditionality.

These measures do not preclude conditions from lending institutions such as the Caribbean Development Bank. In addition the UK Government proposes the implementation of a Public Expenditure and Financial Accountability assessment and a Fiduciary Risk Assessment to use as a basis to set out further specific technical conditions.

### **Good Governance**

The BVI Government re-commits to ensuring the utmost levels of transparency and accountability across the BVI government both in central Ministries and also in Government parastatals and state owned enterprises, in particular any projects directly related to post-hurricane reconstruction and development activities. This should also allow for greater public scrutiny of government finances and projects through auditing and publication of accounts by a competent and adequately resourced external audit office.

Key to this will be:

- Undertaking a Fiduciary Risk Assessment and Public Expenditure and Financial Accountability assessment funded by the UK Government with a commitment to implementing public sector reforms based on the recommendations. Assessments are to start by March 2018 with an action plan for reform agreed by April 2018 with all actions to be implemented by a specified date to be agreed.
- Immediate establishment of independent recovery agency delivery structures, which will be the sole structures for investments in recovery, irrespective of whether the investment is guaranteed by the UK Government
- Governor, after consultation with the Premier, to appoint chair for Investment Development Agency board and chief officer of the Secretariat
- The UK Government to have an additional representative on the Investment Development Agency board
- Funds will be managed in a separate account under authority of the Chair of the Board
- As with other BVI Government capital projects, planning, development and execution of all recovery projects to be undertaken in line with the Protocols for Effective Financial Management
- Governance, membership and voting arrangements for the Investment Development Agency to be agreed by the UK Government after consulting with the Premier



Amongst others, measures here will also include the following:

- As required by the Audit Act 2003, BVI Government to appoint a Permanent Auditor General by 1 April 2018
- As required by section 109 of the BVI Constitution, steps be taken to ensure the timely auditing of Government accounts on an annual basis, bringing all previous years accounts up to date
- Timely implementation of other governance mechanisms such as the Registry of Members Interests, Freedom of Information and Data Protection legislation
- Building on the good progress in implementing the Exchange of Notes, ensuring that UK law enforcement authorities have access to beneficial ownership information within 24 hours, and in 1 hour in urgent cases.

### **Fiscal Sustainability**

The BVI Government reaffirms its commitment to managing the public finances in a fiscally sustainable and effective manner as laid out in the Protocols for Effective Financial Management and the Public Finance Act 2004 (and amended acts thereafter). Recognising the devastating impact on the economy of hurricane Irma the BVI Government thereby commits to a wide ranging set of measures to bolster the short-, medium- and long-term sustainability of public finances and bring the BVI government back to fiscal balance within an agreed timeframe.

Amongst others, measures here will include the following:

- Proposals for revenue expansion measures and recurrent expenditure controls in parallel with any UK loan guarantee requests to ensure the additional debt is sustainable.
- Ensuring sound business cases for capital investment projects as required by the Protocols for Effective Public Financial Management
- Improved accuracy of cash flow monitoring across ministries and statutory authorities
- An updated fiscal trajectory for a return of public finances to compliance with ratio limits contained in the Protocols for Effective Financial Management by a date to be mutually agreed
- No new non-guaranteed debt for reconstruction agency without prior UK Government approval
- Divestment of public assets which sit better in the private sector.
- Improved payment processing across government and reducing payment and revenue arrears

### **Building in Resilience**

The BVI Government reaffirms its commitments to invest in resilience building and climate change mitigation measures as well as insuring against risks to public infrastructure.



Amongst others, measures here will include the following:

- Ensure recovery programmes include credible measures and reforms to enable green and more resilient infrastructure.
- Take actions on future preparedness against climatic events and natural disasters.
- Security and Criminal Justice System services form part of the recovery plan and is adequately resourced by the BVI Government.
- Sign up to the Caribbean Carastrophic Risk Insurance Facility (CCRIF) by an agreed date and explore further disaster risk insurance products especially for key public infrastructure

### **Public Administration Reform**

The BVI Government has committed to building a “Stronger, Better and Greener” BVI as part of the recovery plan. This will require a more efficient public service able to deliver public services that are more effective.

The BVI Government commits to develop a Public Administration Reform plan that will support the overall Recovery Plan and deliver a more efficient and effective public service.

### **UK – BVI Partnership**

The BVI Government commits to working in partnership with the UK Government through the regular exchange of information.

Amongst others, measures here will include the following:

- Monthly updates detailing government cash flow positions, falling to quarterly updates from January 2019.
- Quarterly updates on recovery projects
- Ensuring that all short, medium and long term fiscal forecasts which underpin the fiscal recovery strategy are shared with UK Government officials.
- Investment Development Agency business cases to be shared with the UK Government
- The UK Government commits to developing a joint and harmonised technical assistance strategy that will be aligned to the BVI Recovery Plan. This strategy will cover technical support to public administration reform and support to the delivery structures of the investment delivery agency.

## Statement By Honourable Andrew A. Fahie: Official Visit To The United Kingdom

### Statement

Premier's Office

Ministry of Finance

Topics: Finance and Fiscal Policy (/tags/finance-and-fiscal-policy), Recovery and Development Agency (RDA) (/tags/recovery-and-development-agency-rda), United Kingdom Overseas Territory (/tags/united-kingdom-overseas-territory)

Release Date:

Tuesday, 10 September 2019 - 12:23pm

#### Statement By Honourable Andrew A. Fahie Premier And Minister Of Finance

#### Official Visit To The United Kingdom September 10th, 2019



Fellow Virgin Islanders and Residents,

A pleasant Good Day and God's Blessings to you.

In keeping with my pledge to keep you informed of all matters that are likely to have significant impact on your lives and interests as citizens, I wish to say that today I will be leading a delegation of officials of the Government of the Virgin Islands to the United Kingdom (UK) to discuss the conditions of the loan guarantee, among other areas.

As we leave to represent you the people, I am asking you as a Territory to petition God so that He goes with us on this journey.

I am aware that the decisions we make today as a Territory will have far-reaching consequences for the present and future generations of Virgin Islanders.

Topping the list of issues on the agenda is the renegotiation of the conditions attached to the UK Government's offer of its guarantee for loans to finance the Territory's recovery from the devastating 2017 hurricanes and other developmental projects.

Consistent with my personal commitment and that of your government, this issue has been opened up for public consultation, so that you, the people whose everyday lives will be affected by this decision, could make your voices heard.

Your government extended itself to provide you with a wide spectrum of information, analyses and recommendations that has been offered to us on this subject, as well as the real and potential pros, cons and risks of this offer, so that you have the benefit of viewing the issue from more than one perspective.

I thank the Government of the United Kingdom for doing its part to also share information with the public.

Indeed, the welfare of these Virgin Islands is very dear to those of us who are blessed to call it home. Therefore, it is the view of your new government that in order for our people to make the decisions that best benefit the Territory, you must have all the relevant information, so that they can form informed opinions.

I want to assure you that your government is committed to participatory decision making. You can believe me when I say that we cherish your input during the consultation period. We have listened to your views and we will be guided by them as we move forward.

At this important juncture in our history, I want to ask you to pray that God Almighty watches over and directs



the weighty deliberations between the Governments of the Virgin Islands and the UK in the upcoming days.

Pray that He guides your representatives so that the results will be fruitful and beneficial to the interests of the Virgin Islands.

These precious islands belong to us as Virgin Islanders. They are our gifts from God and it is our responsibility to protect them and to always secure that which is best for them.

These islands are also part of the legacy of our forefathers. Having risen up and broken free from more than two and three-quarter centuries of chattel slavery, these lands became the inheritance that they passed on to us.

Another aspect of that legacy lives in our heritage – our way of life, which also must be protected. Our heritage defines who we are, and if this is wiped out then we will truly lose our identity. If our heritage dies then the suffering and triumphs of our forefathers will be forgotten from history.

The memory of our ancestors lives on through us, and it must be kept alive.

The present generation has a responsibility to preserve these lands, this history, this legacy, and to ensure that they are safely passed on to the next generation of Virgin Islanders.

We, the present generation, have a responsibility to ensure that whatever decisions and actions are taken in our time benefits – not burdens – the generations of the future.

One of the proverbs of our fore-parents is that the country is owned by those who own the land. Ownership of land gives you security.

That is why your government is taking steps to ensure that all Crown lands that are earmarked for residential use are made available to the people of the Virgin Islands.

I have already raised the matter with the Honourable Minister for Natural Resources, Immigration and Labour, and mandated him to have the issues involved in this matter resolved forthwith.

Protection of the BVI comes first – BVI for BVI, in everything we do.

That is why your government will ensure that whatever is the outcome of the negotiations with the UK Government, the decisions will be taken in the best interest of the BVI for the BVI. We maintain that no one can determine what is best for the BVI than the BVI.

Having said that, I want to assure all stakeholders that the Government of the Virgin Islands will be traveling to the UK with an open mind, and aiming to find common ground and to chart a course that is in the best interest of the generations of Virgin Islanders – now, tomorrow and in the further future.

To my fellow Team Members, both from my Government and all the Members of the Opposition, I want to thank you for your unwavering support & prayers as we all work towards one common goal: to create a better BVI for future generations and one that those who have gone before us will be proud of.

As we embark on chartering uncharted seas, we must remember that until we have made the lives of our people in the BVI better we have not truly served.

It is a must! As we go off to UK to redefine the conditions surrounding the Loan Guarantee, the principles that the People of the BVI must be economically empowered, and Cabinet must steward the outcome of the procurement, with all loan funding going to the consolidated fund or a special fund to be set up with criteria to be met before transferring to the Recovery Development Agency.

Further, I will be using this opportunity to ask the UK government for scholarships for our people in areas such as, but not limited to: hotel management, marine industries, medical training, and aviation training and for recruitment in BVI for their NAVY and other armed forces.

Also, I expect to have talks with the UK's tourist authority to assist in branding BVI as a sand and sea destination as we create more opportunities for our people.

With God's help, I am mindful that I am to create a myriad of opportunities for my people.

While I am away from the Territory from September 10-15, the new Deputy Premier, Honourable Vincent Wheatley, will act as Premier.

May God continue to guide and protect the people of these beautiful Virgin Islands.

I thank you.



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# Premier Andrew A Fahie: This is about you, the people of the Virgin Islands (Report to the People On the Official Visit to the UK)

## Statement

Premier's Office

Ministry of Finance

Topics: H.M. the Queen (/tags/hm-queen), Recovery and Development Agency (RDA) (/tags/recovery-and-development-agency-rda)

Release Date:

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**Statement by Hon. Andrew A Fahie  
Premier of the Virgin Islands**

**This is about you, the people of the Virgin Islands  
(Report to the People On the Official Visit to the UK)**

**September 17, 2019**



Fellow Virgin Islanders and Residents,

A pleasant Good Day and God's Blessings to you.

First let me take this time to thank God for allowing my delegation and I to travel to the UK and back home safely.

As you are aware, last Wednesday, I left the Territory with a delegation to hold discussions in London with officials of the United Kingdom Government, with respect to concerns held by the Virgin Islands Government with regard to some of the conditions attached to the UK Government's offer of Loan Guarantees for Recovery and Development projects as a result of the damage incurred from Hurricanes Irma and Maria in 2017.

In keeping with my personal commitment, and that of your new government, to keep you informed on major issues that are likely to have significant impact on your affairs, interests and quality of life, I am here this afternoon to report to you on the outcome of

this official trip.

This official trip originated from a request that I made to the Exchequer Secretary of HM Treasury in July, 2019.

The agenda was based on 10 objectives put forward by your Virgin Islands government, outlining our concerns with conditions attached to the loan guarantee offer, particularly with the view that the People of the Virgin Islands, in a transparent and accountable manner, must be the main beneficiaries of this recovery agenda.

The BVI's delegation comprised of:

- Hon Carvin Malone, Minister for Health and Social Development;
- Mr Kedrick Malone, Permanent Secretary in the Office of the Premier;
- Mr Glenroy Forbes, Financial Secretary;
- Mrs Arliene T Penn, Director of Communications;
- Mr Benito Wheatley, Special Envoy of the Premier; and
- myself as Premier and Minister of Finance and leader of the delegation.

We were joined by Legal Consul/Operations Manager of BVI London Office, Ms Tracy Bradshaw and Senior Political Officer/Cultural Attaché, Ms Siobhan Flax.

The BVI team held a total of eight meetings with officials of the Foreign and Commonwealth Office (FCO), including its Director, Mr Ben Merrick; Ministers of the UK Government – Lord Tariq Ahmad of Wimbledon who is the Minister responsible for Overseas Territories, and Minister James Duddridge from the Department for Exiting the European Union (DEXEU); Baroness Patricia J Scotland, Secretary General of the Commonwealth Secretariat; and officials of Her Majesty's Treasury.

I want to thank the UK Government officials for facilitating us with this meeting, and for the warm reception that was extended to us throughout the visit.

Also attending two of the meetings regarding the loan guarantee conditions was His Excellency the Governor, Mr. Augustus Jaspert, whom I also wish to thank for his involvement with my team during these discussions and for arranging the itinerary to facilitate the deliberations between the Virgin Islands Government and the FCO.

I must also thank the staff at BVI London House, as well as the team from the BVI Tourist Board, London Office, for their hospitality and support.

As leader of Government business here in the Virgin Islands, it remains key that the people understand what the £300 million loan guarantees, once activated, means for us today, but more so what it means for our six-year-old children and grandchildren.

Today, we will not be making a decision for just the present, but rather a decision that will determine the growth of our economy and the creation of industries.

Therefore, before going forward, I want to reiterate the point that what was on the table for discussion – and which still is - was **nothing** more than an **offer** from the UK government to stand as **guarantor** if the Virgin Islands Government decides to seek funding through loans for identified recovery and development projects.

There have been some loud voices, particularly in recent days, prodding the Government to: "Get on with it!" "Forget the conditions!" "Take the money!"

These are persons who know fully well that in this matter, there is no money from the UK Government for us to "take".

The offer is not even a loan from the UK Government.

It is an offer to provide the guarantee for the BVI Government to apply for loans.

In fact, this is nothing new, since it has always been the policy that the UK Government must approve all borrowing by the Government of the Virgin Islands. However, this special loan guarantee being offered by the Government of the UK is an opportunity for us to get cheaper lending rates for any loans sought for the recovery. And while this is noteworthy, some of the conditions come with a high price down the road, and therefore required renegotiation.

Some of the loudest voices, who suddenly have all the answers today, did not consider these issues when they were in the seat negotiating on this very same matter.

They were at the centre of the unfortunate circumstances that led to the very stringent conditions being imposed on the BVI between 2012 and 2017, and beyond.

They are not owning up to that.

Instead they are pretending to be innocent as if they were nowhere around and have just landed white as snow.

They are demanding that this new government - your government, provide them with information on the very terms and conditions that they negotiated, alleging that this Government is hiding information - while in fact certain information was not as readily available in the Ministries as they ought to have been.

As a matter of fact, some of these missing documents were only obtained after the UK government included them as attachments in their responses to our letters of concern.

Ladies and gentlemen, it is said that fools rush in where angels fear to tread. And the facts and hindsight prove that your Government was right not to bow to the pressure from those quarters to rush in.

We were right to take a pause, to consult with you the people, to listen to our instincts, to meet with the officials of HM Treasury, the FCO and the Overseas Territories Minister, to ventilate our concerns and to ask for the conditions to be renegotiated in the best interest of the people of the Virgin Islands - as we have successfully done on this trip, to obtain maximum protection for the interests of the people of the BVI.

I believed from day one that not because we are in a vulnerable state at the moment due to the passage of the Hurricanes Irma and Maria, we should not make a permanent decision while in a temporary situation.

That is not in the DNA of the people in this Territory.

Any good doctor would know that before you administer medication to a sick patient, you have to consider the side effects and the long-term ramification of taking the medication.

In some cases, the side effects cause more damage than the illness itself.

Your government has been brought in when the medication has already been administered by someone else and it is up to us now to find a way to minimize the negative side effects that seem to have never been taken into consideration.

From day one, your government vowed that we will engage only in responsible governance. This means that we would always seek to make responsible decisions to give the BVI the upper hand, not the lower hand, or no hand at all. This means that we would make responsible choices that would put you the people of the BVI first not last; in front and not behind.

I am happy to report that our visit to the UK was a resounding success.

The discussions were cordial, productive and conducted in an atmosphere of mutual respect. All parties were able to arrive at common ground.

Your government achieved the primary objectives of this trip, which I will go into shortly.

But first, it is necessary to place on the record certain revelations that came out of this visit, some of which would have remained secret forever if you the people had not said "enough is enough" to the previous administration on February 25.

If you had not voted out the last government the status quo would have remained intact and become entrenched forever, while the majority of the people would have been suffering from the side effects without knowing why.

These things would have gone undetected if your new government had not done the responsible thing and approached the UK Government for a meeting to discuss what seemed to be very straight-forward issues, but which were being strongly and suspiciously complicated by certain quarters.

The discourse that took place in London confirmed that the very stringent conditions that were imposed on the BVI's borrowing and financial management in the 2012 Protocols for Effective Financial Management and subsequent arrangements, were as a direct consequence of the conduct of the previous BVI government.

I know that some will wish to say right now that I need to leave this alone, and why I am going there. But the truth and the untold stories must be told, so that presently and down the road, you will know exactly what your new six-months-old government is responsible for and what has to be attributed elsewhere.

These conditions attached to the UK Loan Guarantee were brought about because of many transgressions such as a lack of audited financial statements, a lack of prudence with multi-million-dollar contracts, a lack of transparency and information, and more, which would have escalated if it was not for the hurricanes in 2017.

You would recall us saying that the previous government breached the Protocols for Effective Financial Management - which they negotiated and signed on to; and then they went to the House of Assembly in a most disrespectful manner, lauding themselves that during the discussion they had the UK eating out of the palm of their hands.

Now, two years later, like Rip van Winkle, they have awoken, and are trying to pressure your new six-months-old government to "hurry up", "ask no questions", "do not look out for the best interest of the people of the Virgin Islands" and "just take the money" and "get on with the recovery".

They are even trying to get you, the people, to believe that no recovery has been taking place. But, my people, can I tell you that this is not true?

A lot of work has been going on towards the recovery of this Territory.

The L-Shaped building at the Elmore Stoutt High School, now renamed the L Adorothy Turnbull Building, is standing strong in blue and yellow, with many resilient features to mitigate impacts. This is part of our recovery.

We also had the official handover ceremony from donors of the Bregado Flax Educational Centre. This is part of our recovery.

Completion of repair works and the subsequent opening of the new Enis Adams Primary School. This is part of our recovery.

The Clarence Thomas building has been fixed to ensure that the students going there will also be able to learn comfortably. This is part of our recovery.

Other schools throughout the Territory are finally being repaired after two years and our children are finally returning to full time classes with their teachers. This is part of our recovery.

Finally paying our hard working and dedicated public officers their long overdue increments, after they worked and continue to work in such poor conditions after Hurricanes Irma and Maria. This is part of our recovery.

The West End police station has been rebuilt. This is part of our recovery.

This Jost Van Dyke Police Station has been rebuilt. This is part of our recovery.

The temporary West End Ferry Terminal was opened, with accommodation provided for Customs and Immigration. This is part of our recovery.

The 911 Call Centre is being fixed and will be one of the top centres in the Caribbean. This is part of our recovery.

The public roads in some areas in the Territory have been resurfaced. Rehabilitation of the Central Administration Complex, after being neglected for two years, is finally taking place under the leadership of the Minister for Transportation, Works and Utilities. And there are more projects taking place. All of this is contributing daily to the recovery of the BVI. These are all part of our recovery.

Can I remind the few naysayers that "Rome was not built in a day", and that our forefathers took their time and built this Territory without saddling their future generations with unnecessary debt. And likewise, we the present generation have an obligation to do the same.

Can we do it? Yes, we can!

Must we do it? Yes, we must!

Will we do it? Yes, we will!

Because the eyes of the future are looking back on us, hoping that we get it right. Let us not disappoint the future, and let us not dishonor the legacy of our forefathers.

This is what a responsible government does.

Therefore, this talk about no recovery taking place is a myth, fabricated to try to force the hand of your government into rushing to accept unfavourable terms that would have disadvantaged you the people, and benefitted no-one except the already-established status quo and other financial institutions who are lined up and hiding in the wings, waiting to swoop in.

You must ask yourself, why would anyone embark on such a feverish last-ditched attempt to try to get us to blindly and quickly accept clearly unfavourable terms, when the door for renegotiation was opened by the UK Government?

Ladies and gentlemen, during the deliberations in London, our fears were confirmed that conditions attached to the loan guarantee would not have allowed the people of the BVI to benefit in the way that they should from the projects to be undertaken.

Again, you would recall me saying that our contractors and skilled tradesmen were being locked out of these opportunities. We were able to restore some hope to this situation during the talks.

It was shocking to learn that the opportunity to access grants following the 2017 disasters was not taken up by the previous administration. This would have allowed families displaced by Irma, many of whom are still not living in their own homes, to obtain money to rebuild their homes – money which they would not have had to pay back.

We learned that the UK Government was told that you, the people of the Virgin Islands, did not need the money, and that the BVI preferred loans for construction projects instead.

Similarly, we also learnt that an offer of aid from another jurisdiction was declined by a high-ranking official. Unfortunately, these ships have sailed since 2017, and those opportunities cannot be brought back.

The widespread perception among Virgin Islanders is that we were treated poorly by the UK during our time of distress, and this has taken a toll on BVI-UK relations. And now, we have found out that these tensions were fueled by deliberate untruths.

Notwithstanding this, I am happy to report that the issues that were flagged by your government – which we have been highlighting over the past several months – fell on fertile ground in London, once we were able to speak directly with the officials of HM Treasury and Lord Ahmad, who have assured us that it is their wish to see that the people of the BVI benefit in a tangible way from any loans that materialize from this guarantee arrangement.

In our letter to the UK Treasury officials outlining the purpose for which the visit was requested, your BVI Government stated that the borrowing ratios in the Debt Section of the Protocols for Effective Financial Management did not sufficiently consider the impact of natural disasters and catastrophic events which can place the Territory in an unforeseen vulnerable position.

The UK Government stated to us that it is prepared to consider including a reference to natural disasters and catastrophic events in the Debt Section of the Protocols for Effective Financial Management.

Your government had raised concerns over the treatment the BVI would receive if we exceeded the borrowing ratios contained in the Protocols for Effective Financial Management.

This is something all sides have long acknowledged as highly likely, given the current circumstances.

The UK Government stated that it is prepared to work with BVI Government on coming back into compliance with the debt ratio if borrowing on the loan guarantee would cause the BVI to exceed the ratios.

Your new BVI Government advocated that the Financial Secretary should be able to access the Recovery and Development Act Trust Fund for the expressed purpose of being able to return any funds borrowed directly by the BVI Government at the request of the relevant lending institution on account of the funds in question not being administered in accordance with that lending institution's agreed rules and guidelines.

The UK Government has agreed to consider this condition, and the BVI Government has been asked to submit some additional information with respect to this issue.

Your BVI Government has been saying that not all funds received or funds allocated for all projects must be put into the Recovery and Development Agency Trust Fund.

Your BVI Government has been saying that recovery is one thing and development is another.

The UK Government agreed to consider the direct administration by the BVI Government of other sources of funds for investment in the recovery besides those borrowed on the loan guarantee to support building and rebuilding.

These agreements pave the way for deliberations to open up and continue on other items that were placed on the agenda by the BVI Government, some of which are inter-woven with the above-mentioned issues.

With this new development, your Government has been asked to prepare a plan of action to present to the UK Government by September 27 for moving forward.

To assist this process and later activities, the UK Government has opted for the setting up of a special steering committee to enable more direct communication between the Virgin Islands Government and HM Treasury.

I can also report that our concerns with respect to ambiguous language that was used in some of the documentation, such as the High Level Framework for UK Support for BVI Hurricane Recovery, will be revisited in the best interest of you the people of the Virgin Islands. This includes reference to the divestment of public assets.

As your Premier, I am relieved that, through these meetings, with God as our guide, your Government has been able to redirect the focus of this Loan Guarantee matter back to you, the people of this Territory — for glaringly missing from the recovery agenda was you and your needs.

Your Government is a firm believer that the BVI will never fully recover, unless the people recover.

Your Government is a firm believer that the BVI will never be truly resilient, unless the people become resilient.

We were able to return the focus on you, the people, by convincing the UK officials that the people of the British Virgin Islands turned a new page on February 25, 2019; that your new government has a different philosophy from that of our predecessors; and that our vision genuinely puts the welfare of the present and future generations of Virgin Islanders first and foremost.

Ladies and gentlemen, we have crossed hurdles, and there are a few more ahead to be crossed. But there is now mutual understanding and a clear commitment from both the Virgin Islands Government and the UK Government to ensuring that the people of the BVI must be at the forefront, and that you must benefit from any loans accessed through this guarantee.

Your BVI Government is committed to ensuring that procurement for projects to rebuild and develop the BVI do not exclude the BVI excavator operator, the BVI truck owner, the BVI tradesmen and the BVI businesses.

For we know all too well that when the BVI excavator — the breadwinner of his family — is paid, he can afford to keep the roof over their heads. The children can go to school on a full stomach. College tuitions can be paid. Mortgages and rent can be paid. Transportation can be purchased and filled with gas. Family vacations can be taken. The monies will be able to circulate in our economy multiple times enabling our national flow of income to become stronger. Our economy becomes stronger and our social ills will be significantly reduced. Our people will not be onlookers of progress but will be participants in the progress. Offerings to God can be made to receive more blessings in abundance.

This formula worked for our forefathers, and in a modernised form, your government will make it work for us. Only though this course of action will our Territory become resilient.

This is just one of the reasons why those conditions of the loan guarantee that are of concern to us must not be implied, but they must be written clearly, in “black and white”.

Because a main part of the Territory's recovery and resilience is ensuring that our local businesses are able to get back on their feet, to strengthen their capacity, and to become resilient.

Your government has been saying that we cannot let all of these funds be flown away by foreign contractors.

We cannot take loans and build other countries, their businesses and their economies, while our people continue to struggle to make ends meet, and while doing so, we are still expected to pay back those loan monies which our people have never seen or experienced, with interest.

No way, Jose!

That is not right. That will never be right.



That is a set up, and can only lead to a failure of our economy.

But, NOT UNDER THIS GOVERNMENT'S WATCH!

And, you the people should never encourage or expect of us to strengthen with the current status quo whose present direction would leave you, us, and generations unborn as paupers.

By utilizing as much local input as possible, we can ensure that some of this money goes towards improving the condition of our people; it will circulate through local businesses as cash flow; it will work within the BVI economy to assist the people of the BVI in repaying those loans.

There are many persons who still have no homes following Irma. They have not completed their repairs two years after the disaster; not because they do not want to, but they cannot because of financial constraints beyond their control such as rising bank interest and insurance costs, among others.

Some are still going through trauma even as we face new storms. Some are still battling with insurance companies and the banks to get their just due. These areas, among others that are affecting you the people of the Virgin Islands, must be factored into the discussion on recovery and resilience.

That is why these negotiations are about you, the people.

Putting money and opportunities directly in your hands in an accountable and transparent manner.

This China Cabinet mentality of the stranger eating from fine China and those at home eating from spall metal cups and plates is a thing of the past.

While a lot of the talk is on one side of the recovery effort, which is the infrastructure, many have forgotten that there are people whom we must also focus on.

Again, I stress, that it is your government's firm belief that the BVI will only recover when our people recover, and recovery cannot take place without the recovery of our people. That was the mindset of the team when we left for the UK and it still remains.

To this end, your government is working through the Ministry of Health and Social Development to introduce a new initiative to provide qualified individuals with some money to enable them to purchase materials so they can repair their homes and become more resilient.

This government is making more moneys available for our citizens to access scholarships to further their resilience by obtaining Associates Degrees, Bachelors Degrees, Masters Degrees and Doctorates.

This is how we will make our BVI people and our BVI economy resilient.

This government is exploring and will soon introduce new revenue streams and create new economic opportunities with you the people at the core of the foundation of these new initiatives.

This is how we will make our BVI people and our BVI economy resilient.

Through the improvement of the economy this government is ensuring that in 1,000 days, at minimum 1,000 of our people will be gainfully employed.

This is how we will make our BVI people and our BVI economy resilient.

This government will make God, once again, the source from which we rely to improve our Territory.

This is how we will make our BVI people and our BVI economy resilient.

This government will create more opportunities for training and improvement of our public officers, while improving the environment in which they work.

This is how we will make our BVI people and our BVI economy resilient.

Resilience in the public service comes by ensuring that public servants obtain further educational opportunities, and your BVI government is committed to putting measures in place to make sure this happens.

This is how we will make our BVI people and our BVI economy resilient.

Resilience is about building and strengthening our local capacity.

Our intent is to make sure that recovery does not exclude the people of the BVI, but rather to ensure that while the physical infrastructure is done, people's basic needs are not left out during the recovery process.

This recovery and development process to become more resilient is not just for you but it must be about you.

I reiterate that our intent is to ensure that through this, and any other means, whatever mechanism and process is used, that they allow our people a fair opportunity to benefit from any recovery and development activities, especially loans, that our people will have to be the ones to repay.

Any responsible government that cares for its people will do the same.

I must say that essential to strengthening our case on this issue was the performance of the contractors on the recently completed L. Adorothy Turnbull Building at the Elmore Stoutt High School, which utilized three local contractors and one St Lucia contractor who had a local partner; the Enis Adams Primary School which was completed by a local company in partnership with a foreign firm; and similar projects which saw collaboration between local and imported talent.

This model is being looked at as one of the ways to bridge gaps, build capacity and to create opportunities for the people of the Virgin Islands.

At this time, we want to make sure that the Procurement Unit of the Government is strengthened, and as a result we will have a modernized structure built through the House of Assembly.

We want to also make sure that the RDA, which on this trip has been confirmed as being owned solely by the BVI Government and under the Premier's Office, takes on a more collaborative role for a more harmonized way forward with central government.

We want to make sure that once we are becoming resilient with physical structures, our procurement processes must also be resilient, but more so our people.

We have to build the BVI with our people, for our people.

This is about you, the people of the Virgin Islands!

As a government, this administration is committed to restoring confidence all around in the ability of the people of the Territory to effectively and prudently manage our own affairs, to strengthen our position in negotiating at any table, and to ensuring that our people are treated as first class citizens in their own Territory and beyond. This is about you!

There is a lot of work that still needs to be done to fully undo the unfavorable reputation that has been cast upon the BVI, some justly but most not.

Your new government is able to negotiate with clean hands, a pure heart, pure minds and clear intentions for the people of the Virgin Islands because we do not have a hidden agenda and we are not compromised.

That is why we can say that this recovery is about you!

And when we say it, we mean it.

My friends, the strides that were made during this official trip were due to the guiding hand of the Lord and through your prayers. I ask you to please do not stop, because your prayers are needed now more than ever.

The interests of the people of the Virgin Islands, and our future generations, have been brought back into focus and they will be protected as we forge ahead building, rebuilding and strengthening the resilience of the Virgin Islands.

I know that there are challenging days ahead. But where there are great challenges come even greater opportunities. Hence, your government looks forward to the promising road that lies ahead for our Territory and our people, as we work together to take our Virgin Islands forward.

May God continue to guide and protect the people of the Virgin Islands.

Our recovery and development is about you recovering and becoming more resilient, and about us working together to restore the BVI, better than it has ever been.

God's blessings and I thank you.



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22 September 2019

Dear Andrew.

I was pleased to welcome you to London from 11-13 September for constructive discussions on the many issues of shared interest between the UK and the British Virgin Islands (BVI).

This was a timely visit, just over two years on from the devastation wrought by Hurricane Irma and with the impact of Hurricane Dorian in the Bahamas fresh in the mind. I was especially pleased that you were able to tour the FCO Crisis Centre with the Governor, viewing an important part of the UK crisis response capability. In addition, you had meetings with Minister Duddridge at the Department for Exiting the European Union, Ben Merrick Director of Overseas Territories Directorate and colleagues from the Treasury. It was good to hear from you that your delegation also held productive talks with Treasury and FCO officials on the matter of the UK loan guarantee.

It was useful to receive on the morning of your visit, your letter dated 10 September, which set out the key points you wished to discuss during your time in London. These were mainly in relation to the Protocols for Effective Financial Management (PEFM) and the conditions outlined in the High Level Framework for UK support to BVI Hurricane Recovery, dated 24 November 2017. I agreed to set out in writing the UK Government's position. I was also pleased to receive your letter dated 17 September setting out your record of the visit, and I am using this letter in part to respond to the points it raises.

#### Protocols for Effective Financial Management (PEFM)

As is the case for other Territories, the PEFM demonstrate a commitment to responsible Government and contribute to the BVI's reputation as a jurisdiction of high repute. The policy principles it sets out - effective medium term planning, value for money, risk management and accountability - are consistent with global standards and best practice.

During your visit, discussions took place concerning the borrowing ratios as set out in the PEFM. You specifically asked whether money borrowed to address catastrophic weather events could be exempt from the borrowing ratios and sought a suspension of the ratios for a set period of time to support the BVI's recovery. You also suggested that



consideration should be given to the impact of external economic shocks which may have a negative impact on the BVI economy, and asked for a review of the PEFM.

I know that my colleagues, the Exchequer Secretary to the Treasury, and the Director of the Overseas Territories Directorate wrote to you recently on these issues to set out the UK's position. I, and others, wrote to your predecessor on the same subject. I support all the arguments made in those letters and wanted to re-iterate a few points.

On the matter of external shocks, I would note that as with all Governments, an effective medium term fiscal plan (MTFP) should assess the impact of all proposals and decisions on expenditure, revenue and borrowing. It should set out key risks and used as the primary guide for addressing issues in practical and fiscal terms. To the extent possible, I would therefore expect your Government's MTFP to take account of the impact of potential economic shocks and set out your proposed mitigations.

The borrowing ratios in the PEFM ensure that any debt incurred by the BVIG is affordable and consistent with the delivery of macroeconomic and fiscal sustainability, as well as financial stability in the short to medium term. As has been communicated previously, in the context of delivering the BVI Government's hurricane recovery, we recognise that any new borrowing – guaranteed by the UK Government or not - could well cause the BVI to breach the ratios for a certain period of time.

Removing or suspending the ratios would mean that there was no full picture of the BVI Government's debt position. This is not a sound approach to take. The ratios must relate to all borrowing, whether recovery-related or not, since that overall total is of course what the BVI Government will have to repay. Having an accurate picture of the level of debt is crucial for the assessment of whether servicing the debt is affordable. So, while we can be flexible in allowing the BVI Government to go out of compliance with the ratios for a certain period, provided that there is a plan to get back into compliance, we cannot countenance your proposals.

Should your government's analysis indicate that BVI would breach the ratios, we will work with you to agree a date to return to compliance. This would include agreeing interim targets and appropriate mechanisms on public financial management that set out a realistic pathway to return to compliance. In practice, this would mean working with your government in a collaborative manner to deliver a realistic plan to ensure the breach of the ratios would reduce over time, given the amount you wish to borrow and the timeframe. It would likely mean BVI submitting public financial management data to the UK on a regular basis to demonstrate how it is returning towards compliance with the ratios. The detail of this would be set out in a transitional provisions annex to the PEFM. My officials stand ready to discuss this with your team.

The UK Government judges that the PEFM are correct and has no plans to amend or review them. The PEFM already includes a reference to borrowing in 'exceptional circumstances' which covers catastrophic events and also gives flexibility for consideration of other events such as economic shocks. Whilst we would be willing to consider a specific suggestion from the BVI Government as to wording to describe what qualifies as an 'exceptional circumstance' under which the BVI Government may borrow to fund capital expenditure, this would not have any effect on what is already possible. My preference would be to make any such reference clear as part of the transitional provisions annex.



## High Level Framework for UK Support to BVI Hurricane Recovery

As was set out in our discussion, and as has been the case since its inception in November 2017, the High Level Framework sets out the principles and conditions upon which the UK Government's support to the BVI Government on Hurricane Recovery is based. They ensure that all recovery measures deliver for the people of the Territory, represent value for money and are in line with international best practices. The Framework sets out that the detail on principles and conditions will be confirmed in detail in a 'Partnership Agreement'.

The measures that have been put in place to deliver the BVI's recovery, including the establishment of the Recovery and Development Agency (RDA) set up through the Recovery and Development Agency Act, have been designed with the principles of the High Level Framework in mind. As was set out in our discussion, the principles and conditions in the Framework represent the UK's offer, and are not for negotiation.

The BVI's Recovery and Development Agency Act sets out that the RDA's function is to ensure the timely and proper implementation of the BVI Government's Recovery to Development Plan. I understand that it is your government's intention to amend the Recovery to Development Plan. You agreed to submit this revised plan to us by 27 September 2019.

The Plan is of course vital, and should be the cornerstone of your government's recovery and development work and detail what is needed across the Territory to effect strong and sustainable reconstruction. It is this vision that will ensure an effective, coordinated and resilient recovery. The Plan, and specifically the implementation schedule to complement it, will need to assess the value of projects, the timescales for completion and include an assessment of the calculation of the level of financing required, and how it might be sequenced. This should inform the decision that you will need to take as to whether the BVI Government wants to fund any of its recovery through borrowing under the UK loan guarantee.

I wanted to note that one of the conditions of the UK's support for BVI's hurricane recovery as set out in the Framework was the *immediate establishment of the independent recovery agency delivery structure to be the sole structure for investments in recovery, irrespective of whether the investment is guaranteed by the UK Government*. I know the Governor recently set out that proceeds from insurance settlements or funds from Government revenue or surplus should, of course, be allocated to the Consolidated Fund, and it is a decision for the BVI Government as to whether they are allocated to the RDA, via the Trust, to support recovery projects as set out in the Plan. I support that statement.

Notwithstanding that, I would have serious concerns if your Government were to introduce measures that would undermine the condition set out above and to limit the financial contributions to be paid into the Virgin Islands Recovery Trust. For example, I would not want to see projects moved out of the Plan only to appear elsewhere, even if under a different name, as a means of diverting funds away from the Trust. The RDA should be the body with the technical capacity to work with lead Ministries to ensure the timely and proper implementation and execution of your Plan. This is a core condition of the offer of the loan guarantee, as noted above.



It is of course a choice for the BVI Government as to whether or not you want to make use of the guarantee. As Ben Merrick's letter set out, the offer was made in November 2017 with the sole intention of supporting the BVI to lead its own recovery, and to save the Territory a great deal of vital money. Discussions will need to take place should the BVI Government wish to borrow without taking up the offer of the loan guarantee and the borrowing ratios are breached; and conditions will be required. This is particularly important given that borrowing outside of the guarantee is likely to be a more expensive solution and therefore represent worse value for money for the BVI. Obviously, any funds used to deliver the Recovery and Development Plan – whether guaranteed or not – should be allocated to the RDA, via the Trust.

I note you suggested that the Financial Secretary should be able to access monies in this Trust provided by the Caribbean Development Bank or other lending institution in the event that the administrators of the Trust do not administer the funds appropriately. I do not instinctively see the need for this but I would be willing to consider further detail on your specific concerns and clarification on whether the addition of the Trustee to relevant lending agreements would rectify this issue.

You also asked for removal of two further points set out in the High Level Framework. Firstly, the reference to the divestment of public assets that sit better in the private sector and secondly, the reference to recovery programmes including green, resilient projects.

As set out above, the Framework is not open for renegotiation. I note that the agreement to divest public assets was one of a raft of measures proposed to bolster the short, medium and long-term sustainability of the BVI Governments public finances, given the devastating impact of the hurricanes. This is an important principle. I would be happy to work with you on the detail of this as part of the Partnership Agreement. In relation to your second request, I am pleased that in discussions you recognised the importance of recovery to development ensuring a more resilient and greener BVI, and your desire for BVI to be a centre of good practice on resilience. There are obvious benefits to the people of BVI and potential investors of having a resilient and sustainable recovery. I am therefore surprised at the request to remove the reference. I know the Governor would be happy to discuss approaches and UK support to improve disaster and climate resilience further.

#### Modern Partnership and Good Governance matters

I was struck during our conversation by your aspiration for a strong partnership between yourself, the Governor and the UK, driven, as you set out, by the “four Cs - collaboration, cooperation, communication and consideration”. As I emphasised, I welcome that approach, and I would like to reiterate my offer of a quarterly videoconference with you and the Governor to enhance that communication. I would also like to underline once more that rhetoric does matter, and as we strengthen our relationship it is important to strive to ensure that we focus on our desire for a strong partnership. The Governor is a central pillar in that partnership and he has my full support.

On good governance, you outlined your efforts to bring procurement legislation before the House of Assembly as soon as possible, as well as a willingness to implement more effectively a Register of Interests. There is of course much more to do, as you outlined in your election manifesto, including the implementation of a Ministerial Code. As my



team have made clear on many occasions since you came to power, these are important steps in demonstrating your government's commitment to good governance, and will be essential for attracting more investment to BVI, among other things. I was pleased to hear your commitment to following through on these pledges. I note that the three-month consultation you have undertaken with regional partners on the Ministerial Code must be nearing the finish point, and I would welcome an update on its outcomes. I also encourage you to support the Governor's Group, which has been set up to deliver good governance in other key areas.

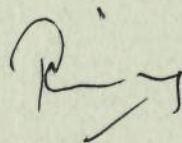
At our meeting, we discussed scholarships for those in the BVI. I am sure you will be aware that the prestigious Chevening Scholarship programme operates in the BVI and other Overseas Territories, ensuring talented young people can come to the UK to undertake full-time Master's degrees in any subject of their choice. We were delighted to welcome two BVI scholars to the UK last year, studying Law at the University of Manchester and Queen Mary, University of London. I hope you will encourage further applications from students in BVI. The Governor's Office can provide you with a briefing on that programme if you would find it helpful. I will also look into whether there are other opportunities to expand scholarship and training opportunities in the UK for young people in areas such as aviation, the marine sector and entrepreneurship and update you in due course.

You made reference in our meeting to the increasing number of young people in the BVI who have expressed an interest in joining the armed forces, in particular the Royal Navy. As we discussed, British Overseas Territory Citizens can join the armed forces, although there are sometimes issues with the residency requirements. I committed during our meeting to discuss what more can be done on this with the Minister for Armed Forces and again I will update you in due course.

Finally, as I mentioned, I do not support the intent by some UK Parliamentarians to impose publicly accessible registers of beneficial ownership on the Overseas Territories on a 2020 timeframe. I will continue to argue in favour of a 2023 timeframe, as the Government's response to the Foreign Affairs Committee Report sets out. I hope that you will join your colleagues in the Crown Dependencies and other Overseas Territories in publicly committing to deliver the register by 2023. This will show that BVI is taking a lead on this issue and is committed to the principle of transparency. I hope that you will also reconsider your decision not to join other Overseas Territories in the Technical Working Group discussions.

I am copying this letter to the Exchequer Secretary to the Treasury, the Parliamentary Under Secretary of State for Exiting the European Union, and the Governor of the British Virgin Islands.

*Yours sincerely,*



**LORD (TARIQ) AHMAD OF WIMBLEDON**

Minister of State for the Overseas Territories

Prime Minister's Special Representative on Preventing Sexual Violence in Conflict



Re: MTFP and the 2019 budget

Glenroy A Forbes <GAForbes@gov.vg>

Mon 3/25/2019 12:58 PM

To: [REDACTED]

Cc: [REDACTED]

Dear [REDACTED]

I must confess to being more than a little surprised with the contents of your email message of today's date given our discussions during our teleconference on Thursday, 21st March, 2019.

The record will show that Lord Ahmad, in his High Level Framework letter to our former Premier, Dr. the Hon. D. Orlando Smith, stipulated certain conditions under which the BVI would be able to access the long promised UK Guarantee of GBP 300 million. Key among these conditions is the requirement for the UK to approve the Government of the Virgin Islands' (GoVI) Medium Term Fiscal Plan (MTFP). The Ministry of Finance has been working assiduously to meet this and other conditions in order to avail GoVI of the pledged guarantee. In this regard, it is our intention to continue to work towards that end but we will resist vehemently any and all attempts to confuse accessing the guarantee with us being able to conduct the regular budgetary affairs of the Territory.

In my research, I am yet to discover any Law or Contract relating to the relationship between UK Government (UKG) and GoVI that stipulates the need for UKG to approve the GoVI's annual Budget. If I have erred in my research, please rest assured that I will be only too happy to be directed to the relevant Law and/or Contract. I am by copy of this note seeking a legal opinion from our Attorney General.

In light of the above, I am prepared to continue to discuss within the context of accessing the guarantee, further revisions of the MTFP if necessary.

Kind regards,

Glenroy A Forbes  
Financial Secretary  
Ministry of Finance  
Government of the Virgin Islands

----- [REDACTED] wrote: -----

To: "gaforbes@gov.vg" <gaforbes@gov.vg>

From: [REDACTED]

Date: 03/25/2019 11:47AM

Cc: [REDACTED]

[REDACTED], "Almccall@gov.vg" <Almccall@gov.vg>, "mrichmon@gov.vg" <mrichmon@gov.vg>,

Subject: MTFP and the 2019 budget

Dear Glenroy,

It was good to speak to you and other colleagues on Thursday 21 March on the matter of the BVIG's Medium Term Fiscal Plan (MTFP), which we received on 14 February 2019.

5/13/2021

We recognise that the MTFP it is vital to the economy of the BVI, the progression of the loan guarantee and the recovery. In line with the agreed public financial management Protocols on UK-BVI relationship, UKG has six weeks to respond to BVIG from the point it was received – i.e. until 28<sup>th</sup> March. Although we are largely content with the MTFP, I am afraid that we consider the issue of the capital expenditure split between the RDA and Central Government (irrespective of the agreed transfer of RRL projects to the RDA) as currently outstanding.

It is our position that all investments in recovery, irrespective of whether the investment is guaranteed by the UK Government, should be delivered through the Recovery Development Agency (RDA): this is consistent with the High Level Framework and discussions that our teams have had over the last couple of months. However, as outlined on the call, the current split of projects between RDA and Central Government does not appear to reflect that position. Indeed, the MTFP sets out that c\$158m of recovery projects are to be allocated to central Government over a five year period. My team and I would like to work with you and your team to understand the rationale behind the split and why these projects are not currently allocated to the RDA. Until then, unfortunately, we cannot approve the MTFP.

We firmly recognise the importance to BVIG of preparing the 2019 budget ahead of the expiry of the provisional warrant on 30<sup>th</sup> April and we are willing to take a pragmatic approach to this matter. As you know, unfortunately, the MTFP and budget were submitted three months later than usual, but we will do our best to meet the compressed timeline. I would therefore like to propose that the BVIG submits a revised 2019 budget, excluding all capital expenditure, for approval by UK Government as soon as possible. This will allow more time to finalise the MTFP with you and your team and to conclude discussions on issues concerning capital expenditure, whilst also ensuring that BVIG can continue with the Appropriation Act on recurrent matters.

Should this be submitted by the end of March, the UK Government will endeavour to approve it ahead of the expiry of the provisional warrant. I would therefore be grateful if you could advise as to when we can expect to receive a revised 2019 budget.

Kind regards,

[Redacted signature]

[Redacted name] | Head of Economics and Financial Services | Overseas Territories | Foreign & Commonwealth Office | W2.75 | King Charles Street | London SW1A 2AH

[Redacted contact information]

This email is intended for the addressee(s) only. All messages sent and received by the Foreign & Commonwealth Office may be monitored in line with relevant [UK legislation](#)

# **Advancing the Recovery: Recommendations for a Timely, Efficient and Effective BVI-led Recovery**

*Prepared by: Disaster Recovery Coordinating Committee, Premier's Office.  
01 May 2019*

## **1. INTRODUCTION**

In the aftermath of the 2017 disasters, the Government of the Virgin Islands (GOVI) developed the Virgin Islands Recovery to Development Plan to guide the recovery and put in place a strong legal and institutional framework to ensure its successful delivery.

To date, through the collective efforts of the Government, the private sector and other partners, significant progress has been made in rebuilding the various sectors that were impacted. Basic services such as power, water supply, healthcare, educational facilities (primary schools), motorable roads, etc. have been restored to a basic level of functionality.

However, other aspects including recovery of housing, tourism, businesses, transportation infrastructure, energy, sewerage, etc. need greater investment as well as an enabling policy environment. Building a stronger, smarter, greener and better BVI requires sustained efforts over several years and a significant amount of resources.

Nineteen months after the disasters, an assessment of the recovery efforts to date, including the implementation of projects as well as the performance of the institutional and legal arrangements, reveals areas that require further improvement.

This document provides suggestions for further development of the key elements of the recovery framework to advance a timely, efficient and effective BVI-led recovery. These include areas such as legal and institutional arrangements, recovery to development plan implementation, financing arrangements as well as the revised recovery priorities and projects.

The final section on the national development strategy outlines the linkage between the Recovery to Development Plan and the Territory's longer term development strategy.

## 2. LEGAL ARRANGEMENTS

### 2.1 Recovery & Development Agency Act

The Virgin Islands Recovery and Development Agency Act (VIRDAA) 2018 provides the legal basis for the establishment of the Recovery and Development Agency (RDA) as well as its functions, governance arrangements and reporting obligations.

The VIRDAA was passed in the House of Assembly on 23<sup>rd</sup> April, 2018, after substantial debate and subsequent amendments to the draft bill to adequately reflect some of the key principles of the recovery, including recovery to be a BVI Government led recovery, with RDA as a key implementer of the Plan.

The legislators strongly emphasised the need to ensure that the Act did not undermine the autonomy of the democratically elected government, and that it facilitated a BVI-led recovery that benefited the Territory and its people. This principle is also underscored in the Recovery to Development Plan which states that “The Plan will then be implemented by the Government in partnership with the relevant stakeholders, NGOs, development partners and the private sector.”

<sup>1</sup>

In order to ensure that the legal framework is consistent with the principles on which it was drawn up, there are three areas of the Legislation that requires review and reconsideration:

- 1) The scope of RDA’s authority to implement the Recovery to Development Plan,
- 2) The scope and sources of contributions required to be placed in the recovery trust fund, and
- 3) The terms of the Trust Deed which appears to allow only the RDA (and charities) to access the trust fund’s property.

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<sup>1</sup> Recovery to Development Plan of the Virgin Islands

### 2.1.1 The Scope of RDA's authority to implement the Recovery to Development Plan

Section 5(1) of the Act sets out that among other things, the functions of the Agency shall be to (a) ensure the timely and proper implementation and execution of the Plan. This clause is very broad, thereby leaving it open to interpretation, including one that assumes that the RDA has absolute right and authority to implement and execute the Virgin Islands Recovery to Development Plan, in its entirety.

It is therefore necessary to clarify the Government's authority in implementing the recovery. In that regard, the following amendments to the VIRDAA are suggested:<sup>2</sup>

#### RECOMMENDATIONS:

**Clause 3 (7)** should be amended to read: "For the removal of doubt, ~~this section~~ nothing in this Act shall not be construed so as to affect in any manner the undertaking of any development projects or policy initiatives by the Government."

**Clause 5 (1) (a)** should be amended to read: "... (a) ensure the timely and proper implementation and execution of the Plan; subject to the direction of the Government of the Virgin Islands which shall be set out in its priorities for implementation by the RDA in writing on an annual basis."

**Clause 13 (5) (a)** should be amended to read: "... the functions of the Chief Executive Officer shall be to (a) coordinate and monitor activities ~~relating to the implementation and execution of the Plan of,~~ of the Agency including capacity building.

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<sup>2</sup> Strike through are suggested deletions and underlines are suggested additions to the current text.

### ***Supporting Rationale***

A very broad interpretation of Act as it relates to the RDA's role in implementing the Plan goes against the fundamental premise that the Recovery to Development Plan is that of the Government and People of the Virgin Islands, and as such it is GOVI's responsibility to lead the implementation and execution the plan, in conjunction with other entities.

While the Government established the RDA as a key implementing body, it never contemplated the RDA as the sole implementer. The current clause, read broadly, gives credence to an interpretation that RDA is the sole implementer of the plan and in accordance with its own discretion.

Moreover, the scope of the Plan goes beyond recovery into development, and contains, in addition to projects and programmes, a number of policy initiatives. Both of the latter responsibilities fall outside the purview envisioned for the RDA. Additionally, both development projects as well as policy initiatives are the constitutional responsibility of Ministers and Ministries. Clause 3 (7) of the Act, underscores this point where it states that... "For the removal of doubt, this section shall not be construed so as to affect in any manner the undertaking of any development projects by the Government."

Therefore, various clauses in section 5 of the Act which makes broad reference to RDA's execution or implementation of the plan may be incongruent with clause 3 (7) of the Act, because the Plan (as a result of its comprehensiveness) includes development projects and policy initiatives.

In addition, the diversity and varying levels of complexity of projects, programmes and policy initiatives related to recovery and development of the Territory as well as the varied skills and expertise available within the Government, RDA and other implementing partners, it is counterproductive to draw a hard line between either recovery and development projects, or between projects and policy initiatives. Instead, the decision related to the implementing entity should made by the Government based on an objective assessment of capacities of the implementing entities.

### **2.1.2 The scope and sources of contributions to be placed in the Recovery Trust Fund**

The concept of a resilience fund was originally conceived by GOVI wherein funds raised for the recovery, either through borrowings underwritten by the UK Guarantee or from donors and investors, were to be segregated from normal fiscal arrangements of Government. The objective of setting up such a ring-fenced fund, among other things, was to allow for expediency, independence, transparency, credibility for donors and effective risk management.

The Act creates the framework for the resilience fund by setting out in section 15 that “The Government shall establish a trust, to be known as the Virgin Islands Recovery Trust for the purpose of receiving all contributions from diverse sources for the recovery and development efforts pursuant to the Plan including (a) gifts and bequests; (b) donations; (c) proceeds from loans and other arrangements negotiated by the Government; (d) such monies as may be appropriated by the House of Assembly for the purposes of the Plan.”

While the foregoing is not objectionable in principle, section 15 can be and is increasingly being interpreted to suggest that Government’s recurrent surplus, once being used for recovery and development efforts pursuant to the plan should be placed in the trust.

In order to remove any doubt of Government’s discretion in relation to funds borrowed outside the UK guarantee or how it utilises its recurrent funds for recovery or development, the following amendments to the Act are suggested:

**RECOMMENDATIONS:**

**Clause 15 (d)** should be amended to read: “such monies as may be appropriated by the House of Assembly for ~~the purposes of the Plan~~ projects to be implemented by the RDA pursuant to section 5 (1).”

**Clause 15 (c)** of the Act should be amended to read: “proceeds from loans and other arrangements negotiated by the Government, and underwritten by UK loan guarantee”.

### ***Supporting Rationale***

GOVI expects that it will utilise its recurrent surpluses to execute any project, whether recovery or development or other initiative, and in doing so utilise its own systems and processes to deliver the project or policy initiative. To do otherwise would stifle Government's ability to carry out its inherent and constitutionally mandated functions; using its established resources and processes which also deliver transparency and accountability, and are consistent with best practices on procurement and fiscal management.

In addition, these very systems are sufficiently robust to ensure that funds borrowed are utilised for their intended purpose with strong levels of accountability and transparency following international best practices, including in procurement. GOVI therefore considers it unnecessary for funds borrowed outside the UK guarantee to be placed in the resilience fund except for the purpose of it being utilised by RDA to implement a project.

Moreover, GOVI considers it unnecessary to transfer funds from its recurrent budget to a separate fund, only to in turn for it to access those same funds to implement projects or initiatives. This would not only be inefficient but may increase implementation costs.

### **2.1.3 The terms of the Trust which allows only the RDA (and charities) to access the trust fund's property**

Clause D of the Trust Deed allows for the Trustee in its discretion to pay, transfer or apply capital or income of the trust for the benefit of charities or to the **Recovery Agency** [emphasis added] to apply to the charitable purposes of the trust. This limits the payment, transfer or application of the capital or income of the trust. As a result, GOVI who was envisioned to be an implementer of recovery projects would not be able to do so using the trust's capital or income.

Given the aforementioned, the following actions are recommended: <sup>3</sup>

#### **RECOMMENDATIONS:**

**Amend clause 4.3 of the Trust Deed** to give GOVI access to trust monies for purposes of implementing projects that fall within the trust's charitable purposes.

**Amend clause 17 of the Trust Deed**, to read "The Agency, charities and GOVI shall only be able to access the property of the Trust required for the implementation of the Plan".

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<sup>3</sup> Failing GOVI's ability to be an implementer of recovery and development projects funded through the trust fund, owing to restrictions on accessing the trust's monies, the Government should **determine what contributions it makes to the fund** and for what purposes.



**Put in place regulations on accessing trust monies.**

***Supporting Rationale***

Clause 4.3 of the trust deed should be amended to allow the Trustee to pay, transfer or apply the Capital or Income of the trust to GOVI to apply to charitable purposes, using the same criteria as RDA, subject to the Trustee's discretion.

The trust fund was set up to ensure that there is an independent mechanism in place supported by strong administrative and governance systems for holding and disbursing funds raised for the recovery. Therefore, as long as GOVI meets the requirements of that system, there should be no impediment to GOVI being an implementer of recovery and development projects.

In addition, restricting GOVI from accessing funding for development projects by operation of the trust deed would be incompatible with Government's constitutional mandate and authority for development, and incongruent with the VIRDAA section 3(7).

The trust deed contains very little detail on how the charities or the RDA could access funding. It gives the Trustee broad discretionary powers to apply the income or the capital of the trust to the purposes and objects of the trust (i.e., the priorities in the Plan and Act). The Act under section 26 (2) (a) contemplates regulations that provide for "the guidelines and criteria for applications for funding". However, these do not exist yet.

Moreover, taking into consideration, the generality of the trustee's powers, the regulations stipulated in the Act on setting out guidelines for accessing funding, as well as the spirit and intent of the entire arrangement to promote transparency and accountability, it is necessary to put in place regulations on accessing the trust's monies.

This would establish clear criteria, guidance and processes that the RDA, Government, public and charities would need to be aware of. In turn, the Trustee could take this into consideration when exercising its discretion on applying the capital or income of the trust.

## 2.2 Regulations

Section 26 (2) of the Act provides for the development of various regulations, pertaining to:

- a. Framework for interaction, responsibilities and exchange of information between the Ministries and the RDA;
- b. Guidelines for Capacity Building; and
- c. Guidelines and Procedures for Procurement of Goods and Services.

These regulations have been developed by GOVI in collaboration with the RDA and are in a final draft form with the Premier's Office. They are critically important for the functioning of the RDA as well as to ensure delivery of key recovery objectives of the Government and should therefore be finalised as soon as practicable. However, the following amendments to the current draft regulations should be considered.

### 2.2.1 Framework for interaction, responsibilities and exchange of information between the Ministries and the RDA

#### RECOMMENDATION:

**Regulation 9 (5)** relating to business case options, consideration should be given to whether the lead ministry should agree with the option.

#### *Supporting Rationale*

Allowing the Ministries to agree with the option that will be pursued will ensure that the RDA is accountable to the Government in making sure that its chosen option delivers on the Government's objective.

### 2.2.2 Guidelines for Capacity Building

#### RECOMMENDATION:

Section 15 (1) of the draft regulations pertaining to the capacity building strategy that states "The Agency shall develop a capacity building strategy as part of the implementation of the plan as agreed to with the Minister" should be amended to a more precise language as follows "**... which shall be agreed by the Minister.**"

### ***Supporting Rationale***

The current language is imprecise and somewhat unclear and it is important for the regulations to have a more precise language that reflects the intentions of the Government. This is because a capacity building strategy was one of the key demands put forward by the members of the HOA in order to reach an agreement on passing the Act. If there is no requirement for capacity building strategy developed by the RDA to be agreed upon by the appropriate entity in the Government, Government's ability to ensure that the RDA's strategy adequately addresses the capacity gaps and through clearly articulated and specific measures which it agrees; will be undermined.

### **2.2.3 Guidelines and Procedures for Procurement of Goods and Services**

#### **RECOMMENDATIONS:**

The procurement regulations should be amended to:

- Place specific requirements on the RDA to ensure that firms are registered in its **contractors' registration and classification system (CRCS)**.
- Create a **linkage between Government's CRCS and that of RDA's** to ensure that registrants in GOVI CRCS are registered with the RDA.
- Set out regulations that would specifically ensure **participation of local suppliers, contractors and consultants** in the procurement process; and as well **local employment**.

### ***Supporting Rationale***

One of the foremost objectives of the Recovery is to ensure that BVIlanders are a central part of and benefits from participation in the recovery. It is therefore critical that this objective is enshrined in the regulations.

Section 22 requires that the Agency “shall maintain a list of pre-qualified providers for the procurement of services including works ...” and also requires the RDA’s procurement team to utilise the persons/firms registered in the **Contractor Registration and Classification System (CRCS)**, except under specific circumstances identified in the regulation.

This creates the possibility of persons who are not registered in the CRCS not being pre-qualified, thereby limiting their opportunity to participate in the procurement process related to works, goods or services.

The Government's objective to maximise participation of BVIlanders - contractors, suppliers, etc. - in the recovery cannot be achieved if they are not registered in the RDA’s CRCS. Therefore, regulations **MUST** include specific requirements on the RDA to get the contractors/suppliers registered.

Additionally, the regulations should also require the linking of RDA’s CRCS with that of the Government, so that those who are registered with the Government CRCS can be considered for RDA’s procurement processes without having to be registered again.

The draft regulation does not reflect sufficiently the principles related to **participation of local suppliers and local employment**. The only references are in sections on Local Content and Domestic Preference. It is suggested that principles 7-14 (related to participation of local suppliers/contractors/consultants) and principles 16 and 18 (related to local employment) be explicitly stated in the regulations as a set of guiding principles in Part IV.

### 3. INSTITUTIONAL ARRANGEMENTS

Beyond the fundamental objective of ensuring a timely, effective and efficient recovery, the Government sees recovery as an opportunity to build capacities of the public service, both its systems and personnel, for optimal delivery of services, while drawing upon the collective expertise and resources of partners. The institutional arrangements should therefore, supplement and strengthen the existing capacities and not supplant it.

The institutional arrangements for recovery also emphasise the significance of a BVI-led recovery with the central Government playing the key role in articulating the recovery priorities, coordinating and monitoring the implementation of recovery and facilitating a collaborative process for implementing the Recovery to Development Plan.

The key institutions involved in the recovery are the Ministries (led by Premier's Office), the Disaster Recovery Coordinating Committee (Premier's Office), the RDA, Private Sector, NGOs and Development Partners.

In order to strengthen the institutional arrangements, the following recommendations are suggested:

#### 3.1 Central Coordination of Recovery

##### RECOMMENDATIONS:

Ensure that **central coordination of the recovery** continues to be led by Premier's Office.

Institutionalise the coordination function within Premier's Office to ensure that the Premier's Office continues to have a **dedicated team** responsible for the central coordination of recovery, both currently and in the future. Institutionalisation may also require **changes to the Comprehensive Disaster Management Strategy**, or embedding these resources within a **policy/planning unit** within Premier's Office.

Engage **Disaster Recovery Coordination Committee** for a further 6 months to support the coordination function, and cloak it with sufficient authority to deliver on the coordination function.

### ***Supporting Rationale***

The Government's leadership of recovery is well established historically and is underpinned by the Disaster Management system and policies that unambiguously attribute the responsibility of recovery to the Premier. As the Ministry responsible for Recovery, Premier's Office will have the continued function of monitoring recovery programmes, projects and policy initiatives, whether implemented by the RDA, Government Ministries/Departments or other stakeholders including private sector, NGOs and development partners.

To fulfill the recovery mandate of the Premier's Office, Government has a dedicated team responsible for central coordination of recovery within the Government as well as with all relevant stakeholders, including the RDA. It is important that institutions, processes, implementation structures and modalities firmly respect this principle, and adhere to it in both practice and spirit.

The Disaster Recovery Coordinating Committee (DRCC), established by the Cabinet in October 2017, has been performing this function, on behalf of the Premier's Office. The DRCC should be allowed to continue to provide the recovery coordination support for the next six months, working closely with the Premier's Office, with the objective of transferring the lion share of this responsibility to a designated person or persons within the Premier's Office. This will ensure that there continues to be central coordination, reporting and liaison amongst the various stakeholders and general oversight of all recovery related matters.

Beyond DRCC's engagement the recovery coordination must be institutionalised within the Premier's Office. This could be achieved by creating a dedicated team similar to the DRCC or have this function embedded in a new Policy and Planning Unit within the Premier's Office (under the auspices of the public service transformation initiative).

Irrespective of the structure, the team should be empowered with sufficient authority to effectively support the recovery across all sectors, with dedicated personnel and resources.

### 3.2 Recovery and Development Agency

#### RECOMMENDATIONS:

Government should clarify and further **articulate the role of RDA** as a supporting institution and key implementer for delivering the recovery.

The Premier's Office as part of its recovery mandate should take the lead in **periodically assessing the performance of the institutional arrangements** established for recovery, including the RDA.

#### *Supporting Rationale*

The Government established the RDA as a key implementer of the Recovery to Development Plan, along with the Government Ministries/Departments, Statutory Bodies, NGOs, the private sector and development partners. Section 2.1.1 above recommends that for avoidance of doubt and it should be clarified in law that the RDA's primary responsibility to ensure that the Recovery to Development Plan should be subject to the Government's direction via it setting out its priorities. Equally, this should be clarified and articulated clearly to the RDA and the Public.

The Agency is tasked with driving the recovery process by fast-tracking the execution of projects and ensuring proper coordination, both with government Ministries and with external partners.

However, as an agency in its nascent state, with no track record of implementing recovery projects, limited historical, cultural and contextual knowledge, and untested operational mechanisms, the Government sees it as a necessary risk mitigation measure to not overburden the RDA with projects that it may have limited capacity to implement. Hence, instead of assigning all projects to the RDA, the Government will determine based on a set of objective criteria, the most appropriate implementing agency for each project, whether recovery or development.

It is the Government's expectation that the institutional arrangements for recovery, including the RDA, will evolve and grow organically in a manner that is not only cost effective and efficient, but also leverages and supports the technical competencies and resources that exist in the public service without supplanting them.

### 3.3 Ministries/Departments/Statutory Bodies

#### RECOMMENDATION:

Clearly articulate and ensure that Ministries are fully aware of their roles and responsibilities in delivering the recovery.

#### *Supporting Rationale*

As one of the key implementers of the Recovery to Development Plan, the Ministries, along with their Departments as well as Statutory Bodies will be responsible for leading recovery in their portfolios and implementing specific recovery and development projects, where capacities exist.

Ministries will be responsible for establishing necessary systems and processes for **planning, project management and reporting** as it relates to these projects. The Premier's Office will compile the monthly status updates received from the various Ministries as well as the RDA to **periodically assess the progress of recovery**.

For those projects and initiatives implemented by the RDA, the Ministries, as the clients of the RDA, will be responsible for articulating in the form of clearly stated requirements, the desired outcomes that are in accordance with the Plan, including defining the functional and project requirements for each activity listed therein.

While the specifics of the relationship between the Ministries will be guided by the regulations, the Ministry through their Liaison Officers will be responsible for **coordinating with the RDA and monitoring the project** to ensure it meets the requirements. Given the critical role of the Liaison Officers, Ministries are required to appoint suitable officers with requisite skills. The Premier's Office will also coordinate with the Liaison Officers and facilitate their capacity building, in partnership with the RDA.

Some of the projects, programmes and policy initiatives included in the Recovery to Development Plan will require further engagement with the public at large and relevant stakeholders to ensure that they meet the recovery needs and contribute to the strategic outcomes of the sectors and sub-sectors as defined in the Plan. These engagements will be spearheaded by the Ministries. The Ministries will solely be responsible for leading policy development, in conjunction with all relevant stakeholders.



### 3.4 Private Sector, NGOs and Development Partners

#### RECOMMENDATIONS:

Develop a **strategy for greater engagement of the private sector** in the recovery, including consultations on all aspects of the recovery, as well as funding and implementing various recovery projects.

Strengthen or create new **partnerships with development partners** to support the recovery.

#### *Supporting Rationale*

The successful implementation of both the recovery and development projects, programmes and policy initiatives will require sustained engagement with private sector, civil society (NGOs) and development agencies, who can provide technical and/or financial resources in specific areas.

The private sector has been playing a significant role in the recovery of the Territory, including the provision of humanitarian assistance as well as the repair of schools and other facilities. Recognising the private sector as one of the implementing partners for delivery of the RDP, Government should adopt a **proactive and structured approach towards private sector engagement**.

The Premier's Office in conjunction with the RDA should develop a strategy for engaging the private sector in the recovery and organise regular consultations with relevant actors to build strong partnerships to accelerate recovery. The strategy will be also an integral part of the Government's resource mobilisation efforts.

In addition to the RDA, Government Ministries, Departments and Statutory Bodies, the Government should strengthen existing partnerships as well as build new ones with various development partners, including the United Nations Organisations, Regional Organisations and International NGOs, to access technical and financial assistance in support of its recovery efforts.

Towards this, the Government should enter into **partnership agreements with the development partners** to seek support in specific areas, in line with its priorities and where such organisations have the requisite experience and expertise. The International Affairs Secretariat in the Premier's Office should lead these efforts, in collaboration with the Ministries and the RDA, starting with identification of areas where such support is necessary.

#### 4. RECOVERY TO DEVELOPMENT PLAN IMPLEMENTATION

The Virgin Islands Recovery to Development Plan approved by the House of Assembly in October 2018 was developed through a consultative planning process, including eight stakeholder and fifteen community consultations.

Projects, programmes and policy initiatives in the Plan, across five priority sectors and associated subsectors, strive to realise the vision of the BVI as ***“a model for building stronger, smarter, greener and better, fostering a vibrant and innovative economy, cohesive and empowered society, nurtured and sustainable environment, resilient infrastructure, good governance and a high quality of life for all.”***

The Plan is being implemented by the Government with the support of the Recovery and Development Agency, private sector, NGOs, and development partners, including UN agencies.

The experience of implementing the Plan highlights the need to strengthen project planning and implementation capacities, improve procurement processes and institutionalise policy development to support recovery projects. Review of institutional arrangements and the performance of implementing agencies underscore the importance of using objective criteria to determine the entity best suited to implement a project. Towards achievement of these objectives, the following recommendations are made.

##### 4.1 Project Allocation by Implementing Agency

###### **RECOMMENDATION:**

Develop and institute clear and measurable criteria to determine which projects in the Recovery to Development Plan will be implemented by the RDA.

**Supporting Rationale**

In the implementation of the Plan, decisions related to implementing agency for a particular project should be made by Government based on the capacity and comparative advantage of the entity, using objective criteria and not solely based on the funding source.

To do otherwise will invariably result in fatal loss of opportunity for the BVI Government to engage and utilise its competent resources, as well as to build capacity, and moreover to be excluded from development projects and initiatives that fall squarely within the Government’s constitutionally devolved ministerial portfolios.

The following criteria developed by the Ministry of Finance to determine which projects should be allocated to the RDA, may be used:

<b>Criteria for recovery implementing agency – RDA</b>	
I	high investment cost >\$3million
II	require a high degree of technical support not directly in the public service
III	require an extensive business case
IV	have a high expected return on investment
V	evidence that RDA assistance to Ministries will yield added value to the execution of projects
VI	evidence that RDA assistance to Ministries will allow for needed capacity building within the services
VII	not have been started by GOVI utilising its own funds or in partnership with an NGO or private sector

Certain projects allocated to the RDA in the 2019 Capital Investment Plan (CIP) meet two or more of the criteria. In practice uniform application of the criteria is encouraged.

Moving forward, these could be further refined to determine the minimum number of criteria that should be met, introduce weights to specific parameters based on their relative significance and minimum scoring for projects to be allocated to the RDA.

## 4.2 Transparent and efficient delivery of Projects

### RECOMMENDATIONS:

Strengthen government capacity to undertake **Project Planning and Implementation** effectively through the following:

- Augment the human resources of Project Services Support Unit (Ministry of Finance) and Public Works Department to assist Ministries with project planning, design and cost estimation.
- Build capacity of public officers across Ministries and Departments in project planning, including development of Statement of Requirements/Terms of Reference, Options Analysis and Business Case Development for projects and policy initiatives.
- Mandate all Ministries/Departments to use standard project management tools to maintain up-to-date information on the status, including expenditure, related to all recovery projects and policy initiatives under their respective portfolios.

### *Supporting Rationale*

Government has already embarked upon a series of measures to strengthen its economic and fiscal management practices, including those related to delivery of projects. In order to improve the transparent and efficient delivery of recovery projects and initiatives, it is important to undertake systematic planning and implementation of all recovery projects in line with Protocols for Effective Management and Public Financial Management legislation. The measures stated above are recommended to improve the delivery of recovery projects.

These measures would also help to achieve the objectives of improved and efficient delivery of public services, thereby contributing to good governance. Efforts should be made to ensure that capacity building of the public service for efficient, effective and BVI-led recovery is fully integrated in the wider Public Service Transformation initiative.

### 4.3 Monitoring and Reporting

#### **RECOMMENDATIONS for Monitoring:**

Establish a **Monitoring and Evaluation system** to track the progress of recovery across all sectors as well as stakeholder groups.

Reinstate a government-wide **Project Management system** (ECLIPSE) to track the progress of individual projects and train public officers in its effective utilisation.

#### **RECOMMENDATIONS for Reporting:**

Require Ministries to provide **Monthly Updates** on the status of recovery projects and policy initiatives, using the Recovery Monitoring Template.

Conduct **Periodic Review of the status of recovery** through monthly meetings with Permanent Secretaries of all Ministries.

Prepare **Quarterly Reports** on the status of recovery to be shared with all stakeholders and disseminated to the public.

#### **RECOMMENDATIONS for Communication:**

Expedite the appointment of **Communications Director** in the Premier's Office to provide leadership and strategic advice to overall communication on all aspects of recovery.

Develop and implement a **Communication and Public Engagement Strategy and Plan** for regular reporting on the progress of recovery.

Enhance visibility of progress made in recovery by developing a **Dedicated Webpage** in the Government website and linking it with existing webpage on the CDB RRL as well as other relevant websites including RDA's.

### ***Supporting Rationale***

For an inclusive, transparent and BVI-led recovery it is critical to ensure that recovery and development projects and policy initiatives are monitored and evaluated periodically and the information shared with all stakeholders in a transparent manner.

The establishment of a clear process for tracking implementation of the Recovery to Development Plan is necessary to obtain a comprehensive view of the status of recovery in the Territory and to take course correction measures, where required.

The recommended measures will not only help achieve these objectives, but also contribute to the Government's vision of an inclusive and transparent governance system.

## **5. FINANCING ARRANGEMENTS**

### **5.1 Funding Needs and Sources**

The damage and losses sustained by the Territory in 2017 were substantial – in the region of \$2.6 billion<sup>4</sup>. Damage to critical infrastructure linked to tourism, telecommunications, electricity and water and sewerage along with roads, ports, public and commercial buildings and houses was significant.

The Recovery to Development Plan outlines a preliminary projected financial need of approximately **US\$580.8 million** spread over a series of recovery and development projects, programmes and policy initiatives with an anticipated seven to ten-year delivery timespan.

Although this level of expenditure will be refined as projects, programmes and policies are prioritised, costed and full business cases developed, this amount still signifies the magnitude of the resourcing required to restore the Virgin Islands' economic viability and put it on a path of sustainable growth.

As the Government could be constrained to borrow at this level, a mix of funding sources will be required. These could include a combination of government budget spending, loans underwritten by the UK guarantee, insurance funds, grants, public-private partnerships and private sector investment. In order to ensure adequate financing of projects and alignment of projects and programmes to the 'best' funding source or the combination thereof requires careful consideration and analysis.

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<sup>4</sup> Assessment of the Effects and Impacts Caused by Hurricanes Irma and Maria – British Virgin Islands (2017) – UNECLAC, IDB and Government of the Virgin Islands.

## **RECOMMENDATION:**

A **funding strategy/policy** should be developed considering the following:

- Loan conditionalities under the UK Loan Guarantee including borrowing terms- including interest rates and repayment periods, type of financial instrument, type of projects eligible for financing;
- Whether the project provides a return on investment; If there are any forecasted project cash flows;
- Project value thresholds for type of financing method – loan, recurrent surplus, PPPs, etc.;
- Impact (economic and social) of project on priority sectors;
- The importance or relevance of the project for future development of the Territory; and
- Project type - infrastructure rebuilding, social infrastructure, including educational and health facilities.

### ***Supporting Rationale***

Decisions on project financing can be complex and require for the most part weighing the costs and benefits of each financing approach or combination against the size of the project, intended impacts, timeframe for delivery, intended benefits of the project, etc.

Objectively taking into consideration these parameters in a funding strategy/policy setting out clear criteria for choosing a particular funding source or combination thereof will result in a better alignment of project to financing mechanism.

## **5.2 Funding 2019 CIP, Phase One Recovery Programme and other RDA projects**

In 2019, the recovery will be driven by the Government's CIP which is recovery focused and the Phase One Recovery Programme (6-month Accelerator Programme), which was approved by Cabinet in July 2018 to build momentum of the recovery. It focuses resources on projects that could be delivered quickly and achieve key outcomes in the areas of tourism, education and recreational facilities, housing, emergency land and marine shelters, law enforcement institutions and key government infrastructure.

Ensuring that financial resources are available in 2019 to execute projects is critical. Otherwise this could hinder implementation and negatively impact the progression of the recovery.

#### **RECOMMENDATION:**

Consider utilising currently available funding sources (existing CDB RRL, other outstanding CDB loan, 2018 recurrent surplus, insurance proceeds and grants) for additional funding for the Phase One Recovery Programme and RDA projects allocated under the 2019 CIP instead of “**new loans**” as per 2019 Budget.

#### ***Supporting Rationale***

Currently the 2019 CIP will be implemented by Government and the RDA and is funded by a combination of:

- Existing CDB RRL - focuses on larger infrastructure projects including public buildings, schools, road and retaining wall structures, ports, water and sewerage and the new NEOC building.
- **New Loans (RDA projects and Phase One Programme only)** – derelict vessel removal, rehabilitation of Government buildings, etc.
- 2018 recurrent surplus (local funds) – L-shaped building (ESHS), multi-sports complexes, small tourism related rebuilds – bathrooms, national parks, etc.
- Insurance proceeds – public buildings including the CAC and Fishing Complex
- Grants

Negotiating new loans to fund only RDA executed projects at this juncture might be premature and better left as part of the UK Loan Guarantee discussion. Additionally, developing the funding strategy/policy may reveal that new loans may not be deemed the “best” funding source for these projects.

The reallocation of funding sources may require a review of the 2019 CIP and a further prioritisation of projects to ensure that the budget is still within the fiscal space set by the MTFP and available financial resources.

To ensure consistency with public financial management best practices it is important that all projects within the CIP have a credible and realisable source of funding.

### **5.3 Funding Recovery and Development Beyond 2019**

As the Government contemplates the future development of the Territory, financing options and the pace of recovery will be at the forefront of any decision making. The UK Government has provided the Government with a guarantee of up to 300 million pounds. This will allow access to additional funding, as required, as the rebuild and redevelopment of the Territory progresses.



It is a certainty that development of the Territory will involve implementing large infrastructure projects and these will require substantial resources. Therefore, determining the “best” finance options is critical.

Possible options with respect to financing recovery and development projects are as follows:

- **No borrowing through the UK Guarantee.** This option assumes that recovery will be financed entirely using Government’s own resources, grants and existing loans, without accessing the UK loan guarantee.
- **Borrowing through the UK Guarantee as required.** This option assumes that the recovery will be financed through a combination of Government’s own resources, grants, existing loans and loans leveraged using the UK guarantee.

**RECOMMENDATION:**

Consider borrowing through the UK Guarantee as required to fund rebuilding and redevelopment of the Territory.

### ***Supporting Rationale***

**No borrowing through the UK Guarantee** will require the Government maintaining recurrent surpluses into the foreseeable future. Given that financial services revenue makes up over 60% of Government collections, a downturn in incorporations and re-registrations could severely impact the Government's ability to finance the recovery.

As a result of the external pressures on the industry associated with requirements for public registers and economic substance along with negative impacts from EU blacklisting and other global developments, the unpredictability of future revenue from financial services is a reality.

Of additional consideration is the cost of the recovery. Large infrastructure projects such as road reconstruction (indicative costing in the region of \$90 million), renewable energy sector (preliminary estimates in the region of \$100 million) and redesign of the water and sewerage network (estimated cost over \$10 million) may outstrip current and future surpluses, thus hampering the pace of the recovery.

A slow recovery has direct implications for the future development of the Territory and the ability of the Government to fulfil its 4-year mandate as articulated in its manifesto.

**Borrowing through the UK Guarantee** could be utilised for financing larger infrastructure projects related to transportation (roads, ports), water, sewerage, energy sectors that will yield return on investment and could be implemented in collaboration with the RDA.

Whilst the Government's resources can be used to finance projects that are critical for the human and social recovery as well as the key policy initiatives and institutional arrangements to create an enabling environment for recovery of all sectors.

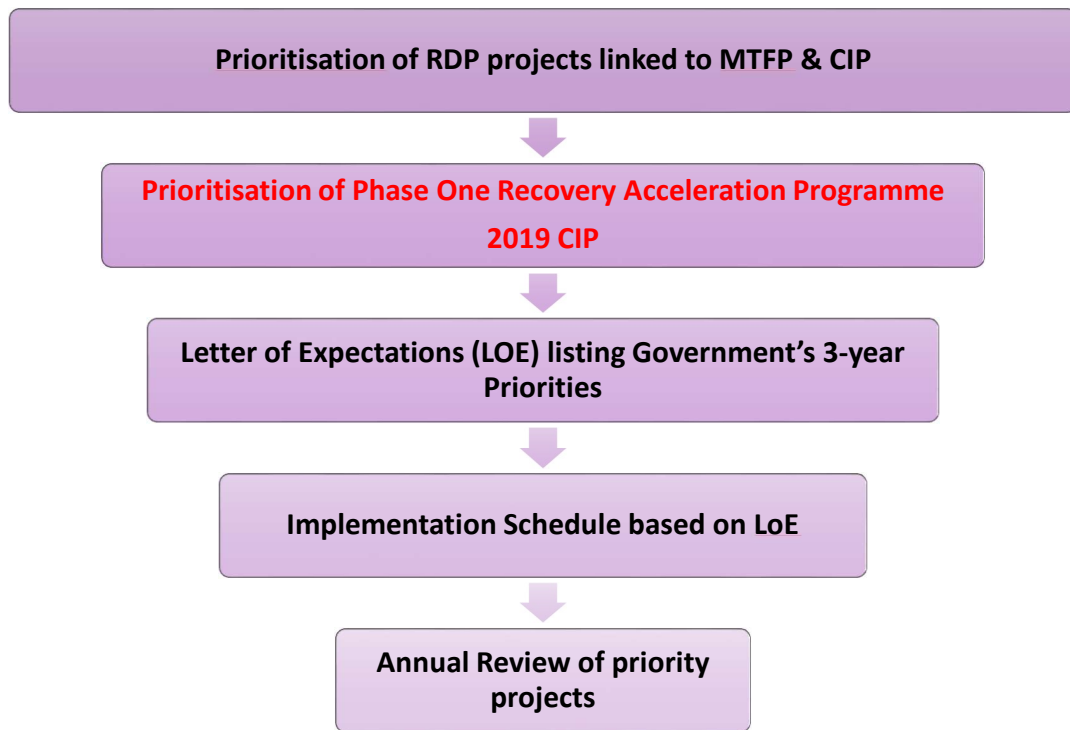
## 6. REVISED RECOVERY PRIORITIES

2019 is a critical year for the BVI and will set the tone for how the recovery continues to progress. Consequently, the Government's 2019 CIP should outline projects that will ensure that crucial infrastructure, both of social and economic significance, will be restored balancing the need to recover quickly and Territory's future development needs, while keeping at the forefront the necessity to build back to a resilient state.

Project prioritisation and planning, identification of appropriate financing methods along with allocation of projects to best-suited entities for project delivery are some of the important pre-requisites for an efficient, continuous and results-driven recovery.

### 6.1 Prioritisation Framework

Prioritisation in the current institutional framework for recovery follows this sequence.



#### RECOMMENDATION:

The Government should prioritise based on clear institutional framework as presented above.

## 6.2 Priority Outcomes and Areas for 2019 CIP

Prioritisation is a critical part of project implementation and will allow the Government to assign scarce resources to the most important projects leading to a higher probability of achieving the maximum value for money. Priority projects identified in the 2019 CIP and Phase One Programme<sup>5</sup> will help the Territory to achieve the following outcomes in specific areas that are critical to advancing the recovery.

PRIORITY OUTCOMES	PRIORITY AREAS
Restored <b>Government functionality</b> for providing basic services	<ul style="list-style-type: none"> <li>• Public and administrative buildings, courts, emergency network</li> </ul>
Rehabilitated <b>tourism</b> product	<ul style="list-style-type: none"> <li>• Restoration of tourism hot spots and infrastructure</li> </ul>
Restored functionality of basic <b>human and social services</b>	<ul style="list-style-type: none"> <li>• Education – major repairs to public schools</li> <li>• Health – repairs to clinics and waste management facilities</li> <li>• Social – housing and social assistance, repairs: emergency shelters, recreational facilities</li> </ul>
Rehabilitated primary <b>physical infrastructure</b> linked to priority sectors	<ul style="list-style-type: none"> <li>• Roads and Coastal defences repairs and re-construction</li> <li>• Sewerage/water network – restoration and re-development territory wide</li> <li>• Security – infrastructure and equipment</li> <li>• Transportation–seaport repairs</li> </ul>

### RECOMMENDATION:

Prioritisation should be based on clear and agreed criteria, considering priority outcomes presented above.

<sup>5</sup> Although it did not achieve its envisioned 6-month implementation timeframe projects still deemed priority are currently being implemented by the RDA and some form part of the 2019 CIP.

### 6.3 Priority Projects by Outcome and Area

See attachment for the project listing.

#### **RECOMMENDATION:**

Review and agree on the list of priority projects for the 2019 Capital Investment Plan.

#### ***Supporting Rationale***

The projects listed in the attachment are based on an initial prioritisation exercise conducted by the DRCC (Premier’s Office) and PSSU (Ministry of Finance) guided by the criteria in section 6.2. The majority of these projects are contained in the current version of the 2019 Draft Budget B.

If any changes are made to the project listing it is important that funding sources are identified. The 2019 CIP budget should therefore reflect all the priority projects.

## **7. NATIONAL DEVELOPMENT STRATEGY**

The Recovery to Development Plan includes several development projects and policy initiatives. This was inevitable given the extent of devastation caused by the 2017 disasters and the public demand to expand the scope of the RDP beyond just recovery projects.

In the absence of a comprehensive National Development Plan, the RDP included those priorities that are currently included in the strategic frameworks of various Ministries and other identified future needs of the Territory. However, they do not represent the wide array of actions that a development plan with a longer planning period should include.

In addition, the short duration of the recovery planning process did not permit extensive consultations with all sections of society that are critical for articulating long-term national development priorities and actions.

The following recommendations are made with respect to the national development planning process.



## **RECOMMENDATION:**

Develop a National Development Strategy to articulate the long-term development needs of the Territory, starting with the following measures:

- Seek **technical assistance** from development partners such as the UN ECLAC and UNDP that have the relevant expertise and experience in assisting countries in the region with national development planning.
- Set up a **National Development Planning Committee** to coordinate the process, under the leadership of the Premier's Office, with representation from relevant Ministries and other stakeholders.
- Establish a dedicated and well-resourced **institution for development planning**, without replicating existing institutions, with the mandate to lead and coordinate the process as well as monitor progress.

## ***Supporting Rationale***

Using the Recovery to Development Plan as a foundation, the National Development Strategy development process should build upon various ongoing initiatives such as the SEED Development Framework by the Macro Fiscal Unit, Ministry of Finance, the National Physical Development Plan and other strategic planning frameworks and initiatives across the sectors. developed through a participatory process, involving all stakeholders.

While aspiring to achieve the universally accepted Sustainable Development Goals, the National Development Strategy for the Virgin Islands should attempt to localise these, making them relevant to its specific development context and needs of its population. It should draw upon the expertise and resources of private sector, civil society and development partners including the UN system to find sustainable and innovative solutions to the development challenges the Virgin Islands faces.

Along with the development of the National Development Strategy, the establishment of a dedicated institution is critical to the sustainability of these efforts and in ensuring that development planning is embedded in the DNA of public service.



30<sup>th</sup> September, 2020

Baroness Elizabeth Sugg CBE  
Minister for Sustainable Development  
and the Overseas Territories  
Parliamentary Under-Secretary of State  
Foreign, Commonwealth and Development Office  
King Charles Street  
London, SW1A 2AH.

Dear Baroness Sugg:

**Re: Opinion on Virgin Islands Constitution Order, Section 49**

Good day and God's Blessings to you and your family.

I write to you in my capacity as Premier of the Virgin Islands.

The purpose of this letter is to seek your assistance with respect to a difference of opinion between His Excellency the Governor Augustus J. U. Jaspert (**the "Governor"**) and the Government of the Virgin Islands on the interpretation of Section 49 of the Virgin Islands Constitution Order, 2007 (**the "Constitution"**), specifically whether, notwithstanding the express wording of Section 49, the Governor is authorised to appoint the Deputy Governor to chair Cabinet meetings whenever he is absent from the Territory.

The position of the Governor is that as Sections 38 and 39 of the Constitution allows him whenever he is absent from the Territory to delegate his responsibilities to the Deputy Governor that this includes the authorisation of the Deputy Governor to preside over Cabinet meetings.

The Government does not accept the Governor's position and is of the view that the wording of Section 49 of the Constitution is quite clear in that it expressly provides who should preside over Cabinet meetings in the absence of the Governor. The specific wording of Section 49 is set out below:-

***“49(1) The Governor shall so far as practicable, attend and preside at meetings of the Cabinet.***

***(2) In the absence of the Governor there shall preside at any meeting of the Cabinet the Premier, or in his absence, the Deputy Premier.”***

Further that although Sections 38 (2) and (5) of the Constitution allows the Governor to authorise the Deputy Governor to carry out all or some of the functions of office i.e. *“(2) The Governor, acting in his or her discretion, may, by writing under his or her hand, authorise the Deputy Governor to exercise for and on behalf of the Governor any or all of the functions of the office of Governor, subject to such exceptions and conditions as the Governor may from time to time specify....”* such authority is subject to Section 38 (5) which expressly provides that the Governor is not able to override *“any functions conferred on the Governor by any Act of Parliament of the United Kingdom or by an Order of Her Majesty in Council or other instrument made under any such Act other than this Order.”*

The Constitution being an Act of the UK Parliament it is therefore not possible for the Governor to override the express provisions of Section 49 (2) as it relates to the persons who are authorised to preside over Cabinet meetings in his absence.

We have unsuccessfully tried to convince the Governor that if his interpretation of Section 49 was to be accepted it would effectively mean that the Premier, the person who actually heads the Cabinet under the Constitution, would never have an opportunity to preside over Cabinet meetings since the Governor would usually appoint the Deputy Governor or other person to act whenever he is absent from the Territory. This we contend would not only be an absurd result but could not have been the intention of Parliament.

The Government has obtained legal advice in the matter which supports its interpretation of Section 49. We have also been advised that while the matter can be determined by an application to the Court for an interpretation of Section 49 of the Constitution that the preferred method for settlement of the dispute should be to seek your guidance as the Minister and Under-Secretary of State with responsibility for Overseas Territories. A copy of the legal opinion received is enclosed for your attention. As the Constitution is an Act of the UK Parliament, we are of the view that you are in a unique position to provide guidance as to the intention of the UK Government in Section 49.

In view of the above, we seek your assistance on the proper interpretation of Section 49 of the Constitution. As the matter is one of great concern to the Government and people of the Virgin Islands, we would very much appreciate your urgent attention to the matter. I would be grateful to have your response on this matter within one week, giving its pressing nature.

I have copied the Governor and each Member of Cabinet in on our letter, so that they are all aware of my request for your assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'A. Fahie', is written over a horizontal dotted line.

Andrew A. Fahie  
Premier and Minister of Finance

cc: Governor of the Virgin Islands  
All Members of Cabinet  
Cabinet Secretary



Ref. No.: OP/C4/001

13th January, 2020

**His Excellency the Governor**  
**Mr. Augustus J. U. Jaspert**  
**Governor of the Virgin Islands**  
Office of the Governor  
Road Town  
Tortola VG1110  
British Virgin Islands

Dear Governor Jaspert:

**RE: Unfounded allegations of corruption**

**This letter supersedes my previous letter dated 10<sup>th</sup> January, 2020.**

Good Day and God's Blessings to you and yours.

This letter is prompted by statements made by you during the historical Cabinet Meeting of 8<sup>th</sup> January, 2020, which was held on Jost Van Dyke commencing 10:00 am, which statements, I am sure you would agree, cannot be allowed to go un-noted.

During the proceedings of the said Cabinet Meeting, you uttered statements that "the BVI is full of corruption", among others.

In the first instance, I wish, on behalf of the Elected Members of the Government of the Virgin Islands, to express our individual and collective disgust at your conduct in this instance. Such behaviour is unbecoming of a representative of Her Majesty the Queen, Elizabeth II, whose crown represents graciousness, honesty and nobility.

Such broad and sweeping statements, without offering any means of substantiating them, is an insult to the Elected Members of my Government who have only been in office for less than one year and on whose character you have cast serious aspersions.

## **Unfounded allegations of corruption**

**13<sup>th</sup> January, 2020**

**Page 2**

The continued unwarranted behaviour and continual unnecessary battering of my Government since our early days in office in February 2019, without any clear explanation, continues to be of great concern. We believe from your many ‘behind the door’ actions, which the public does not see, are intentional steps to destabilise and erode the integrity of my Government - Elected Members who strongly and firmly believe in the tenets of good governance.

Your statements are also an insult to the integrity of all Virgin Islanders, a people who have welcomed you into their homes, into the land of their ancestors since your appointment in 2017. Additionally, Virgin Islanders through the Territory’s BVI Government budget have ensured that you can live comfortably and peaceably at the Government House and host events with their tax dollars, also provided through BVI Government’s budget.

Your disrespectful utterances also tarnish the reputation of the Territory of the Virgin Islands and undermine the image and standing of the Virgin Islands in the eyes of the international community – both in the UK and elsewhere.

Such contempt flies in the face of the so-called modern partnership that is supposed to be the basis of the Constitutional relationship between the Virgin Islands and the Government of the UK, and that of the relationship between the Government of the Virgin Islands and the Office of Governor; a relationship of mutual respect that is premised, at the minimum, upon:

1. Acknowledgement that the society of the Virgin Islands is based upon certain moral, spiritual and democratic values including a belief in God and the rule of law;
2. Recognition of the people of the Virgin Islands as a people and a country, and their quest for social justice, economic empowerment and political advancement; and
3. The fact that the people of the Virgin Islands have developed themselves and their country based on qualities of honesty, integrity and mutual respect, engendering a strong sense of belonging to and kinship with those Islands.

I wish to reiterate that your statements during that historical Cabinet Meeting on Jost Van Dyke are consistent with a pattern of behaviour that I have observed from you towards my Government since the initial weeks of my Government’s tenure when I requested time to analyse and consider the conditions proposed by the UK Government with respect to its offer of Loan Guarantees for Hurricane Recovery, more so since my Government proposed a smaller revised Recovery and Development Plan based on practical considerations.

I am again forced to reiterate my sentiments that the resetting of the relationship between the Government of the Virgin Islands and the Government of the UK, as agreed during my meeting with Lord Ahmad of Wimbledon last September, does not appear to be happening. In fact, the



## **Unfounded allegations of corruption**

**13<sup>th</sup> January, 2020**

**Page 3**

relationship continues to descend into deeper discord by your persistent contemptuous conduct towards my Government and towards the people of the Virgin Islands.

I wish to state emphatically that since my Government took office following the democratic elections of 25<sup>th</sup> February, 2019, there has been no corruption in the public business that is under the control and supervision of my Ministers. My Government and I have a zero-tolerance policy for corruption, and we firmly believe that anyone who betrays the public trust in this manner should feel the full weight of the law.

If you have evidence of corruption in Government, especially post-25<sup>th</sup> February, 2019, then I invite you to bring it forward so that it can be investigated and firmly prosecuted by the appropriate authorities – the Director of Public Prosecutions (DPP) and the Commissioner of Police. To be in possession of evidence of corruption and to refuse to act on that evidence makes one complicit to the corruption.

Prior to 25<sup>th</sup> February, 2019, there were allegations of misconduct in Government affairs with respect to the activities of the previous administration. These included the \$7.2 million BVI/BV Airways deal; the \$1.6 million Elmore Stoutt High School perimeter wall project, which saw individuals inflating their costs by an average of 65 percent, and as much as more than 150 percent of the true value of the work done; and the more than \$50 million in cost overruns at the Tortola Pier Park project.

These were drawn to your attention and to the attention of your predecessors. There was no action by your office to meaningfully deal with these matters. This lack of action by the previous and present Governors indicates either satisfaction by you and your predecessors that there was no corruption or hypocritical indifference to what were taking place. The people of the Virgin Islands live in hope that there will be some meaningful action on these controversial matters by your office before your scheduled departure from office in a few months' time.

Refusal by yourself and your predecessors to allow the conduct of public officials in these matters to be scrutinised and evaluated by the judicial arm of the State has prevented these matters being ventilated according to the measures provided in the Constitution for protecting the public's interest, maintaining public confidence in the systems of Government, and compromised the reputation of the Territory and that of Virgin Islanders.

Suffice it to say it was these actions and inactions prior to 25<sup>th</sup> February, 2019, that sabotaged the reputation, financial standing, welfare and economy of the Virgin Islands, placing the Territory under extremely rigorous constraints as are being imposed now by the Government of the UK. In the least, I believe that in the spirit of good partnership, you owe each Minister of Government and the people of the Virgin Islands an apology for your broad, unsubstantiated, offensive comments at the historical Cabinet Meeting of 8<sup>th</sup> January, 2020 held on Jost Van Dyke.

**Unfounded allegations of corruption**

**13<sup>th</sup> January, 2020**

**Page 4**

In the absence of an apology, I then look forward to you promptly delivering your evidence to the DPP and the Commissioner of Police and the commencement of the relevant investigations and prosecutions with respect to the imputations made against my Government or the matters previously mentioned, namely, the \$7.2 million BVI/BV Airways deal, the \$1.6 million Elmore Stoutt High School perimeter wall project, and the more than \$50 million in cost overruns at the Tortola Pier Park project.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A. Fahie', is written over a horizontal dotted line.

Andrew A. Fahie  
Premier of the Virgin Islands  
Minister of Finance

Cc: Rt Honourable Boris Johnson, Prime Minister of the UK  
First Secretary of State for Foreign and Commonwealth Affairs  
Lord Ahmad of Wimbledon, Minister of State for the Overseas Territories  
Mr Ben Merrick, Director of Overseas Territories, UK Foreign and Commonwealth Office  
All Ministers of Government



6<sup>th</sup> May, 2020

The Baroness Elizabeth Sugg, CBE  
Parliamentary Under Secretary of State  
Minister for the Overseas Territories and Sustainable Development  
Department for International Development and Foreign and Commonwealth Office  
King Charles Street  
London, SW1A 2AH.

Dear Baroness Sugg:

**RE: Overreaching by UK Government Officials**

A pleasant good day and God's blessings to you and yours.

I am writing to acknowledge receipt of your letter dated 22<sup>nd</sup> April, 2020.

I continue to be concerned with the many transgressions of the Governor that are far reaching beyond his special responsibilities as outlined in section 60 (1) (a, b, c, d, e) of the Virgin Islands Constitution Order, 2007.

I have written to your kind office, on many occasions, expressing concerns with the Governor's continual actions of usurping the people of the Virgin Islands' desire to become a self-governing people and to exercise the highest degree of control over the affairs of their country at this stage of its development.

Continually, there appears to be a lack of due respect for the ministerial advancement of this Territory and protection against overreaching as there is a consistent showing of solidarity with the Governor in the face of his numerous and continued transgressions against the Government and People of the Virgin Islands.

I wish to make clear some important points:

Currently, the Virgin Islands, like many jurisdictions around the world, is navigating a global pandemic as we all write the playbook for this unprecedented COVID-19.

The Health Emergency Operations Centre (HEOC) was legally activated through the Cabinet of the Virgin Islands, and has been instrumental in providing qualitative and quantitative data (from local, regional and international health organisations) that informed the deliberations, decision-making and actions of the Cabinet and in turn all institutions of Government including all Ministries, Departments, Statutory Boards, Enterprises and Agencies of Government, House of Assembly, the Judiciary of the Virgin Islands, the Private Sector, and the people of the Virgin Islands.

I must say that the HEOC has provided exceptional leadership. This team of Virgin Islanders has been successfully providing support that assists Cabinet with putting the necessary preventative measures in place to protect all the people living in this Territory.

Despite one death as a result of COVID-19, we give God thanks as the Territory was projected to have over 3,700 persons in the British Virgin Islands infected with COVID-19 and scientific data could bear this out. If the Government had not put the preventative measures in place, including curfews, through the different institutions like Cabinet, House of Assembly, HEOC, we would have been behind the 'eight ball'.

A very important point is that the HEOC is guided by the Public Health Ordinance Cap.194, 1977. This is the overarching legislation, which outlines the responsibilities of the Government on behalf of the people and Territory of the Virgin Islands. It gives the Minister for Health responsibility for ensuring the promotion and preservation of health within the Territory. This law also gives the Minister the responsibility to ensure the prevention, treatment, limitation and suppression of disease, the conduct of investigations and inquiries, and the publishing of reports, information and advice concerning public health.

This means that any meeting to discuss COVID-19, by law is the responsibility of the Minister for Health. It is not an international obligation, internal security, nor is it judiciary related. If it is seen as an external affair because BVI reached out to the UK through the Governor for specific documented assistance, then even more so it was important to know because the responsibility for the conduct of external affairs also rests with the Premier when relating to the United Kingdom.

As a matter of information, the five-member of the HEOC presents extensively and regularly to the Cabinet of the Virgin Islands advising and discussing situational reports and updating on the various levels of preparedness of all the agencies to mitigate COVID-19.

The members of the HEOC include the Permanent Secretary, Ministry of Health and Social Development, the Chief Medical Officer, BVI Health Services Authority, the Director of Communications and the Director of Department of Disaster Management. Cabinet agreed to the HEOC's Organisational Structure as follows:

1. House of Assembly
2. Special COVID-19 Cabinet Meetings (Chaired by Governor)
3. Economic Task Force (Chaired by Financial Secretary)
4. Unified Command Centre (Chaired by Permanent Secretary HEOC)



5. Liaison Team (Chaired by Permanent Secretary, Premier's Office)
6. Joint Information Cell (Chaired by Public Health Communications Specialist)
7. Planning (Chaired by National Epidemiologist)
8. Operation (Chaired by Chief Executive Officer of BVI Health Services Authority)
9. Logistics (Chaired by Logistician of Department of Disaster Management)
10. Finance and Administration (Chaired by Deputy Secretary, Ministry of Health and Social Development)

As a Cabinet, we have thanked all the Chairs for hosting these meetings and being a part of the decision making as Ministers deliberated on the scientific evidence from our public health officials, the World Health Organisation and CARPHA, and the recommendations from the HEOC.

With this solid structure in place, it was a surprise to learn that apart from this structure as approved by Cabinet, the Governor and his Office summoned some members of the HEOC to discuss COVID-19 under a message sent from the Governor's Office on 7 April, 2020 without any prior discussion with the Health Minister, who has the legal authority for the handling of all matters related to any Health pandemic. The email reads:

**“Subject: Call with the UK to Update on BVI”:** “Good afternoon colleagues, The FCO has established a team to pull together departments from across the UK Government to assess the situation in the Territories from a holistic point of view. This forms part of its contingency planning to the Covid response in the Territories, including in the medium to longer term. They would like to have an introductory call (with cross UK government representation and key BVI Government officials) on Thursday 9 April at 9am to get an overview of the situation on Healthcare and Security (including prisons) and to assess our current capabilities so that they understand where any gaps may lie. This initial call is predominantly a fact finding mission for them, so addressees will largely lead the discussion after an introduction by the Chair (the FCO lead of the Team) and the Governor...” *Maria Mays, Head of Policy, Governor's Office*

With such a very important meeting orchestrated collectively by the Governor, his office and FCO, it was important for this to be brought up in Cabinet, by the Governor who is the Chair, to allow it to form part of the Cabinet Record and the decision-making process. However, nothing was uttered officially or unofficially.

There is a continual concern of overreach into the Public Service of the Virgin Islands by the FCO through the Governor, and the Governor through his office, even though Ministers have been legally assigned the responsibility for administration of their ministries and departments, as in keeping with the Constitution. I am quite mindful that since 1967, a ministerial system of government was instituted in the Territory of the Virgin Islands.

In fact, Public Officers have also privately expressed concerns, in confidence, that the Governor and the Governor's Office are making direct contact into ministries and departments, and have requested that a proper protocol be established so that there is a clear understanding of how the Governor and his Office should be interacting with ministries and departments.

For those Public Officers who have been in the Public Service for a significant period of time and have institutional knowledge and understand how the mutual relationship across ministries and departments worked in the past, they have expressed a high level of discomfort to me privately. I have asked them to express the same with the Deputy Governor about the Governor and his Office's actions, while some may have been hesitant because the Deputy Governor report to the Governor, I am sure that some may have mustered the courage to express their concerns without fear.

The Governor, though head of the Public Service, should still operate within the guidelines of the Constitution. He too must show transparency and accountability for his actions. He is not being held accountable. The Governor's Office continues to reach into the Public Service unbeknownst to Ministers, who are the administrators of the office as created by the Constitution.

As such, Public Officers' schedule of meetings on activities with the Ministers and their respective Ministries clash with that of the Governor often times putting the Public Officers in an unnecessary compromising position. As a result, Public Officers become intimidated and select the meetings with the Governor and his extended office out of fear.

I do not expect that I or any Minister of Government would engage in planning meetings to meet directly with UK Civil Servants without making you aware. In fact, we would have to go through the Governor's Office and your kind office as well.

The Constitution of the Virgin Islands holds that the Governor, acting in accordance with the advice of the Premier, assign to any Minister responsibility for the administration of any department of Government. No Minister shall be assigned responsibility under section 60(1) *Governor's special responsibilities*. This section reads that the Governor shall be responsible for the conduct (subject to this Constitution and any other law) of any business of the Government of the Virgin Islands, including the administration of any department of government, with respect to the following matters —

- (a) external affairs, subject to subsection (4);
- (b) defence, including the armed forces;
- (c) internal security, including the Police Force, without prejudice to section 57;
- (d) the terms and conditions of service of persons holding or acting in public offices, without prejudice to section 92; and
- (e) the administration of the courts; and the Governor shall keep the Premier fully informed concerning the general conduct of these matters, and the Premier may request information in respect of any particular matter.

The United Kingdom Government and Government of the Virgin Islands agree that we both share a commitment to partnership. This is clear in the Constitution noting that the United Kingdom has articulated a desire for a modern partnership with the Virgin Islands based on the principles of mutual respect.



The concern at hand is the heavy-handed approach by the Governor and his Office to abuse his authority within the Public Service to summons Public Officers is not appropriate.

The concerns raised continue to put Public Officers in a compromised position which is not healthy for the Public Service, and by extension the people of the Virgin Islands for whom they serve.

While I appreciate your humility to not let the Governor's infractions interfere with the work that has to be done, I must advise that I respectfully disagree with the conclusions that you have drawn. Time and time again, representatives of the UK Government as well as representative in the Office of the Governor operate with disregard for the Ministers and their respective ministries and departments, and the Constitutional framework that governs the modern partnership.

With due respect, I have expressed my concerns on this and similar matters where related issues and instances of constitutional misconduct occurred. To date, I have received no redress on behalf of the people of the Virgin Islands in this matter, and so the seemingly accepted misconduct continues.

I am duty-bound to say that the relationship between the UK and the BVI is rooted in and guided by the Virgin Islands Constitution Order, 2007. All actors in this relationship are required to conduct themselves in a manner that upholds the Constitution, and are not to operate in any capricious manner. This requirement is necessary to protect the interests of both the people of the Virgin Islands and the people of the United Kingdom and the interactions under the modern partnership.

Rest assured that my Government and I are very much in favour of maintaining a cordial and cooperative working relationship with the UK Government and its representatives, but we must insist that the Constitution, the Rule of Law and mutual respect must be maintained at all times.

Do have a blessed day.

Respectfully,



.....  
Andrew A. Fahie  
Premier of the Virgin Islands

cc: Mr. Ben Merrick, Director, Foreign and Commonwealth Office  
Governor of the Virgin Islands  
All Cabinet Members  
All Junior Ministers



# Statement By Premier Fahie On The First 100 Days In Office “Restoring Hope and Prosperity to All”

## Statement

Premier's Office

Topics: Education (/tags/education), Immigration (/tags/immigration), The Public Service (/tags/public-service)

Release Date:

Thursday, 6 June 2019 - 8:31 pm

STATEMENT BY PREMIER AND MINISTER OF FINANCE

HONOURABLE ANDREW A. FAHIE

ON THE FIRST 100 DAYS IN OFFICE

**“Restoring Hope and Prosperity to All”**

**Thursday, 6<sup>th</sup> June, 2019**



Fellow BVI Islanders, patriots, residents, and well-wishers; good day and God's Blessings.

On behalf of my government, I want to thank all the people of the British Virgin Islands for this awesome honour to lead our recovery and development at this stage in history.

It was 100 days ago, that the people of this Territory gave the Virgin Islands Party the mandate to lead for the next four years, and to usher in a new era of change and renewal.

We came into office understanding the challenges that face us as a people; and also understanding that it will take bold, sometimes

even unconventional, leadership.

We hope we have provided that.

Our goal at the core has always been to build a strong and prosperous Virgin Islands.

I am pleased to report that my team has been hard at work on your behalf.

We all understood the magnitude of the moment and the sacredness of the opportunity —and we have been putting our shoulders to the wheel.

We have been busy restructuring the levers of government; replacing and strengthening Boards of Statutory Bodies and seeking to build a more efficient public service.

It is clear that public sector efficiency **MUST** be a key element of improving the lives of our people.

But the lessons of the first 100 days have told us about the crucial needs of improving the efficiency of the public services; setting up a broad policy unit and making our processes more accountable.

We will continue to build on that foundation being set, going forward.

Our first 100 days have confirmed to us what we knew coming in: that there is a challenge in governance that **MUST** be fixed to be able to deliver for our **PEOPLE**.

The problems are both structural and historic; understanding that our system that was set up a long time ago, and is now not compliant with modern challenges and realities.

When we came into office, we had to act quickly on a new national budget, with the built-in deadlines approaching shortly after the general elections.

We were able, against the tightest constraints, to present a transitional package.

Importantly, we outlined our agenda for building our tourism sector, diversifying the economy and investing in our youth.

We announced our commitment to pay public servant increments in a phased approach; and set out the agenda for housing development and small business development.

Education is an area that we have been focused on from day one.

We were able to fast track the process and sign construction agreements for the L Shape building in Road Town at the Elmore Stoutt High School (ESHS).

Because of this, we remain confident that our Elmore Stoutt High School students will return to attending school full time in September 2019 for the first time since Irma in 2017.

In these first 100 days, we have also begun to lay the foundation for what will be comprehensive Immigration and Labour reform.

We have shown leadership on this issue; the kind of leadership that will be needed for a successful conclusion.

We call on Members of the Opposition to join us in this national endeavour; to be genuine leaders, rather than be flame throwers; and to be influenced by the national good, rather than narrow and hypocritical political considerations.

Given the makeup of our economy; the challenges of the larger world outside and the need for more investments, we view immigration and labour reform as a fundamental element for our future economic development.

Through our many public consultations, it was clear that views were very strong on both sides.

But we are determined to find common ground for this uncommon problem.

Our government is clear that doing nothing is not an option; it only postpones the obvious, only for it to have dire consequences the longer we wait.

The consultations on the broader Immigration and Labour reform will continue in the coming weeks and months; having been satisfied that we have set the template for openness in debating the process.

The thing I am most pleased about in this first 100 days is the fact that we have begun to open up the government.

We have held more consultations; facilitated more presentations by stakeholders and listened to the people at functions wherever they are.

Some even complain that we are going at a dizzying pace.

But we want to send an early signal that our Government is worthy of opened scrutiny.

We are determined to build on that aspect of our functional democracy by setting up District Councils so that voters can have a say on all matters of government.

These Councils will also be the forum for the consultations on the next national budget later this year.

In the first 100 days, we have begun looking at policy also to deal with our housing challenges; set up a framework for youth employment, to which major announcements are coming soon.

Our government has set up about strengthening ties in the region, understanding also that this is a useful tactic that will aid our national development.

I attended the OECS Heads of Government meeting in Guadeloupe and promoted the concept of better trade and stronger cultural exchanges between our territories and nations.

I attended the summit of the Association of Caribbean States – ACS, and among many things we discussed was disaster management coordination – an issue that is very crucial for us.

I attended the Seatrade Tourism Conference in Miami, and held important meetings to bolster our cruise tourism industry. We are seeking to have consistent and increased calls in the coming period.

Only this week I participated with the fourth meeting of the Clinton Global Initiative.

In the immediate period, I will attend the wider CARICOM Summit to deal with regional matters such as tourism marketing and air travel.

In 100 shorts days, we have lifted the profile of the BVI, and created broad awareness to both our struggles and successes.

We have begun laying the foundation to usher in the era of change and renewal that we promised.

We understand that it won't be easy; and as with all aspects of life, there will be bumps along the way.

As we seek to do more, faster; we acknowledge that there might be even errors along the way.

But if we have proven anything in this first 100 days is that fear will not paralyze us; and this Territory shall get better because this Government, with focus and determination, shall push on.

We invite your scrutiny, but most importantly we encourage your faith; and even when the temptation comes, we implore you to let scepticism be replaced by hope.

I thank you very much.



([https://bvi.gov.vg/sites/default/files/field/image/1\\_-\\_honourable\\_andrew\\_a\\_fahie\\_-\\_premier\\_and\\_minister\\_of\\_finance](https://bvi.gov.vg/sites/default/files/field/image/1_-_honourable_andrew_a_fahie_-_premier_and_minister_of_finance)  
[https://bvi.gov.vg/sites/default/files/report\\_by\\_premier\\_fahie\\_on\\_the\\_first\\_100\\_days\\_in\\_office\\_-\\_june\\_6\\_2019.mp3](https://bvi.gov.vg/sites/default/files/report_by_premier_fahie_on_the_first_100_days_in_office_-_june_6_2019.mp3)

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# Strategic Policy, Planning and Performance in BVI – Organisational Design Report

Project No. CPG/2789/2018

**DELACEY PETER, POLICY AND MONITORING &  
EVALUATION CONSULTANT  
FELICIA LINCH, LEAD ADVISOR**

**GOVERNMENT OF THE BRITISH VIRGIN ISLANDS  
PUBLIC SECTOR TRANSFORMATION PLAN**



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DRAFT

# 1. INTRODUCTION

The objective of this document is to address the process of policy, planning, and monitoring and evaluation in the Virgin Islands by improving and strengthening the link between policy, planning and the budget process, and by building more effective systems for policy monitoring and evaluation and accountability.

## The Importance of Policy and Planning

‘Public policy’ refers to the policy made by Governments, as distinct from the policy of a business or other organisation. Traditionally, a Government’s ‘policy’ on an issue is the Government’s view on it – its interpretation of the problem at the heart of the issue and its broad sense of how best to tackle such problems. Therefore, policy is about:

- identifying a problem and figuring out ways to solve it;
- addressing a new need or responding to a new challenge;
- articulating actions to deliver ‘outcomes’ – desired changes in the real world;
- or evaluating something to see if it can be improved.

Policy and planning are important because they are the process by which Governments translate their political vision into programmes. Political parties outline general and specific commitments during election campaigns. Once elected a Government should clearly articulate and implement these by re-casting them as policy objectives that then form their policy agenda. Policy-making is a dynamic process, it goes beyond Governments simply acting on the promises they make prior to an election, but involves, once elected, using evidence from within and outside Government to properly identify problems and issues that emerge during their time in office, and developing policy objectives to address them.

Once a Government’s policy objectives are clear this allows the Public Service to support them by ‘putting feet to their vision’ by developing strategic plans which provide a road map for how each ministry will deliver its programmes and projects to achieve the Government’s stated policy objectives.

Therefore, policy and planning are critical for the Executive to govern well and achieve what they promised the electorate. Moreover, it is a central pillar in establishing and maintaining Good Governance because without a Government setting clear policy objectives linked to a National Plan there is no transparency and citizens cannot hold Government accountable. Good Governance also requires collective action, i.e. by all stakeholders, not just the state, and without a

clear policy agenda, supported by a robust policy development process, stakeholders cannot participate in tackling the social and economic issues that they face.

### **Why is it important to align the policy and planning processes with budgeting?**

As mentioned planning ‘gives feet to vision’. But planning alone is insufficient. Plans can only be executed if resources are allocated to them. This is the purpose of the budget process – to lawfully authorise the resources needed to carry out public policy. Therefore, budgets must be aligned to Government Policy and the associated strategic plans. Without this alignment Government will likely spend precious resource on activities that will not necessarily deliver on their policy objectives; in short, they are ‘gambling’.

### **What does Monitoring and Evaluation have to do with policy?**

Monitoring and Evaluation (M&E) is an important component of the policy-making process. In 2015 the United Nations Development Programme (UNDP) made a presentation on “The Role of Monitoring and Evaluation in Improving Public Policies – Challenges and Achievements<sup>1</sup>”. They noted that:

*“Monitoring and Evaluation activities are meant to inform...*

- *governments*
- *policymakers*
- *practitioners and society at large*

*Whether programmes are working;*

- *as planned*
- *over-performing or*
- *under-performing”*

In short, Monitoring and Evaluation supports the delivery of results and provides accountability and transparency.

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<sup>1</sup> Presentation made by IPC-IG's Research Coordinator, Fábio Veras Soares at the International Conference on the Institutionalization of Public Policies Evaluation", held in Rabat, on 5 October, 2015.

Three options are being presented in this report:

- Option 1: Maintain the Status Quo – continue with policy being dispersed across a number of sources and with little or no link between policy, planning, and budgeting;
- Option 2: Establish a Strategic Policy and Planning Unit (SPPU) within the Premier’s Office, as the ‘centre of Government’. The role of SPPU is to support the development of 2 primary documents, namely the Government’s high-level National Sustainable Development Plan (NSDP) and its Policy Agenda. Thereafter, their role is to provide strategic advice and coordination in the implementation of these 2 documents. Additionally, this option proposes the establishment of a Monitoring and Evaluation Unit (MEU) within the Cabinet Secretariat, widening their role in supporting Cabinet in its role of policy-making. This includes developing and monitoring a National Performance Framework that aligns to the NSDP and Policy Agenda. The Cabinet Secretariat’s role of coordinating Cabinet papers, facilitating Cabinet meetings and committees, and disseminating decisions is a natural fit with monitoring and evaluating key performance indicators that align to the Government’s policy agenda and subsequent decisions taken at Cabinet.
- Option 3: Establish a Strategic Policy, Planning, and Performance Unit (SPPPU). The unit would be responsible for the development and coordination of policy, planning, and additionally performance evaluation. The SPPPU would be located within the Office of the Premier.

The recommendation being made is to adopt option 2. The rationale for the recommendation is set out later in this report.

In the short term, the SPPU will aim to resolve some of the key issues, opportunities, and constraints identified and discussed in this document. However, one of the main aims of the SPPU is to identify national priorities and produce strategic action plans that draw on resources across all ministries. This is why one of its main tasks is to lead on the development of a National Sustainable Development Plan (NSDP). It should be noted that whilst currently, no National Sustainable Development Plan (NSDP) exists, there are some other high-level critical plans and strategies already completed or being developed, including but not limited to, the Recovery and Development Plan, the National Physical Development Plan, the National ICT Policy, Strategy and Plan and the Public Service Transformation Strategy that guides the Public Service Transformation

Programme. All these plans and strategies must take their steer from the Government's policy agenda and ideally the National Sustainable Development Plan as their purpose is to facilitate achievement of what is set out in these 2 primary documents.

The SPPU will also provide independent policy analysis having identified challenges and priorities, and, strategic advice to the Premier as Head of Government. This means that the SPPU must be forward thinking and bring fresh new ideas and approaches to how policy and strategy should be developed to meet new challenges and the ever-changing economic and social landscape.

The establishment of the SPPU in the Premier's Office is a major initiative in the Government's effort to improve policy and planning coordination across ministries and departments. This means that with better coordination at "the centre of Government", ministries and departments can better develop policies and programmes which are in line with overall Government objectives and priorities.

Whilst ministries and departments remain responsible for policy development and implementation of the same in their own subject areas, the SPPU must also consider cross-ministry and department linkages. SPPU provides critical oversight as well as coordination on how policy in one subject area impacts another, and how this affects the implementation of Government programmes or services that are inter-linked; For example, changes to immigration policies often have an impact on workforce development, which can affect policies and programmes in the Ministry of Labour, and, Ministry of Education. Taking this 'whole of Government' approach will allow the SPPU to coordinate solutions and consider the necessary trade-offs regarding cross-ministry issues as well as, where necessary, identify the most appropriate owner to take the lead. The latter is an important coordinating function, especially where a Government has established statutory agencies or other parastatals to lead in the execution of some Government functions. These entities were widely implemented in the 1980s in the U.K. and Australia with the introduction of what was termed 'new public management'<sup>2</sup>. Thereafter, other Commonwealth jurisdictions followed suit. Two key rationales for their introduction was (i) Greater accountability by disaggregating the central Government, splitting policy and purchasing from execution, and, (ii) improved performance by introducing quasi-private sector management principles that focus on results. However, statutory agencies and parastatals remain Government entities which are executing on behalf of the Government. Therefore, the Government's policy objectives and overall strategy must be clear so that the agency or parastatal know the boundaries of their mandate.

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<sup>2</sup> Hood, C., 'A Public Management for all seasons, Public Administration Vol. 69 Spring 1991 (3-19) <http://newdoc.nccu.edu.tw/teasyllabus/110041265941/Hood%20NPM%201991.pdf> [accessed 20/04/2019]



## 2. CONTEXT AND CHALLENGES

### Context

From the stakeholder interviews conducted the consultant was advised that previously there had been a Development Unit in the Office of the Premier. That Unit contained Policy, Planning, including economic planning, and Statistics. On being dissolved the economic planners were re-established in the Ministry of Finance as the Macro-Fiscal Unit, the Statistics function became the Central Statistics Office but the policy component was not maintained within the office and eventually appears to have become obsolete

A review of documents shows that despite the dissolution of the Development Unit efforts were made to re-establish a policy coordination mechanism as far back as 2000. This is reflected in the British Virgin Islands National Integrated Development Strategy (November 2000, Otto O’Neal). However, it would appear that the implementation did not develop as anticipated. It is also clear from discussions with senior public servants that a number of policy development process initiatives and training have been undertaken over the years, but they have been uncoordinated and implemented without adequately building the institutional capacity and human resources capacity needed to maintain and institutionalise it. Currently, there is no dedicated policy function in the Premier’s Office. Whilst there is a Policy Analyst who was originally recruited to develop the policy function, she was subsequently deployed full time as a trade policy analyst tasked with focusing on redesigning the trade policy framework.

### Challenges

**There is no unified approach to policy development and strategic planning.**

In the absence of a formal Strategic Policy and Planning Unit, policy formulation is fragmented, being found in a number of key documents such as the S.E.E.D framework, the Recovery and Development Plan, Budget speeches, and the Throne speech. This means that policy is not comprehensively reviewed or developed but often developed on a single ‘trending issue’ basis, and without the data required for evidence-based policy-making.

Despite past efforts to improve policy-making, ultimately these have not been successful in terms of establishing a Strategic Policy and Planning Unit, nor a clear policy development process. This means there is no whole-of-Government approach that serves to integrate policy decisions from across the different ministries, ensuring consistency with the Government's overall priorities and objectives.

Instead, the Legislative Agenda appears, by default, to have been substituted for a formal Policy Agenda and many think the 2 tools are interchangeable when they are not. The legislation gives effect to the policy. The adopting of the Legislative Agenda as a substitute for a Policy Agenda leads to ministries focusing on the drafting of bills rather than policy briefings. The challenge this presents is documented separately below.

### **The coordination and hierarchy between various policy and planning documents are not clear.**

As mentioned, public policy within GBVI can be found in various documents across the organisation including but not limited to:

- Budget Address
- The Social Economic Environmental and Directive (S.E.E.D.) Framework
- The Speech from the Throne
- The Legislative Agenda (which primarily consolidates the legislation noted in the Budget Address and the Throne speech)
- Recovery to Development Plan
- Public Service Transformation Plan/Strategy
- 2016 National Development Plan

A scan of these documents would suggest that the current institutional framework for policy development is primarily being advanced by the Ministry of Finance, as the S.E.E.D. Framework and the Budget speech are the key Government documents that are regularly updated; and the Governor through the Throne speech. However, since the flooding and hurricanes of 2017, The Recovery to Development Plan of the Virgin Islands should be one of the key planning documents being used but in reality, few ministries appear to be using this document to guide policy, programmes, and projects; save when they collaborate with the Recovery and Development Agency. As regards the Public Service Transformation Programme (PSTP) Plan, a strategy is now being developed which will re-focus the PSTP and this will need to be given due consideration by the ministries, particularly in developing their next budget. Lastly, very few

ministries adopted the 2016 National Development Plan after it was completed, and it appears that only the Premier's Office continue to refer to this document.

### **The relationship between policy, planning and the budget process is not well developed.**

The fragmented approach to policy means that there is no key document to guide the development of ministry strategic plans. Few ministries have strategic plans, and none is required in order to submit a budget.

Where budgets are not guided by articulated policy objectives that inform strategic plans this may lead to ministries simply doing 'the same as they have always done' without considering whether their programmes and projects are sufficient/relevant/able to address any new policy concerns and/or objectives, especially when a new Government is elected. Moreover, without linking policy, planning and budgeting informed decisions cannot be made about what programmes and projects should be the priority and which may need to be placed on hold, especially if there are financial constraints as was the case following the events of 2017.

### **The policy capability across ministries needs strengthening.**

The policy capability in most ministries is weak save for at the most senior level, i.e. the Permanent Secretaries. This likely accounts for why policy reform in key areas such as Immigration, Labour/Workforce Development, and Telecommunications has not been progressed. In some cases, advice has been sought concerning bills and the Attorney General's Chambers had advised that there is a need for policy reform before any new legislation can be advanced. In some cases, this advice was given over 5 years ago and to date has not been addressed. Whilst some may say there has been no political will it is difficult for politicians to find the will without solid evidence and robust strategic policy advice.

In the larger ministries such as the Ministry of Education, Culture, Youth Affairs, Sports and Agriculture and the Ministry of Health, Social Development and Prisons there is greater capacity as these ministries have to address regional and international policy concerns, not just local and so have developed some capability. In addition, senior public officers in the Premier's Office expressed concerns about the lack of a sustainable development plan and focus on policy. The Ministry of Finance was equally concerned about the need to link policy, planning, and budgeting, which they have been attempting to do for a number of

years without success. There is a clear desire for the necessary mechanisms to be established and support to help build strategic capability.

The weakness in policy capability also impacts the Government's ability to successfully progress legislation to Royal Assent. Having reviewed a number of 'instructions to counsel' for the drafting of Bills there was a clear pattern. The senior policy advisors tend to review relevant precedents from across the Caribbean, Commonwealth and other Overseas Territories and then compile a comparison chart and then a draft Bill. This work then goes to the Attorney General's Chambers (A.G.'s Chambers) to 'finalise the bill' and then it is presented to Cabinet who may seek amendments or additions. The process is wholly unsatisfactory with ministries getting frustrated at what they perceive are unnecessary delays by the A.G.'s Chambers and so conclude the Chambers does not have the relevant 'expertise' to support their drafting needs. Conversely, the A.G.'s Chambers is likewise frustrated because they are resource-constrained and this is made all the more challenging when they receive poor drafting instructions that do not give any policy intent and they are expected to 'work it out' when this is not the role of Legal Drafters/Parliamentary Counsel.

The end result is that there is much delay, a lack of clarity as to the purpose and intent of Bills. This impacts the success of passage through the House and it is not uncommon for Bills to be rejected despite a significant amount of time and energy being spent on them.

### **The systems for executing policy need strengthening.**

Despite the fragmented approach to policy development; a careful read of the key documents does provide each ministry with a sense of the Government's agenda. Therefore, the Government should still be able to execute on its agenda. However, it is clear that there are challenges with execution. Often-times reports have been completed, including by external consultants, recommendations made and adopted by Cabinet but these have not been developed into projects and executed.

The Public Service Transformation (PSTP) Team, in conjunction with the Human Resources Department, found that there is a lack of programme and project management capability across line ministries. This is to be expected as the closure of the Training Division has led to there being little or no centralised focus on capacity building for public officers for some time. However, the Human Resources Department is remedying this through the development of a Talent Management Strategy for the Public Service and the conduct of a Training Needs Analysis service-wide as part of their PSTP projects. The need

for capacity building in the area of programme and project management is something that the Recovery and Development Agency (RDA) has also identified and they advised that they are seeking to work with the Community College, H.Lavity Stoutt Community College (HLSCC) to develop a project management certification for public officers. The PSTP team and HR will liaise with the RDA in taking this forward as some introductory project management training has already been delivered under the PSTP and there is a proposed project under the PSTP to develop a Business Process Management Centre of Excellence.

It should be noted that there is a central Government Project Management Unit which has strong project management capability; however, their primary focus is large scale capital infrastructure projects and the Unit does not have any additional capacity. They do try and assist the ministries with tools and advice as time and resources permit.

**The system of policy evaluation and accountability is inefficient.**

There is no clear and unified procedure in place to evaluate the effectiveness of policies and to provide the Government, and citizens, with an account of results, achieved. Currently, Cabinet decisions are documented by the Cabinet Secretariat and are made public. However, there appears to be no feedback loop linking the decisions, and required actions, to the strategic policy outcomes in the S.E.E.D. Framework, the Budget Address or the Throne Speech.

None-the-less, it is acknowledged across Government that monitoring and evaluation are important but there is no formal mechanism in place to ensure that this is done consistently across the public service. As a consequence, there is no definitive evidence base for public resource allocation decisions, and lessons that could be learned from evaluations cannot be fed back into policy design, or the development of alternative approaches for how challenges should be addressed where certain strategies were unsuccessful, or where successes can be replicated

Overall, the absence of clear policy inhibits the public service from fully performing a key function, which is to provide sound policy advice to decision-makers. Advice that is based on evidence, not anecdotes and that will lead to the development of strategic outcomes that will not only support Good Governance but Economic and Social Development.



### 3. OPTIONS TO ADDRESS THE CHALLENGES

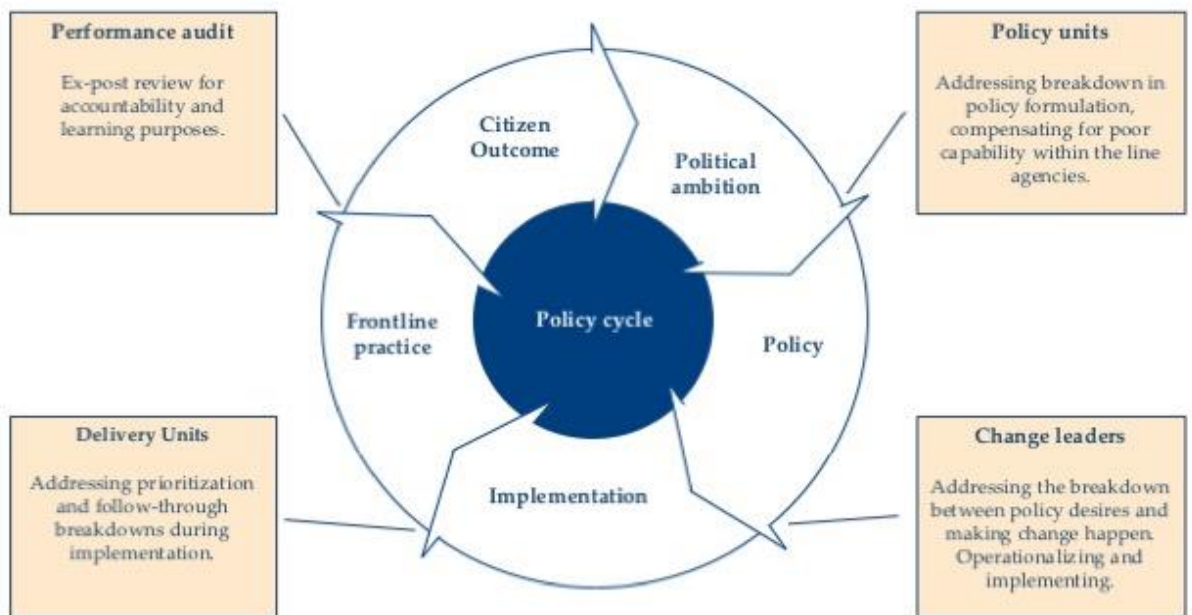
#### Trends in the use of the Centre of Government Units

It is now typical within the Public Sector for Policy, Planning and Performance evaluation to be addressed through ‘Centre of Government Units’. However, there is no ‘one-size fits all’ solution. These Units vary depending on the nature of the problem and also resources.

The diagram below shows the types of Centre of Government units that are now typical and their focus:

#### The different archetypes of Centre of Government Units are addressing four types of implementation breakdowns

*Exhibit: Illustration of Centre of Government units across the policy cycle*



Source: <https://www.abyrint.com/rethinking-centre-of-government-units/>

In the case of the Government of the British Virgin Islands (GBVI), many of the challenges stem from a breakdown in policy formulation, and weak policy capability in the line ministries. As the diagram above shows this tends to be addressed by introducing a Policy Unit. Such policy units are typically placed in the Premier/Prime Minister/President's Office.

However, not all policy is deemed equal. This accounts for the general trend away from consolidated Development Units that deal with macroeconomic<sup>3</sup> and social and sectoral policy<sup>4</sup>. It is now considered that macro-economic policy is a ‘special case’ and should be within a separate policy unit because such policies largely require a ‘technical’ response whereas social and sectoral policies require analysis of ‘special interests’, see “Centre of Government”, World Bank report that provides an example<sup>5</sup>;

*“Setting interest rate policy can, in principle, be undertaken at the stroke of a pen. Allocating funds for complex health priorities requires that very many actors agree to these changes. By contrast with the macro and structural changes, the challenges in social and sectoral policy issues are in some ways more intensely political because of the need to balance competing interests and the visible trade-offs necessary”. Additionally, in sector policy few changes can be introduced by top-down instructions unmatched by winning the hearts and minds of the staff that must implement them. Social and sectoral policy requires an inclusive approach, in which line Ministry staffs contribute in some degree to the development of policy”.*

This approach is to some extent reflected in the current systems within GBVI, where the macro-fiscal unit now deals with macro-economic policy; having originally been part of a larger all-encompassing Policy Unit (The Development Unit).

The model above also shows the typical structures adopted where there are challenges with operationalising and executing policy. This report identified such challenges within GBVI. The result is that the Deputy Governor’s Office, under the Public Service Transformation programme designed and implemented a ‘Change Leaders’ approach. The Change Leaders approach included a review of Government Policy Objectives and alignment with the proposed Transformation projects, see Annex A prepared by the authors of this report. Meetings were then

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<sup>3</sup> Macro-economic policy ...includes monetary policy (setting exchange and interest rates, and determining the rules of the game for the financial sector), fiscal policy (aggregate expenditure limits, tax policy, intergovernmental fiscal relations and the rules for treasury management), and trade policy (tariff and quota setting, determination of subsidies and economic regulation)”. Source: “Centre of Government”, World Bank Report, <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1345485407865/CenterofGovernment.pdf> [accessed 2nd June 2019]

<sup>4</sup> “Social and Sectoral policy comprises determination of budget composition (recurrent vs. capital spending and setting of public sector pay levels), allocation of sectoral spending totals (including funding of key social policies and defense allocations), and labor market and industrial policy (including government wage policy, and determination of social security and labor standards)”. Source: “Centre of Government”, World Bank Report, <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1345485407865/CenterofGovernment.pdf> [accessed 2nd June 2019]

<sup>5</sup> “Centre of Government”, World Bank Report, <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1345485407865/CenterofGovernment.pdf> [accessed 2nd June 2019]

held between the Ministers and their Permanent Secretaries and the Senior Responsible Officer (SRO), which is the Deputy Governor, and the Programme Manager for the PSTP. At those meetings, policy priorities were discussed and projects that would operationalise and execute those priorities. The next step is for the Programme Manager to agree on details of a Service Level Agreements (SLAs) with the ministries for the support that the PSTP 'Business Change Managers', who facilitate and support the execution of projects that will deliver on the Government policy agenda, will execute. However, there is a resource challenge as many of the BCMs have full-time roles and have insufficient capacity to devote full-time to support the ministries. In addition, the BCMs' focus on specific specialist areas across the organisation, not simply on one individual ministry. It is becoming clear that BCMs are additionally, supporting the ministries in addressing follow-through during implementation, which is typically addressed through Service Improvement Initiatives. For example, the Programme Manager, and the BCM for Digital Transformation have provided much support to the Premier's Office in this regard. This is mainly because the Digital Transformation workstream cuts across every ministry, not simply the Premier's Office.

Lastly, the model shows that centre of Government units are also typical where there is a need for increased accountability to the citizens. These challenges were also identified as being relevant to GBVI.

### **Options for consideration:**

Several options are presented below for addressing the challenges noted in section 2 above. The option being recommended is Option 2 on the basis that many of the challenges stem from a breakdown of policy formulation, as well as a lack of ex-post review. In addition, option 2 is recommended because it affords greater scrutiny of performance as it may be perceived that there would be a tendency for those who lead the development of policy, planning and support implementation to report more favourably on progress for fear that poor results on implementation could be blamed on them.

#### **Option 1: Maintain the Status Quo**

The current position, with no Strategic Planning and Policy Unit, has existed for a significant period of time; so much so that some may argue that the system works to a degree and therefore the time and financial resources that would be needed to establish an SPPU could be spent on other priorities.

However, it is clear from the challenges set out above that many of the issues being experienced because of the lack of policy coordination and development mechanism are significant and will impede the Government in progressing its manifesto commitments, in an environment where the electorate voted overwhelmingly for a change.

In any event, the Government has concluded that maintaining the status quo is not an option as evidenced in the Premier's 100 days in office report. In addition, given the number of integrated 'policy reforms' the Government wishes to address, for example, in the area of immigration, which will impact labour/workforce development and education policy there is a need for a robust co-ordinating mechanism that gives the electorate a voice through a systematic and consistent process.

**Option 2: Establish a Strategic Policy and Planning Unit in the Office of the Premier and widen the scope of the mandate of the Cabinet Secretariat to address performance evaluation.**

Option 2 establishes a Strategic Policy and Planning Unit (SPPU) within the Office of the Premier as an effective mechanism for policy formulation, coordination, and to support policy implementation through aligning policy, planning, and budgeting.

The Unit will play the lead coordination role in the development of national policies and strategies, as well as ministry level strategic plans and the link to the annual budget. There is a need to introduce a robust policy development process and this recommendation is addressed in full in PAI's Policy Development Process report.

***Terms of Reference for the Strategic Policy and Planning Unit***

The main tasks of the SPPU include the following:

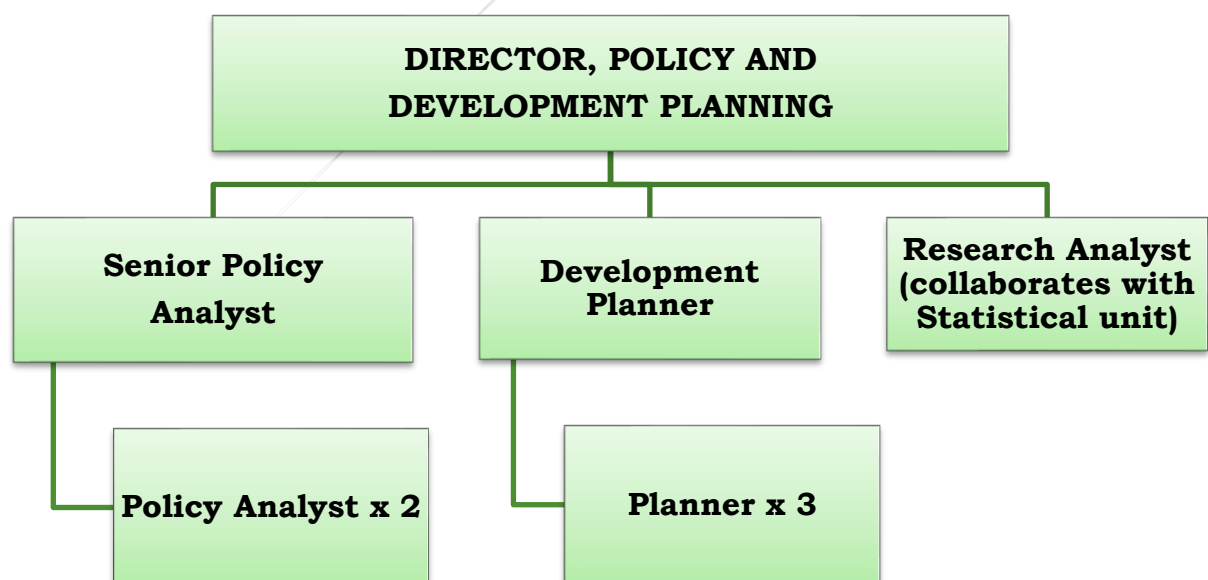
- ✓ Lead on the development of the National Sustainable Development Plan and its review

- ✓ Develop a prioritised Policy Agenda that aligns with the Government's manifesto commitments
- ✓ Analyse economic and social issues of national interest, and formulate/evaluate policy recommendations to achieve Government's socio-economic goals and objectives
- ✓ Identify, investigate and analyse emerging socio-economic and international issues that could impact on the Virgin Islands
- ✓ Coordinate policy technical assistance from international, bilateral and multilateral sources
- ✓ Improve the coordination and hierarchy of policy, planning, and budgeting by strengthening the link between the Government's prioritised policy agenda and development of ministry strategic plans. Moreover to ensure that ministry budgets flow from the strategic plan and are aligned to Government's prioritised policy agenda. This ensures that Government policy is actually implemented
- ✓ To establish a system where new policy initiatives can be submitted for conceptual approval to the Cabinet through the whole year. However, in cases where additional financing is required, the final approval of policy initiative can be done only within the process of budgetary planning. Policy programmes will have to correspond to budget programmes
- ✓ To create a system of strategic planning and to set the respective Ministries and Departments' Strategic Action Plans as the main planning instruments including planning of both financing and policy programmes, as well as providing a mechanism for accountability for results
- ✓ To establish the types of policy and planning documents to be used within the public service
- ✓ Gradually, to introduce performance-oriented management within the public service where we monitor and evaluate the implementation of Government's plans, policies, strategies, programmes, projects and review policy options as appropriate. The detail of this system will be presented later after consultation with key stakeholders in specific policy documents. The aim is to ensure that policy orientated programmes include performance measures, that is results and indicators of their achievement



- ✓ To strengthen ex-ante policy assessment. Ex-ante Policy Impact Assessment (PIA) is an analytical process, conducted at the early stages of policy-making exercise. It comprises a set of logical steps to support the decision-making process by providing evidence-based policy alternatives, forecasting and listing their potential impacts. PIA does not replace the decision-making process but rather informs it in a participatory manner, enriching the substantiation of the best policy option
- ✓ To promote policy ex-post evaluation by preparing a methodology for policy impact assessment and evaluation of policy implementation
- ✓ To provide the necessary training
- ✓ To consolidate and appropriately develop policy outcomes regarding the challenges articulated in government manifestos, and other policy documents such as S.E.E.D, Public Service Transformation Strategy/Plan, and the Recovery and Development Plan.

***Model Organisational Chart for a Strategic Policy and Planning Unit***



The job descriptions for the positions within the Strategic Policy and Planning Unit are found in Annex B.

For the SPPU to be successful in fulfilling its mandate of coordinating strategic policy and planning across Government, it will need Policy Analysts and Strategic Planners that can support a wide range of social and sectoral policies; and who are able to ensure policies address vulnerable groups, including gender issues, and who have a good grasp of the budget process and can work with the Macro-fiscal Unit to align policy and budgeting. It is further proposed that each ministry develop at least one dedicated policy analyst with expertise in key policy areas, namely:

- Education
- Health and Social Development
- Agriculture
- Trade and Investment
- Information, Communications, and Technology

The ministry policy analyst will play an important role in supporting the Permanent Secretary, who is responsible for developing the ministry strategic plan, and for ensuring review of the progress on implementation of the ministry and departments policies. The policy and planning work of the ministries will be coordinated by the SPPU and so the policy analyst must be able to work collaboratively in cross-functional teams.

These policy analysts may be drawn from the staff of the relevant departments; this provides an opportunity for upskilling and specialisation.

The precise organisational design of the SPPU will be developed through a process of consultation between all significant stakeholders, ideally by conducting a functional review.

### ***Cabinet Secretariat and the Performance Function***

This option widens the role of the Cabinet Secretariat to take responsibility for the performance function that is required to monitor and assess progress on policy outcomes, provide accountability to the Cabinet and citizens and document and make available for application lessons learned from evaluating policies and strategies.

The Cabinet is the seat of policy-making and their Policy Agenda is driven initially by the policy decisions made in alignment with it. These decisions are

executed by public servants and Cabinet can trust them to do so, where clear performance indicators exist that the Cabinet can measure performance against. This is the role of monitoring and evaluation at the policy level. It requires being able to collate data on the progress of key policy initiatives/programmes and projects approved by the Cabinet. This is why Monitoring and Evaluation is a good 'fit' with the current functions of the Cabinet Secretariat as it enhances their role, making it more value adding.

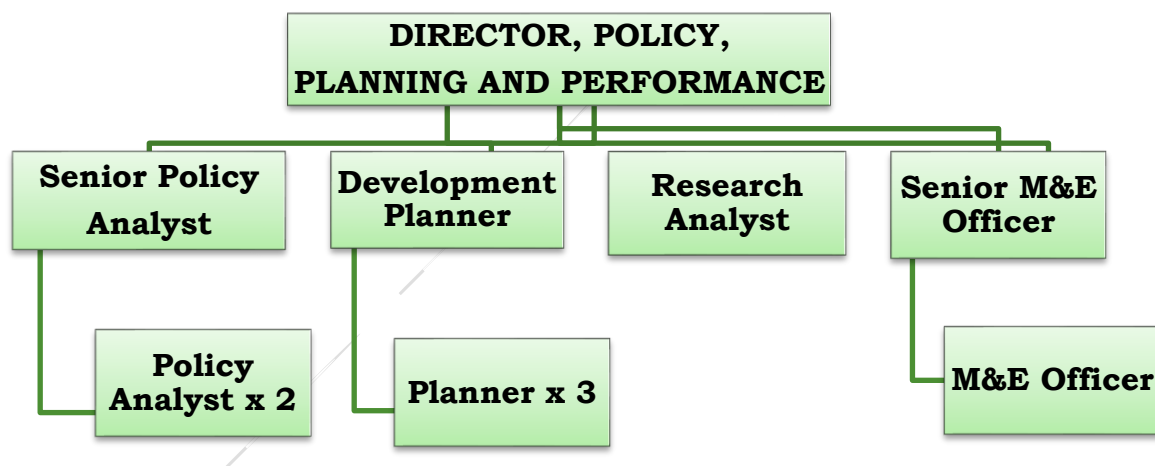
Government-wide monitoring and evaluation can be complex, multi-disciplinary and skill intensive. Therefore, the scale should reflect its purpose, level of risk and available resources. It is a discipline all on its own and needs a level of independence to objectively monitor whether progress is being made. Therefore, 2 new roles would need to be added to the current staff complement of the Cabinet Secretariat, namely: a Senior Monitoring and Evaluation Officer and their direct report, a Monitoring and Evaluation Officer. The job descriptions for these roles are found in Appendix B.

### **Option 3: Establish a Strategic Policy, Planning, and Performance Unit in the Office of the Premier**

Option 3 establishes a Strategic Policy, Planning, and Performance Unit (SPPPU) within the Office of the Premier as an effective mechanism for policy formulation, coordination, and to support policy implementation through aligning policy, planning, and budgeting and to monitor and evaluate progress on Government policy and ensure accountability for policy outcomes to Government and citizens as well as document and ensure ministries are able to apply lessons learned.

The ToRs for the SPPPU are the same as in option 2 above, but with the addition of the functions set out in option 2 under the widened scope of the Cabinet Secretariat role.

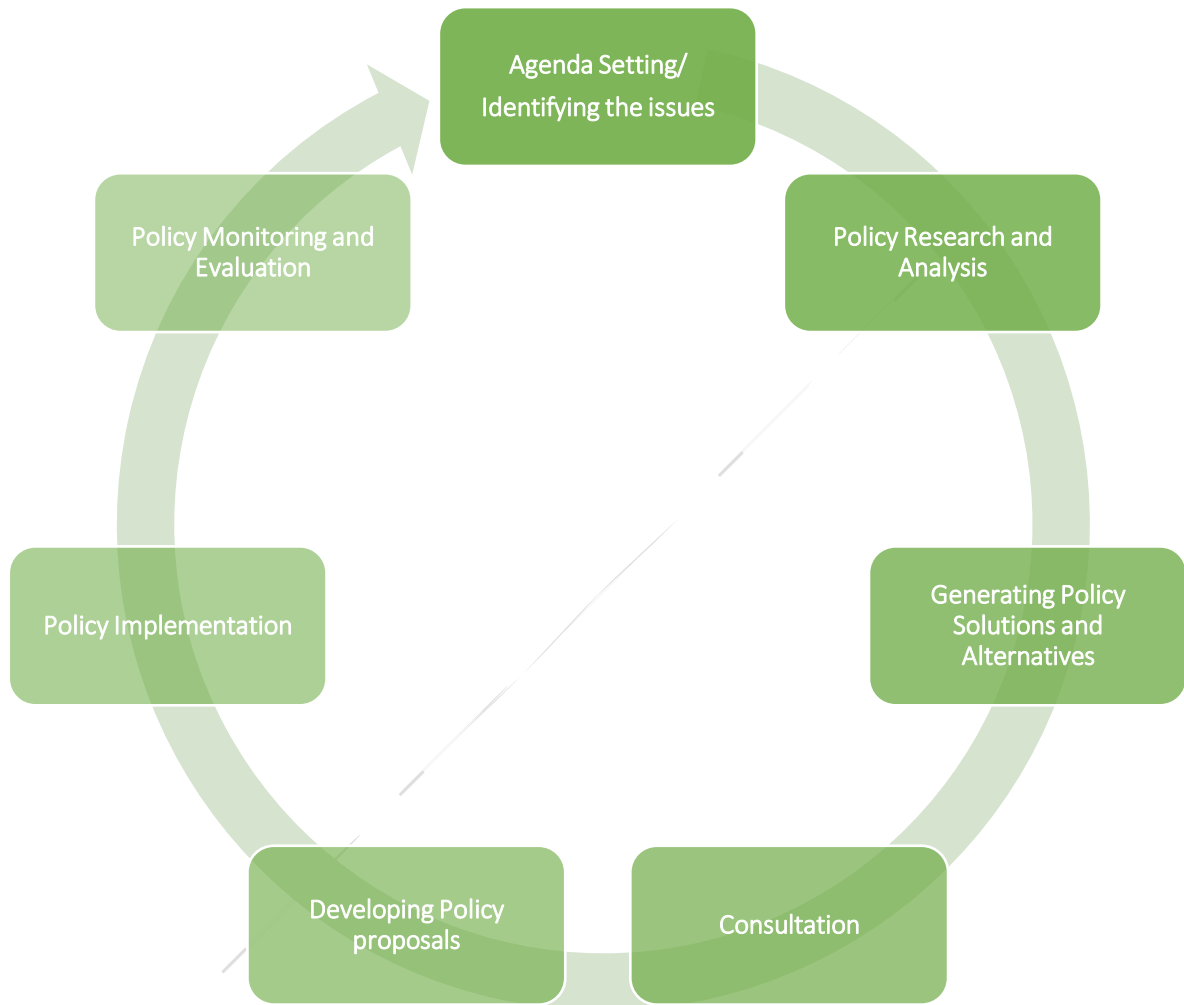
#### ***Model Organisational Chart for a Strategic Policy, Planning, and Performance Unit***



## 4. GENERAL SUPPORTING RECOMMENDATIONS

### **Recommendation 1: Adopt and institutionalise an Integrated Policy Development Process**

It is proposed that GBVI adopts and institutionalises a formal policy process development process that is integrated with other key processes, namely strategic planning, budgeting and programme, and project management. Such a process is set out in the figure below.



A second report has been prepared for GBVI detailing the above policy development process and presenting a road map for how this can be institutionalised. It also includes various tools and templates needed to institutionalise the process and would be a key document in (i) establishing an SPPU, (ii) implementing an integrated policy development process, and (iii) capacity building.



## **Recommendation 2: Capacity Building**

It is proposed that capacity building initiatives be employed to develop the requisite competencies and skills across the whole of Government in policy development, planning, and monitoring and evaluation

### *Policy*

The policy training workshops/seminars programme can be designed to provide staff who work in the development, review, and application of policy with comprehensive coverage of best practice in the various aspects of the policy governance lifecycle.

### *Monitoring and Evaluation (M&E)*

The capacity needed to implement M&E is ideally developed using two places:

- *Phase 1:* Senior civil servants need the generic M&E skills required for managing programme performance information.
- *Phase 2:* Specialist M&E skills are likely to be needed for other aspects of the M&E to coordinate and to ensure quality.

As mentioned above a second report has been developed that would assist with capacity building. The key to the success of the capacity building efforts is that training is practical, and, opportunities are found to ensure the theory can be applied through 'hands-on experience'.

## ANNEXES

Annex A – Manifesto commitments and alignment to PSTP

Annex B – Job Descriptions

## ANNEX A: MANIFESTO COMMITMENTS AND ALIGNMENT TO PSTP

S.E.E.D	MANIFESTO COMMITMENT	RECCOMENDED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
SOCIAL	<p><b>WE WILL REBUILD OUR SCHOOLS, EDUCATION SYSTEM AND A NEW STATE OF THE ART CENTRAL PUBLIC LIBRARY WITH GREAT URGENCY.</b></p> <p>Our education system will be revitalized with:</p> <ul style="list-style-type: none"> <li>• Improved teaching capabilities and support base.</li> <li>• The establishment of a national education inspection body.</li> <li>• The establishment of a national parenting support policy in all schools.</li> <li>• The establishment of after-school programmes in all nine districts</li> </ul>	<p><b>EDUCATION</b></p> <p>The upgraded education system for the 21<sup>st</sup> Century in order to enhance students learning outcomes and help them to become engaged citizens.</p>	<p><b>Future State (2030):</b></p> <ul style="list-style-type: none"> <li>a. Modern facilities – safe, green, smart, equipped and accessible</li> <li>b. Diversified curriculum</li> <li>c. Motivated, highly trained, inspirational teachers/mentors</li> <li>d. Engaged well-rounded, articulate, innovate, critical thinking, responsible individuals</li> <li>e. Socially adept, environmentally conscious</li> <li>f. Futuristic schools utilising available technology</li> <li>g. Diversified and relevant curriculum</li> <li>h. Catering to diverse learning styles</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to implement the Education Transformation Plan set out in XXX</li> <li>• SMART schools</li> </ul>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<b>SOCIAL</b>			<p>i. Students prepared for dignified community entrepreneurship  j. Rounded students – life skills  k. Character building</p> <p><b>Short-term (12-month)</b>  <b>Initiatives:</b>  a. Clean up schools in use – August 2018  b. Repair all existing schools to green standards – August 2018  c. Consultation on the future/feedback (all elements) – November 2018  d. Better meet the needs of the community – Ongoing  e. Assessment of existing public schools towards consolidation and maximum</p>	

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
			utilisation of resources	
<b>SOCIAL</b>	<p><b>WE WILL ACCELERATE THE DEVELOPMENT OF OUR HUMAN CAPITAL AND SUPPORT MODERNISATION OF PUBLIC SERVICE SYSTEMS</b> by investing in education and training to reduce the importation of labour and opening meaningful opportunities for our people in our main economic pillars.</p> <p>Using the H. LavityStoutt Community College as the foundation, we will develop centres of excellence in marine, hospitality</p>	<p><b>DEVELOPMENT OF PEOPLE</b></p> <p>Establish <b>centers of excellence</b>, which can help drive targeted and quality training in key sectors such as marine, hospitality, and financial services</p> <p><b>PUBLIC SERVICE TRANSFORMATION</b></p> <p>To be accountable for the cost-effective delivery of public services; build our internal capabilities</p>	<p><b>Future state 2030</b></p> <p>a. A Green Public Service with reliance on 85% green energy sources, using only sustainable and recyclable materials with an established waste to energy strategy.</p> <p>b. A robust governance framework is embedded in the public service allowing for transparency, accountability, openness, fairness, objectivity, honesty, selflessness, political impartiality, apolitical, leadership and integrity in conducting</p>	<p><b>People Development</b></p> <p>a. Draft and lay the Public Service Bill before the House</p> <p>b. Streamlining administrative processes, especially for the work of the Employment Services Division. This would also include developing a Commissions Track, similar to Excotrac.</p> <p>c. Review and implement an improved HR Business Partner</p>



S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<p style="text-align: center; font-size: 2em; font-weight: bold; color: white;">SOCIAL</p>	<p>and financial services training and studies through the Marine Centre, Culinary Centre and the Financial Services Institute, respectively.</p> <p>The Labour Department will play a critical role in identifying deficiencies in the local market and these will define training needs.</p>	<p>and improve our operational capacity; facilitate the development and execution of the Government's policy agenda, and make responsible use of public funds.</p> <p style="text-align: center; font-weight: bold;">WORKFOR CE DEVELOP MENT (LABOUR)</p> <p>Establish a centralised labour market database to facilitate in-depth analysis of the labour market and reduce gaps on market labour information</p>	<p>business in public life.</p> <p>c. A talent management programme where all public officers are afforded the opportunity to reach their fullest potentials through learning and development opportunities.</p> <p>d. The BVI is a global exemplar in customer service with a public service organisation that provides accessible, professional, streamlined services that exceed customer expectation</p> <p>e. Clear and transparent guidelines with streamlined services, laws and processes</p> <p>f. Organisation that embraces innovation, technology and</p>	<p>model to support ministries</p> <p>d. Complete a Talent Management Strategy</p> <p>e. Conduct employee engagement survey, analyse against benchmarks, feedback and identify quick wins to remedy issues.</p> <p>f. Review the current competency framework and ensure that the competencies required to meet the Vision of an Amazing BVI (Stronger, Smarter, Greener, Better) are included.</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<b>SOCIAL</b>			<p>provides value for money</p> <p>g. The structure of the organisation facilitates the effective delivery of services in a timely manner according to published standards</p> <p>h. Provides an environment for growth, professional development and competitive benefits</p> <p>i. Services to the public are fully automated using an E-Government Platform</p> <p>j. Established Rule of Law (National Justice)</p> <p>k. Trained officers who are fit for purpose, accountable, competent, efficient and responsive</p> <p>l. Motivated employees who feel valued at all</p>	<p>g. Conduct a Government-wide Skills Audit (to include academic and other qualifications people have) utilising the upgraded JD Edwards software and gap analysis.</p> <p>h. Re-establish a re-branded L&amp;D function.</p> <p>Roll out 5 Public Programmes /core offerings</p> <p>i. Revitalisation of the Civil Service Association</p> <p>j. Merger of related services and departments to ensure efficiency throughout</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<b>SOCIAL</b>			<p>times allowing them to offer dedicated, selfless service to the organization m. Centralised childcare centres and a gym on the premises of the Central Administration Complex for public officers</p> <p><b>Short-term 12 months</b></p> <p>a. Redesign the process for the registration of deaths in the BVI – November 23,</p> <p>b. Sign Memorandum of Understanding between agencies (DDM and GIS) – December 2018</p> <p>c. Improved, mould free accommodations and improved facilities at Central Administration Complex – January 2019</p>	<p>the Public Service and development of a change management toolkit to support ministries through the transition</p> <p><b>Labour</b></p> <p>i. Transform Labour from focus on work permits to national workforce development . (starting with re-branding the department/ name change)</p> <p>ii. Develop a Job Board for employers to post jobs so that Labour can easily match them to candidates</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<b>SOCIAL</b>				<p><b>Customer service (Internal &amp; external)</b></p> <ul style="list-style-type: none"> <li>a. Develop and implement the Customer Service Virtual Mailbox to recognize the quality of customer service within the public service</li> <li>b. Develop an e-Government strategic plan and road map for services to be digitised</li> <li>c Design and implement a Customer Service training model for frontline officers</li> <li>d. Develop Customer</li> </ul>

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<b>SOCIAL</b>				charter with the concept of ‘One-stop shop at its core.
	<p><b>WE WILL MANAGE CRIME FOR A PEACEFUL SOCIETY</b> By swiftly....</p> <p>We recognize that crime arises out of social ills, breakdown of family values, and lack of opportunity and feelings of hopelessness. We, therefore, believe that a strong focus on youth, values and leading by example will get to the root of the problem.</p> <p><b>WE WILL STRENGTHEN SUPPORT FOR OUR YOUTH THROUGH THE FOLLOWING INITIATIVES:</b></p> <ul style="list-style-type: none"> <li>• We will establish a youth</li> </ul>	<p><b>YOUTH DEVELOPMENT</b> Strengthened youth development through the establishment of partnerships and broadening the range of development opportunities</p>		



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<p><b>SOCIAL</b></p>	<p>land bank through the wholesale purchase of land which will be subdivided and sold to qualified youths at an affordable retail price with reduced stamp duty thus giving them a vested interest in the society and extending the Virgin Islands' value of land ownership.</p> <ul style="list-style-type: none"> <li>• We will develop Youth Centres throughout the Territory including in Virgin Gorda, West End, Road Town, East End, Jost Van Dyke and Anegada. We will also create a virtual youth centre: <a href="http://www.virginislandsyouths.vg">www.virginislandsyouths.vg</a>.</li> </ul> <p>Our plan is to strengthen our communities by encouraging and</p>			

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<b>SOCIAL</b>	supporting our youth to the maximum for their own development, health, confidence, security, and entertainment			
	<p><b>WE WILL MAKE THE NHI SCHEME/PROGRAMME SUSTAINABLE, RAISE HEALTHCARE STANDARDS AND STRENGTHEN THE SOCIAL SAFETY NET</b> by reviewing its cost to bring in line with its income. We will reduce cost by embarking on aggressive preventative care education and awareness programmes to reduce noncommunicable diseases such as obesity, alcoholism, cancer, blood pressure, diabetes, and others.</p>	<p><b>HEALTH</b> Further development of health facilities and services to achieve better health outcomes for the people of the Virgin Island.</p> <p><b>SOCIAL DEVELOPMENT</b> Strengthened social protection programme that will achieve better social and economic outcomes.</p>	<p>a. Accessible, affordable, holistic, and responsive health social systems b. Promotion of healthy lifestyles and wellbeing c. 24-hour access using technology d. Fully accredited services e. Efficient interisland services</p> <p><b>Short-term (12-month) Initiatives:</b></p> <p>a. Ensure adequate human resources for health and social services systems (Creation of HR Plan) – April 2019</p>	

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<b>SOCIAL</b>	<p>Prevention will reduce the cost of care and increase the quality of healthcare. A Virgin Islands Party Government will also strengthen the social safety net to ensure our seniors, youths, special need persons and most vulnerable are provided with the services for their health and wellbeing. Strong partnerships with community and special interest.</p>		<p>b. Completion of Virgin Gorda Clinic – June 2019  c. Develop mobile apps for health and social care services (based on E-Government implementation) – June 2019  d. Partnerships with external healthcare partners and centres for excellence – On-going  e. Improve programmes for the promotion of healthy lifestyles – On-going.</p>	
	<p>A focus on housing and getting our people back to work will be major priorities in the recovery process for a Virgin Islands Party Administration.</p>	<p><b>HOUSING</b>  Enhanced housing infrastructure through the adoption of comprehensive housing legislation and policies which promote climate</p>		<p><b>Ministry of Health and Social Development</b>  <i>i. Housing Assistance Recovery Programme</i>  – continuation  <i>ii. Develop a policy on</i></p>

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SOCIAL		change adaptation and resilience and safeguarding of the vulnerable		<p><i>Inclusive Housing</i> for Cabinet’s consideration following the formal review of the Housing Recovery Policy. See Cabinet decision for an outline of what this policy will include.</p> <p><i>iii. Universal Insurance Coverage:</i> Work with Private Sector to make insurance affordable and available to all, including vulnerable populations. See Cabinet decision that outlines the activities to</p>

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				implement this project.
ECONOMIC	<p><b>WE WILL DRIVE ECONOMIC GROWTH, DIVERSIFICATION, AND EXPANSION OF OUR ECONOMY WITH INNOVATION AND TECHNOLOGY</b> as the platform, especially for new economic substance based financial services activities and sectors such as renewable energy and in various niche areas for small businesses. We will streamline bureaucratic processes to advance economic development by facilitating local and foreign</p>	<p><b>ECONOMIC DEVELOPMENT</b> To reduce employment, achieve sustainable economic growth and increase the standard and quality of life for all citizens.</p> <p><b>INNOVATION AND TECHNOLOGY</b> Develop digital infrastructure across the territory to support the economic pillars of the future BVI and to</p>	<p><b>Future State (2030):</b></p> <ul style="list-style-type: none"> <li>a. Effective legal framework (Policies &amp; Legislation)</li> <li>b. One-Stop-Shop services (coordination of all relevant agencies)</li> <li>c. Business-friendly environment (ease of doing business)</li> <li>d. Efficient and streamlined processes with clear procedures</li> <li>e. Fully digitised services - Integrated IT systems (e-Government)</li> <li>f. Access to incentives, support, and financing mechanisms</li> </ul>	<p><b>Implement a National ICT Policy</b></p> <p><b>Implement the e-Government strategy</b> including:</p> <ul style="list-style-type: none"> <li>i. An interim platform for applications to deliver e-services such as: <ul style="list-style-type: none"> <li>a. DMV licencing and appointments</li> <li>b. Trade licensing process</li> <li>c. Immigration entry application process</li> <li>d. Labour work permit process</li> </ul> </li> </ul>

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ECONOMIC	<p>investment in a more efficient and business-friendly manner using a one-stop shop approach.</p> <p>We will strengthen public service support for the economic sectors to help businesses succeed. This includes financial and technical support to small businesses to help them capitalize on the emerging opportunities arising out of the recovery and the new economic substance law.</p> <p><b>WE WILL ACCELERATE COMPLETION OF THE RECOVERY PROCESS AND UPGRADE, TRANSFORM AND REVITALISE OUR ECONOMY.</b></p>	<p>facilitate the fast, friendly and efficient transaction of business with Government</p>	<p>g. Develop and promote new sectors (diversification)</p> <p>h. Efficient export mechanisms (standards/procedures/infrastructure)</p> <p>i. Regional &amp; Global connectivity</p> <p>j. Efficient ICT infrastructure (Telecommunications services, etc.)</p> <p>k. Ease of access to the BVI (transportation services - air, land &amp; sea)</p> <p>l. Opportunities for SME development</p> <p><b>Short-term (12-month) Initiatives:</b></p> <p>a. Create business focus think tank (public/private sector) – 1 to 3 months</p>	<p>e. Naturalisation</p> <p>ii. legislative framework including:</p> <p>a. Bill entitled, Data Protection Act 2018</p> <p>b. Bill entitled, Electronic Filing Act 2018</p> <p>c. Bill entitled, Electronic Funds Transfer Act 2018</p> <p>d. Bill entitled, Electronic Transactions Act, 2018</p> <p>e. Bill entitled, Computer Misuse and Cybercrime (Amendment) Act, 2018</p>



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ECONOMIC	<p>This is imperative so that we can improve the quality of life for our people, sustain economic growth, create new jobs and other opportunities and increase the wealth of the Virgin Islands.</p>		<p>i. Organise specific sector teams of experts from the public and private sector to discuss and determine sector needs and develop sector profiles – September 2018</p> <p>b. Create opportunities for Micro, Small &amp; Medium Enterprises (MSMEs) (training, technical assistance, financing, inter alia) – 9 to 12 months</p> <p>i. Schedule and organise training and technical assistance programmes for MSMEs – September 2018</p> <p>ii. Restructure and re-launch the Loan Guarantee programme – November 2018</p>	<p><b>Implement appropriate legislative instruments to enhance the business environment, namely:</b></p> <p>i. National Trade Policy of the Virgin Islands</p> <p>ii. Consumer Protection Bill</p> <p>iii. National Investment Policy Framework &amp; Legislation including:</p> <p>a. National Investment Strategy</p> <p>b. Investment Incentives</p> <p>c. Encouragement of Industries</p> <p>d. Residency for Direct Investors</p>

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ECONOMIC			<p>c. Promote and facilitate investments in new sectors – 3 to 6 months</p> <p>i. Develop investment promotion strategies for specific sectors as outlined in the sector profiles and organise programmes for initiating contact with investors – December 2018</p>	<p><b>Implement administrative structures to enhance the business environment, including:</b></p> <p>i. Establish the Innovative Business Lab (launch incubation services) to facilitate entrepreneurs –</p> <p>ii. Restructure the National Business Bureau (Human resources and programmes ) to facilitate Micro, Small &amp; Medium Enterprises (MSME) development</p> <p>iii. Establish the Investment</p>

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ECONOMIC				<p>Promotion Agency (Human resources and services) to facilitate investments</p> <p>iv. Reform and restructure (transformati on) of the Department of Trade to the Virgin Islands Trade Commission as the administrati ve body for the National Trade Policy of the Virgin Islands</p> <p><b>Include entrepreneurship training in school curriculum</b></p> <p>i. Coordinate with the Ministry of Education the</p>

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ECONOMIC				establishment of an appropriate business curriculum to be introduced at high school
	<p><b>WE WILL GIVE THE TOURISM SECTOR THE ATTENTION AND LEVEL OF PRIORITY IT DESERVES BY ESTABLISHING A MINISTRY OF TOURISM, TRANSPORT, AND ENVIRONMENT.</b> On an immediate priority basis, we will appoint a senior Tourism Coordinator reporting to the Minister of Tourism who will focus on speeding up the recovery of the accommodation sector, bringing new hotel investment and supporting the</p>	<p>A redeveloped tourism product that will secure the maintenance of livelihoods and produce an increase in the number and type of visitors. Transformation of the Tourism industry through establishing stronger linkages between tourism and farming, fishing and the terrestrial and marine environment.</p>	<p><b>Future State (2030):</b>  a. Restoration of Museums, historical sites and archives  b. Promotion of our Cultural Heritage through the further development of Curriculum focusing on our History  c. Promotion of our Cultural Heritage through relevant Festival and Cultural activities which highlights OUR Heritage  d. Promotion of our Cultural Heritage through our Tourism product  e. Promotion of our Cultural</p>	

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ECONOMIC & ENVIRONMENT	<p>marine sector in its further recovery.</p> <p>We will also launch the National Tourism Strategy consultancy and start the process of establishing stronger linkages between tourism and our productive sectors such as fishing, agriculture and our cultural heritage products</p>	<p>Strengthen the Tourism Policy function in central Government to speed up recovery in the short term and to lead the development of a National Tourism Strategy and Policy with support from the BVI Tourist Board so that they are better able to promote BVI's Tourism Product.</p>	<p>Heritage through our Culinary and Performing Arts</p> <p>f. Promotion of our Cultural Heritage through the development of Curriculum focusing on our History</p> <p>g. Promotion of our Cultural Heritage by celebrating our diversity</p> <p>h. Honouring our local leaders and heroes</p> <p>i. Mandatory Cultural Heritage testing for graduation (High School).</p>	
	<p><b>WE WILL PROTECT AND MARKET OUR CULTURAL</b> heritage and natural resources throughout the Virgin Islands.</p> <p>Restoration of historical sites, development of cultural attractions, mapping of nature trails and support of small tourism businesses in crafts,</p>	<p>Promote and safeguard BVI's cultural, historical heritage and natural features and facilitate on-going</p>	<p><b>Short-term Initiatives (12-months):</b></p> <p>a. Restoring the Performing Arts and Sports facilities – On-going</p> <p>b. A Champion for all activities – July 2018</p> <p>c. Cultural activities and</p>	

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ECONOMIC & ENVIRONMENT	<p>entertainment, retail, dining, and other areas will all be emphasized in our tourism industry.</p> <p>The building of a world-class aquarium and event centre will be explored to showcase our diverse marine life, particularly to our cruise visitors.</p>	<p>engagement with citizens and stakeholders in leveraging culture to enhance the uniqueness of our Tourism Product.</p>	<p>games – August 2018</p> <p>d. Intergenerational Mentorship Program – October 2018</p> <p>e. Curriculum Planning – July 2019</p> <p>f. Vigorous restoration of Museums and other historical sites – July 2019</p> <p>g. Public Relations Campaign – October 2019</p> <p>h. Students to use tablets for teaching the elderly on learning (example) tart making and other activities that define our cultural heritage – January 2019</p> <p>i. Legislation to preserve the remaining buildings and artifacts of historic value, including those</p>	



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ECONOMIC & ENVIRONMENT			<p>that are privately owned –            December 2019            j. Creation of an archive centre –            December 2019            k. Naturalization process to include testing on Cultural Heritage of the Virgin Islands –            September 2019</p>	
	<p><b>WE WILL BRING FOOD SECURITY TO THE VIRGIN ISLANDS AND LINK AGRICULTURE AND FISHING TO OUR TOURISM INDUSTRY.</b></p> <p>This will be achieved through a combination of support for farmers and fisher folks, training for sustainability, strong Government regulation and support from the tourism sector.</p>	<p><b>AGRICULTURE</b></p> <p>Development of sustainable agriculture and food system that better address local food insecurity.</p>	<p><b>Future State (2030):</b></p> <p>a. A variety of locally derived food/food products are available and used in homes, schools, restaurants, etc. through increased local food market outlets.</p> <p>b. Agriculture and fisheries are incorporated into the Territory’s standard education curriculum at all levels to stimulate exposure and</p>	

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ECONOMIC & ENVIRONMENT	<p>We will provide incentives for the development of the food sector, research and technological advancement, the establishment of public/private partnerships and the facilitation of efficient handling of investors.</p> <p>A Virgin Islands Party Government will also ensure that the Virgin Islands once again can feed itself and build successful businesses from food production.</p>		<p>participation in these industries as a means of ensuring their sustainability</p> <p>c. Agriculture and fisheries are major contributors to the economy of the Virgin Islands through their;</p> <ul style="list-style-type: none"> <li>i. contribution to the food supply,</li> <li>ii. health of the general populace,</li> <li>iii. tourism,</li> <li>iv. development of support and value-added services and other activities necessary to maintain and diversify these industries.</li> </ul> <p>d. Agriculture and fishing are part of the standard curriculum</p>	

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ECONOMIC & ENVIRONMENT			<p>e. Food imports are be reduced by 5-25% and where a particular food supply can be grown/harvested locally, restrictions/disincentives are be placed on its import.</p> <p>f. The agriculture and fishing industries are climate resilient and able to quickly recuperate from natural and other disasters based on a carefully engineered system designed to ensure the resilience of these industries, e.g. food storage, seed banks, etc.</p> <p>g. Adequate water supply will be available to all farmers and fishermen.</p>	

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ECONOMIC & ENVIRONMENT			<p>h. Waters will be appropriately regulated to protect from over-fishing.</p> <p><b>Short-term Initiatives (12 months)</b></p> <p>a. Food security policy, strategy and action plan – September 2019</p> <p>b. School farms – December 2018</p> <p>c. Identification of designated spaces for farming – December 2018</p> <p>d. Improving the fishing industry – September 2019</p>	
	<p><b>WE WILL FIX AND UPGRADE OUR INFRASTRUCTURE TO INTERNATIONAL STANDARDS</b> in line with our main industries: Financial Services and Tourism, and future economic</p>	<p><b>INFRASTR UCTURE (PLANNIN G)</b></p> <p>Develop a National Sustainable Development Vision and Strategy that takes account of the infrastructure</p>		<p><b>Ministry of Transportat ion, Works, and Utilities</b></p> <p>i. Town and Country Planning Authority and Building Authority to both be under the</p>

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ECONOMIC & ENVIRONMENT	<p>substance-based industries.</p> <p>Throughout the territory, we will repair and expand the national road network, water distribution, sewerage collection-treatment-disposal and the maintenance and cleaning of our blocked drainage system to prevent flooding.</p> <p>We will improve road signs, have adequate street lights and beautification to be proud of. We will regularly groom the roadways and ensure that our streets are garbage free.</p>	<p>needed to implement the National Development Plan, and align the Physical Development Plan with it ensuring all stakeholders are consulted throughout the process.</p> <p><b>INFRASTR UCTURE (TELECOMMUN ICATIONS)</b></p> <p>Telecommuni cations will to respond to the economic and social requirements of users of telecommuni cations services through (a) Development of a robust Regulatory Framework to create a favourable</p>	<p><b>Telecommunicat ions Future State (2030):</b></p> <p>a. BVI is independent with its own fibre-optics infrastructure for improved telecoms</p> <p>b. 100% of the BVI community receives free internet service</p> <p>c. Equality and accessibility of information to all citizens</p> <p>d. E-filing is the standard</p> <p>e. 100% underground cables and wires</p> <p>f. 100% of Government offices are outfitted with the most up to date IT for telecoms</p> <p>g. 98% of communities having access to information at their fingertips</p>	<p>purview of the Premier’s Office</p> <p>ii. Assessment of current public infrastructure and development Physical Development Plan</p> <p>iii. Develop and implement a National ICT policy</p> <p>a. Review all telecoms licenses with a view to improving services (Notice to be given on licenses by April 2019)</p> <p>b. Implement the regulatory functions for improved services</p>

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ECONOMIC & ENVIRONMENT		<p>environment that ensures telecommuni cation services are high quality, secure, reliable, accessible to all people at reasonable cost throughout the Territory;</p> <p>(b) In collaboration with the private sector upgrade and maintain the telecommuni cations infrastructure sufficient to meet the future needs of the Territory as it transforms into a Digital economy (c) Establish a partnership with operators whereby telecommuni</p>	<p>h. Engaged population sharing their point of view from anywhere</p> <p>i. Robust e-business sector</p> <p>j. Openness and transparency in information sharing</p> <p>k. Virtual meetings are the standard</p> <p>l. Central VHF towers</p> <p>m. 100% of community access to satellite phones</p> <p>n. Affordable internet connection</p> <p>o. Diversified internet providers</p> <p>p. Sustainable internet connection and providers</p> <p>f. Procedural manual and training in customer service – December 2018</p> <p>g. Public Service Charter – Dec</p>	<p>c. Telecommu nications Regulatory Commission (TRC) to create a business case for fast, reliable wireless internet</p> <p>d. E-government legislation completed and enacted and Freedom of Information Act</p> <p>See also Disaster Management under Direction/G overnance below.</p>



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ECONOMIC & ENVIRONMENT		<p>cations are deemed an essential service during disaster and immediate recovery and so operate to an emergency operations guidelines.</p> <p><b>INFRASTR UCTURE (ROADS/TR ANSPORT)</b> Improved transport infrastructure to meet the needs of citizens and key economic sectors by: a) ensuring that adequate regulations are in place to meet international, safety, security and environment standards; b) incorporating</p>	<p>h. Repair and outfit the Central Administration Complex with the appropriate e-tools for e-service – July 2019</p> <p><b>Future State (2030):</b></p> <p>a. An efficient and optimised multifaceted public transportation system that is accessible to all communities.</p> <p>b. Globally connected commercial airports and seaports.</p> <p>c. Driver-friendly, integrated, and properly constructed roadways and supporting structures.</p> <p><b>Short-term (12-month)</b> <b>Initiatives:</b> a. Develop a public transportation</p>	

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ECONOMIC & ENVIRONMENT		<p>resilient techniques; and c) utilising a highly skilled workforce.</p> <p><b>INFRASTR UCTURE (WASTE/W ATER/SEW ERAGE)</b></p> <p>Develop and implement a robust regulatory framework for waste, water, and sewerage and develop comprehensive plans including (a) waste/debris, water and sewerage management plan which addresses the varying components including debris collection,</p>	<p>system – March 2019</p> <p>b. Develop a Road Design Manual – July 2019</p> <p>c. Complete designs and procurement plan for airport expansion – December 2019</p>	

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ECONOMIC & ENVIRONMENT		disposal, exportation and recycling during recovery as well as for the development.		
	<p><b>WE WILL PROTECT OUR CHERISHED ENVIRONMENT AND CLEAN UP THE BVI BY:</b></p> <ul style="list-style-type: none"> <li>• Strengthening enforcement of environment legislation and policies.</li> <li>• Working with the RDA to quickly implement the various adaptation and mitigation measures to lessen the impact of future hurricanes.</li> <li>• Legislate the protection of key environment assets such as salt ponds, beaches, coastal</li> </ul>	<p><b>ENVIRONMENT</b></p> <p>Environmental resources (terrestrial and marine) are sustainably managed through an improved regulatory framework, capacity development, scientific monitoring, and outreach.</p>	<p><b>Future State (2030):</b></p> <ul style="list-style-type: none"> <li>a. Green hillsides – high-quality vegetation (native and endemic species, mature trees and old growth forests)</li> <li>b. World class beaches – crystal clear water, white sand with natural vegetation, place-appropriate amenities, accessible</li> <li>c. Green spaces in communities</li> <li>d. Zero pollution in the environment</li> </ul>	

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ENVIRONMENT	<p>areas, coral reefs, mangroves, etc.</p> <ul style="list-style-type: none"> <li>• Implementing a waste to energy programme.</li> <li>• Implementing a recycling and reuse programme in collaboration with community organisations.</li> <li>• Upgrading the unsightly garbage disposal bins and instituting more visually and environmentally pleasing collection points.</li> </ul>		<p>e. Vibrant, healthy, bio-diverse wetlands, coral reefs, and marine life</p> <p>f. A population comprised of educated stewards of the environment</p> <p><b>Short-term Initiatives (12 months)</b></p> <p>a. Declaration of proposed protected areas in the approved British Virgin Islands Protected Areas System Plan – September 2018</p> <p>b. Pass Draft Environmental Management and Climate Change Bill – December 2018</p> <p>i. N.B. From the technical perspective, this is seen as the priority action to achieve the agreed vision.</p>	

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
ENVIRONMENT			<p>c. Recycling and ban on plastic bags – December 2018</p> <p>d. Solar energy/wind energy integration in the reconstruction of public facilities, in particular schools – December 2018</p> <p>e. Reforestation campaign focused initially on mangroves and beach vegetation – July 2019</p>	

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
DIRECTION (Governance)	<p><b>WE WILL BE BETTER PREPARED FOR FUTURE DISASTERS</b>  The reality of climate change is real and more natural disasters will occur. A Virgin Islands Party Government will ensure that the great work of our Disaster Management Department is fully supported in making the Territory more prepared by</p> <ul style="list-style-type: none"> <li>• Providing more resilient building codes and stronger and consistent enforcement.</li> <li>• Building adequate weather resistant emergency shelters.</li> </ul> <p>Implementing Disaster Risk Insurance Management / Resilience Fund and establishing a disaster risk</p>	<p><b>DISASTER MANAGEMENT</b>  Promoting a culture of prevention, preparedness and resilience at all levels through knowledge, innovation and education and improved human and institutional capacity.</p>		<p>(i) Upgrade the M AND E, Dana and HVA databases held by DDM</p> <p>(ii) Development of the human vulnerability database</p> <p>(iii) Development of a platform to electronically prepare Disaster Plans and disaster profiles</p> <p>(iv) Re-establishment of the national emergency telecommunications and early warning systems networks</p>



S.E.E.D	MANIFESTO COMMITMENT	RECCOMENDED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<p><b>DIRECTION (Governance)</b></p>	<p>management committee to ensure we have an effective. insurance risk strategy in place which will reduce the potential impacts on life, property, business and the environment.</p> <ul style="list-style-type: none"> <li>• Enhancing environmental tools for mitigation measures.</li> <li>• Using climate change adaptation measures and systems to reduce impact.</li> <li>• Implementing a microcredit scheme to assist small businesses recovery.</li> <li>• Providing direct public assistance for the most vulnerable and those at risk.</li> <li>• Improving emergency response on all islands, with particular attention</li> </ul>			<p>territory-wide.</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
DIRECTION (Governance)	to the sister islands.			
	<p><b>WE WILL MANAGE CRIME FOR A PEACEFUL SOCIETY</b> by swiftly restoring full control of our borders to curb gun crime, illegal entry and the importation of illegal drugs into our country. The Virgin Islands Party will work in collaboration with the Governor and the Royal Virgin Islands Police Force to support plans for community policing, hotspots, ubiquitous police presence and other strategic actions for the significant reduction of crime within defined time frames. We recognize crime....</p>	<p><b>SECURITY</b> Reduce crime and increase public security in order to create a safer and more secured BVI through, (a) development and implementation of a National Security Policy and (b) development of policies that safeguard the collective interests of persons living and working in BVI.</p>	<p><b>Future state:</b> National Security Policy and plan with an aligned Disaster Management Plan. Programmes that address discrimination, diversity, and a lack of equity, which constrain development and thereby threaten the collective security of persons living and working in BVI. Programmes that address the exploitation of the most vulnerable, e.g. children and sex trafficking;  Improved Consumer protection, not just retail but as regards financial products such as</p>	<p><b>DGO</b> Draft a paper that considers current threats to the territory and how Digital Transformation can support enhanced security and the current challenges to achieving this. <b>PREMIER'S OFFICE/ MHSD/LA BOUR</b> To continue to address issues of discrimination, diversity and equity and safeguarding of the most vulnerable in society by direct and indirect policy</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
DIRECTION (Governance)			Insurance, Mortgages etc.	measures, e.g. prevention of poverty, employment and Consumer protection
	<p><b>WE WILL STRENGTHEN THE INSTITUTIONS OF GOVERNANCE, TRANSPARENCY, AND ACCOUNTABILITY BY</b></p> <ul style="list-style-type: none"> <li>• Ensuring that a framework of good governance is established and maintained to safeguard the institutions of government.</li> <li>• Ensuring that the Auditor General completes the auditing of outstanding Financial Statements and that future audits are conducted in a timely fashion.</li> </ul>	<p>Strengthen the institutions of governance by enhancing transparency, accountability and citizen participation by</p> <p>(a) Ensuring that a framework of good governance is established and maintained</p> <p>(b) Modernising Public Financial Management (PFM) legislation to align with appropriate</p>	<p>i. Align Public Financial Management with PEFA standards</p> <p>ii. Integrate Policy, Planning and Budgeting processes.</p> <p>iii. Establish a Policy and Planning Unit for central co-ordination of policy and develop an appropriate policy development mechanism with a strong emphasis on (a) Evidence-based policy making and (b) citizen engagement</p> <p>iii. Develop a National Sustainable</p>	<p><b>Deputy Governor’s Office</b></p> <p>On completion of Governance Framework Audit draft suite of legislation required to implement Framework including but not limited to: Whistleblowing legislation, Integrity in Public Life/Integrity Commission, Ministerial Code of conduct</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
<p><b>DIRECTION</b> (Governance)</p>	<ul style="list-style-type: none"> <li>• Bringing expenditure in line with revenue collection to curtail spending at unsustainable levels and in a reckless manner.</li> <li>• Ensuring value for money by enforcing proper due diligence, financial controls, proper checks and balances and professional guidance on major projects.</li> <li>• Ceasing reckless spending and ensuring better fiscal restraint with taxpayers' hard-earned dollars.</li> </ul>	<p>e international standards for PFM</p> <p>(c) Achieving best value for money in the procurement of goods and services</p> <p>(d) Implementing efficiency targets to reduce waste</p> <p>(e) Ensuring the Auditor General's office is properly trained and resources to carry out its function effectively</p> <p>(f) Alignment of Statutory Agencies and</p>	<p>Development Plan using broad stakeholder consultation</p>	<p><b>Ministry of Finance</b></p> <p>i. Aligning Statutory Agencies</p> <p>ii. Draft new Procurement Bill and regulations</p> <p>iii. Establish a procurement negotiating team</p> <p>iv. Draft new Public Financial Management Act</p> <p>v. Review Pension provision</p> <p><b>DGO/MOF</b></p> <p>Alignment of Statutory Agencies ensuring they execute effectively within the scope of their legally defined mandate and provide support and</p>

S.E.E.D	MANIFESTO COMMITMENT	RECCOMEN DED POLICY OBJECTIVE	RECCOMENDED PSTP PROJECTS (From Visioning Day & PSTP External Transformation Team)	APPROVED/ IN-TRAIN PSTP PROJECTS
DIRECTION (Governance)		Parastatals ensuring they execute effectively within the scope of their legally defined mandate and provide support and advise to the ministry concerning policy development, and were receiving monies from the consolidated fund are accountable to the Auditor General.		advise to the ministry concerning policy development .  <b>Ministry of Transportat ion Works and Utilities</b> i. Centralise facilities management across Government and start the implementat ion of a Facilities Management Unit within the Ministry from 1 <sup>st</sup> January 2019.

## **ANNEX B: JOB DESCRIPTIONS**

### **DIRECTOR, POLICY, AND DEVELOPMENT PLANNING**

#### **Key Job Purpose:**

Managing the policy and national planning process across Government and taking the lead in strategic areas to fill policy gaps in sectoral and cross-cutting areas that are a priority for Government.

#### **Job Summary**

Manage, supervise and direct the work of the Development Planning, Policy & Trade Unit. Activities include: developing/advising on sustainable development strategies, plans, policies, and programme formulation to meet national goals and objectives; monitoring and evaluation of the implementation of national development plans, and economic and social policies, as well as the progress made towards the achievement of national goals and objectives; analysis of and reporting on socio-economic conditions.

#### **Key Result Areas**

##### **Manages and directs the work of the Unit:**

- Provide oversight and guidance to the staff of the sections comprising the Unit (i.e., Development Planning, Social Planning, Population, and Policy Development), to ensure effective delivery of planned outputs by the Unit.
- Preparation of the operational plan and budget for the Unit and contribute towards the preparation of the operational and corporate plan of the ministry.
- Review and approve individual work-plans and progress reports of Unit members, evaluate their performance; provide the necessary guidance and support.
- Approve expenditure on projects and certain activities of the Unit.
- Supervise Consultants placed in the Unit on specific assignments.
- Supervise persons/firms contracted by the Office of the Premier to perform specific duties/studies, etc. related to the work of the Unit.

##### **Policy Management**

- Leads the development of policy management practices, standards, and capacity.
- Leads the preparation of the Policy Framework in conjunction with line ministries and departments for Cabinet approval.



- Monitors the implementation of Government policy programmes and interventions.
- Designs the policy management process, requirements, timetable and standards and provides guidance to the rest of Government on policy management issues.
- Provides advice on the Government's forward policy agenda (in consultation with relevant ministries, departments, and other bodies) and the strategic implications of this agenda for the whole of Government.
- Establishes effective arrangements for close coordination with the economic policy function in the Ministry of Finance and the statistics function.
- Consults with Government departments on the policy content and coordination implications of proposed Cabinet submissions prior to their formal consideration by Cabinet and to advise the Permanent Secretary accordingly.
- Initiates special investigations and research into urgent matters of high priority that requires the attention of the Cabinet; especially where these involve cross-cutting issues.
- Oversees the review of the annual legislative agenda to ensure that issues have been appropriately prioritized in support of policy priorities and that inter-dependencies are taken account of.
- Reviews draft legislation to ensure that it is consistent with policy intentions and not inconsistent with other policy goals.
- Oversees the reviews of all policy submissions to ensure that they meet the required standards and criteria and are consistent with related policy issues.
- Ensures that key cross-cutting issues such as human rights, poverty reduction, gender and disaster mitigation are mainstreamed into all policy development.

### **National Development Planning**

- Co-ordinate/supervise the formulation/revision of national sustainable development strategies, plans, and programmes; and provide advice as required.
- Ensure the monitoring and evaluation of the implementation of the Sustainable Development Plan.
- Analyses and proposes the strategic direction and priorities of the Government.
- Ensure the preparation of all economic development plans/policies and reports in keeping with all the statutory obligations (including the Public Finance Act).

- Oversee the development of economic models and the use of modeling techniques to aid macro-economic planning and policy formulation.
- Prepare periodic reports on the state of the economy as well as special reports, position papers, briefs and submissions for the PS OP as necessary.
- Review project evaluation reports informing sustainable development plans, strategies, and policies.
- Initiate/review studies to gather information on issues of national importance.
- Assist with the negotiation of Aid Agreements as required.
- Assist in the development of donor programmes for the Virgin Islands, by providing comments, advice, and information.
- Provide technical and other inputs as a member of Boards/Councils/ Commissions etc. as required.

### **Strategic Planning**

- Oversees the preparation of strategic and operation plans across Government ensuring their consistency with the government's policy priorities.

### **General**

- Represent the Office of the Premier at fora designed to have a dialogue with civil society on development issues.
- Represent the Government at national, regional, international conference on development planning, policy and trade issues:
  - i. Prepare reports/papers as requested
  - ii. Attend preparatory meetings and conferences
- Any other reasonable duties that may be assigned from time to time by the Permanent Secretary.

### **Qualifications Required**

#### **Knowledge**

- First degree in Economics or Social Sciences.
- Masters degree in Economics/ Development Studies (from an accredited university).
- Specialization or postgraduate training in Economic Development Planning/Policy or any equivalent combination of education and training that provides the necessary knowledge and skills.

**Experience:**

- A minimum of 8 years of progressive experience in sustainable development planning and policy with at least five years experience at the senior managerial level.
- At least three years' experience in programme management and monitoring.
- Experience in the management of professional staff.

**Key Skills**

- Development planning.
- Policy formulation.
- Economic analysis and general analytical skills.
- Participatory planning skills.
- Policy formulation skills.
- Monitoring & evaluation.
- Word processing and spreadsheet software.
- Public speaking, report writing and presentation.
- Leadership and supervisory.
- Team player.

**Key Work Deliverables**

- Annual operation plan and budget for the Unit.
- Performance Evaluation report on each member of the Unit.
- Outputs agreed for work done on behalf of the Unit by consultants and specialists.
- Sustainable Development Plan (SDP).
- Monitoring & Evaluation Report on the Progress made in implementing the SDP.
- Periodic reports on the state of the economy.
- Reports and policy documents produced in fulfillment of statutory requirements.
- Economic models and projections.
- Reports on social indicators.
- Special reports, position papers, reviews and briefs as required.
- Other policy documents and action plans as per the work plan.
- Policy advice.
- Reports on regional and international meetings, conferences and fora attended on behalf of the Government of BVI.

## **SENIOR POLICY ANALYST (Social Policy)**

### **Key Job Purpose:**

To provide social development advice and technical support to the Government of the Virgin Islands through social analysis research and studies to assist in the promotion of sustainable development in the Virgin Islands.

### **Main Duties:**

#### **Policy Management**

- To promote an integrated social policy approach in key strategic documents, planning and policy processes including appraising policies, programmes, and projects and consultancy reports, assisting in monitoring and evaluation to ensure effective implementation and assessment of policy impact.
- To ensure that social development issues are mainstreamed into all other policy development activities and that social policy commitments are turned into actions.
- To promote a people-centered approach to policy building through the use of participatory techniques and approaches to enhance the participation of different stakeholder groups in policy, programme, and project design.
- To coordinate activities in support of the MDGs and report progress against the local indicators.
- To ensure that Government of BVI complies with and reports on social development conventions and commitments to regional and international agencies.
- Provide training and guidance in participatory approaches, social policy and social development concerns to policymakers.
- Promote, develop and disseminate qualitative social research.

#### **Skills and Competencies**

##### **Academic:**

- A first degree in Social Sciences/Development Studies/Poverty Studies/Social Policy or a related subject area
- A masters degree in Social Policy Development would be *an asset*

##### **Other:**

- Social analysis tools e.g. social impact assessment, gender analysis, poverty social impact assessment, stakeholder analysis, participatory rural appraisal, post-disaster social analysis.
- Social policy research techniques which include quantitative studies such as poverty assessments, surveys of living conditions.
- Spreadsheet design and management.

**Experience:**

Five (5) years of experience in social policy and planning, social policy research.

**POLICY ANALYST**

**KEY RESPONSIBILITIES**

- Supporting the promotion of and ensuring an integrated policy formulation approach within and across sectors.
- Supporting the provision of strategic guidance through the development of key strategic documents and appropriate planning and policy processes. This includes the appraisal of policies, programmes, projects, and reports.
- Assist in ensuring the Government of BVI's compliance with particular regional and international socio-economic development conventions, commitments and implementation of initiatives.
- Conducting research and analysis on policy issues in order to guide policy development, with particular emphasis on development policy and planning principles.
- Supporting capacity development across Government in the areas of policy analysis, strategic planning and the use of participatory approaches in policy, programme and project design.
- Preparing relevant reports to support national policy formulation and planning processes.
- Any other reasonable tasks that may be assigned by the Permanent Secretary, Office of the Premier or the Director, Policy, and Planning.

**PERSONNEL SPECIFICATIONS**

Applicants must have:

- a first degree in Public Policy, Economics, Sociology, Development Studies or a related subject area.

- Three (3) to five (5) years' experience in the area of socio-economic policy development and analysis with managerial experience.
- a proven, key skills set covering the following areas:
  - quantitative and qualitative research tools and techniques;
  - spreadsheet, word processing, and presentation tools;
  - economic and social policy research and analysis;
  - report writing and oral presentation.
- In addition to the above, a post-graduate or professional qualification in Social Policy/Social Research or a closely related field would be an asset.

## **DEVELOPMENT PLANNER**

### **KEY RESPONSIBILITIES WILL INCLUDE:**

- Supporting the processes of formulation and updating of national development and sector strategies, plans, and programmes.
- Providing technical support in the framing of development policy and reviewing programme and project evaluation reports to inform sustainable development plans, policies, and strategies.
- Developing models and employing modeling techniques to support national planning and policy formulation.
- Conducting research and compiling reports on social and economic development through the analysis of relevant data.
- Providing assistance in capacity building within Government in the areas of policy formulation, management, and project appraisal.
- Any other reasonable tasks that may be assigned by the Permanent Secretary, Office of the Premier or the Director, Policy, and Planning.

### **QUALIFICATIONS AND EXPERIENCE**

Applicants must have:

- A first degree in Economics or Social Sciences
- three (3) to five (5) years post graduate experience in the area of Development Planning
- A proven, key skills set covering the following areas:
  - report writing and oral presentation
  - project cycle management
  - strategic and cross-sectoral planning



- socio-economic analysis
- economic modeling
- spreadsheet, word processing, and presentation tools

In addition to the above, a post-graduate Degree in Development Studies, with emphasis on development planning or a closely related field, would be an asset.

## **PLANNING OFFICER**

### **KEY JOB PURPOSE**

Evaluate and prepare analyses on policy and national programmes; provide information and advice to senior management officials for consideration and action.

### **JOB SUMMARY**

The Policy and Planning Officer assists the Director, Policy and Development Planning in developing, implementing and monitoring the Strategic and Business Plans and developing and reviewing organisational and departmental policies. Functions also include collecting, analyzing and compiling data on social, economic and political issues.

### **KEY RESPONSIBILITIES AND DUTIES**

#### **Main Duties:**

- Conducts policy research and analysis of policy issues in order to guide policy formulation.
- Assists with preparing the Government's Policy Framework in conjunction with line ministries and departments.
- Leads the development of policy analysis capacity across GBVI.
- Assists with the formulation, revision, and update of the Sustainable Development Plan and its accompanying Investment Programme.
- Coordinates and integrates policy issues both across Government (horizontal analysis) but also between different levels of Government. The analyst will be required to integrate the research and analysis emanating from other ministries, think tanks, research institutions, etc., into their own work in order to provide the most comprehensive approach possible.

- Prepares reports, briefings - for senior officials, ministers, and the Cabinet on issues of broad national concern, or provides oral briefings on technical issues to senior management or the minister.
- Facilitates the policy analysis process by arranging meetings, engaging stakeholders, and distributing information.
- Represents and explains new policy and its implications to relevant stakeholders.
- Identifies policy gaps in cross-cutting areas that are a priority for the Government.
- Assists with undertaking special investigations and research into urgent matters of high priority that require the attention of Cabinet; especially as these involve cross-cutting issues.
- Assists with the review of the annual legislative agenda to ensure that issues have been appropriately prioritized in support of policy priorities and that inter-dependencies are taken account of.
- Assists with the review of draft legislation to ensure that it is consistent with policy intentions and not inconsistent with other policy goals.
- Provides training and guidance in policy analysis policymakers.
- Researches and prepares background papers that will assist in the development of the Medium Term Policy Framework, National Strategic Development Plans, sectoral plans and policy documents.
- Assists with the review of the impact of major programmes on national development.
- Assists with the provision of sectoral analyses and appraisals to facilitate recommendations for GBVI decision making papers.

## **Skills and Competencies**

### **Academic:**

First degree in Economic Studies, Finance, Public Policy or a related discipline.

### **Other:**

- Policy research techniques for existing policies
- Economic analysis
- Knowledge of:
  - Operational plans of all ministries and departments
  - All strategic documents (Country Policy Plan, Sustainable Development Plan, Corporate Plans)
- Report writing and presentation
- Project writing and project cycle management skills
- Strategic and cross-sectoral planning skills

- Analytical skills

**Experience:**

At least three (3) years' experience in policy development and or planning, analysis and management

## **SENIOR MONITORING AND EVALUATION OFFICER**

**JOB SUMMARY:**

Under the general guidance of the Cabinet Secretary, supervise and coordinate the Monitoring and Evaluation (M&E) activities related to implementation of the projects and programmes in Ministries/Departments/Agencies for the achievement of national goals and objectives. Duties include: measuring progress against set targets and development outcomes, supervising and coordinating the preparation of all reports relating to M&E in relevant Ministries/Departments/Agencies; supporting the implementation of plans, policies, programmes and projects related to Government's National Development Agenda.

**REPORTS TO: Cabinet Secretary**

**SUPERVISION GIVEN TO: Monitoring and Evaluation Officer**

**DUTIES AND RESPONSIBILITIES:**

- Supervises and coordinates professional and other support staff performing M&E duties.
- Supervises the collection of routine programme monitoring data and facilitates its integration into continuous quality improvement and programme development.
- Supervises conducts and/or commissions evaluation/impact assessment studies of key programmes and projects to ensure achievement of development outcomes and consistency with national goals and objectives.
- Assists with the formulation of M&E recommendations for improving implementation performance and enhancing the design of policies and programmes.

- Manages the maintenance of an electronic management information system with performance indicators and targets embedded in the system for implementation and tracking.
- Performs desk audits, studies and evaluations of ongoing policy and implementation processes of national multi-sectoral programmes.
- Develops operational reporting templates that facilitate the acquisition and aggregation of information on programmes.
- Establishes systems and standards for the assessment, monitoring and evaluation of projects and programmes against their objectives and expected outcomes.
- Coordinates the preparation of reports on all statutory programmes; guides staff in preparing these reports in accordance with approved reporting formats and ensures their timely submission.
- Participates in the ongoing review of the implementation of M&E systems in Ministries/Departments/Agencies.
- Conducts and facilitates workshops, training programmes, orientations, technical training, coaching and support for key stakeholders on monitoring and evaluation towards facilitating capacity building across the public service.
- Represents the Cabinet Secretariat at meetings, conferences, courses, seminars, committee meetings and workshops.
- Prepares and reviews Notes for Cabinet and periodic and/or ad-hoc reports on matters related to monitoring and evaluation of national programmes and projects.
- Performs related work as may be required.

## **KNOWLEDGE, SKILLS AND ABILITIES**

### **KNOWLEDGE:**

- Considerable knowledge of the principles, techniques and methodologies used in the monitoring and evaluation of programmes and projects including quantitative, qualitative and participatory approaches and socio-economic research.
- Considerable knowledge of results based planning.
- Considerable knowledge of management principles and practices.
- Considerable knowledge of governance theories and practices, including methods of implementation.
- Considerable knowledge of government policies, procedures, rules and regulations.
- Considerable knowledge of the organisational structures and systems; and management principles and practices of the public service.

- Knowledge of the principles and practices involved in programme management.

### **SKILLS AND ABILITIES:**

- Skill in the use of personal computers.
- Proficient in the use of Microsoft Office Suite and statistical software.
- Ability to use e-government technology platforms.
- Ability to lead and motivate a team engaged in monitoring and evaluation activities.
- Ability to develop the overall framework for project monitoring and evaluation.
- Ability to plan, organize, direct and co-ordinate the work of professional and other support staff engaged in monitoring and evaluation activities.
- Maximizes opportunities for capacity building and M&E performance improvement through collaboration with other entities, such as CDB, UNDP, etc
- Ability to collaborate with relevant stakeholders to provide relevant information for ongoing evaluation of project activities, effects and impacts.
- Ability to compile and analyse data and prepare comprehensive reports.
- Ability to express ideas clearly and concisely, both in writing and orally.
- Ability to establish and maintain effective working relationships and interact with different stakeholders.
- Ability to use tact and diplomacy in the performance of duties.
- Ability to observe and maintain confidentiality in the performance of duties.

### **MINIMUM EXPERIENCE AND TRAINING:**

- Minimum of six (6) years' experience performing duties related to policy development, planning, research and monitoring and evaluation, including a minimum of three (3) years' experience in supervising a team with responsibility for monitoring and evaluation, planning and public management.
- Training as evidenced by the possession of a Bachelor's degree in one of the Social Sciences, such as Public Sector Management or Project Management; or in a related field from a recognized University; supplemented by postgraduate certification in Monitoring and Evaluation Methods and Procedures from a recognised institution.

## **MONITORING AND EVALUATION OFFICER**

### **Job Summary:**

Establish and implement or assist in the establishment and implementation of Monitoring and Evaluation (M&E) Systems for programmes/projects in a Ministry/Department/Agency. Duties include formulating programme/project outcomes, performance indicators and data capture systems; assisting in new programme/project development; conducting cost benefits and cost effectiveness analyses; maintaining M&E databases and reporting on M&E activities.

### **Key Job Purpose:**

Support Government's planning and resource allocation processes through the systematic monitoring and evaluation of the implementation of national and ministry level policies and plans.

### **Main Duties:**

Under the general guidance of the Senior Monitoring and Evaluation Officer:

- Ensures standards and guidelines for performance monitoring and reporting are developed and adhered to across government.
- Assists in developing and maintaining a comprehensive performance management system for the whole of government to include the establishment of guidelines for the development of various forms of internationally acceptable performance indicators.
- Reviews the relevance and robustness of performance indicators proposed by Ministries and Departments.
- Establishes a performance management timetable including all external requirements to include liaising with development partners and other external agencies to ensure that all reporting obligations are met.
- Reviews and rationalizes performance management requirements to streamline information collection and reporting.
- Assists with the development of a monitoring framework and supports the process of the monitoring and evaluation of the national goals and objectives.
- Develops and oversees the maintenance of a monitoring framework for Cabinet Decisions.
- Drafts monitoring and evaluation sections of proposals as required for major programmes and projects within Ministry/Department/Agency.
- Supports the monitoring and evaluation of sectoral plans.



- Oversees the collation and analysis of performance data received from all Government entities.
- Monitors the performance of government at the Ministry/Department and cross-sectoral levels using established indicators and identify areas for action and resolution.
- Assists in the preparation and publish of regular (Quarterly and Annual) performance reports.
- Prepares or assists the preparation of Notes for Cabinet and periodic and/or ad-hoc reports on matters related to monitoring and evaluation activities of the Ministry/Department/Agency.
- Maintains close working relationships with the statistics function to maximise the gains from data collection and analysis and ensure consistency of standards and approaches.
- Facilitates external evaluation and review exercises.

## **Skills and Competencies**

### **Academic:**

First degree in Public Sector Management or a related Social Sciences discipline.

### **Other:**

- Management for Development
- Monitoring & Evaluation
- Report writing and presentation
- Project cycle management skills
- Analytical skills

### **Experiences:**

Three (3) to five (5) years of job-related experience. Postgraduate experience with responsibility for a monitoring and evaluation project(s) would be an asset.

## **MONITORING AND EVALUATION OFFICER**

### **Key Job Purpose:**

Support Government's planning and resource allocation processes through the systematic monitoring and evaluation of the implementation of national and ministry level policies and plans.

### **Main Duties:**

- Ensures standards and guidelines for performance monitoring and reporting are developed and adhered to across Government.
- Develops and maintain a comprehensive performance management system for the whole of Government to include the establishment of guidelines for the development of various forms of internationally acceptable performance indicators.
- Reviews the relevance and robustness of performance indicators proposed by Ministries and Departments.
- Establishes a performance management timetable including all external requirements to include liaising with development partners and other external agencies to ensure that all reporting obligations are met.
- Reviews and rationalizes performance management requirements to streamline information collection and reporting.
- Develops a monitoring framework and leads the process of the monitoring and evaluation of the Sustainable Development Plan (SDP).
- Develops and oversees the maintenance of a monitoring framework for Cabinet Decisions.
- Supports the monitoring and evaluation of sectoral plans.
- Oversees the collation and analysis of performance data received from all Government entities.
- Monitors the performance of Government at the Ministry/Department and cross-sectoral levels using established indicators and identify areas for action and resolution.
- Prepares and publish regular (Quarterly and Annual) GoM performance reports.
- Maintains close working relationships with the statistics function to maximise the gains from data collection and analysis and ensure consistency of standards and approaches.
- Maximizes opportunities for capacity building and M&E performance improvement through collaboration with other entities, such as CDB, UNDP, etc.
- Facilitates external evaluation and review exercises.

## **Skills and Competencies**

### **Academic:**

First degree in Public Sector Management or a related Social Sciences discipline.

### **Other:**

- Management for Development
- Monitoring & Evaluation
- Report writing and presentation
- Project cycle management skills
- Analytical skills

### **Experience:**

Three (3) to five (5) years of job-related experience. Postgraduate experience with responsibility for a monitoring and evaluation project(s) would be an asset.

## **RESEARCH AND DATABASE OFFICER**

### **Key Job Purpose:**

Maintain Government's performance monitoring systems and processes that ensure appropriate performance data collection and management.

### **Main Duties:**

- Assists with ensuring that strategic plans are accompanied by proposals for monitoring and assessing the effectiveness of implementation.
- Monitors and evaluates the implementation of Executive Council Decisions and prepares monthly reports.
- Assists with monitoring the performance of Government both at the level of individual Ministries and Departments, cross-sectoral basis; and the whole of Government.
- Assists with the reviewing of performance monitoring systems and processes on a regular basis, developing and adapting them to meet the needs of GBVI.
- Assists with reviewing and reporting on the relevance and robustness of performance indicators proposed by Ministries and Departments.
- Participates in the monitoring and evaluation of the Sustainable Development Plan (SDP).

- Undertakes regular follow-up on all government Ministries and Departments to ensure that performance information is being gathered by their internal systems on an ongoing basis.
- Gathers performance data on an established timetable from Ministries and Departments against plans and performance indicators.
- Verifies the data by which progress towards results will be measured for completeness and accuracy.
- Analyzes data to identify trends in performance.
- Contributes to the preparation of performance reports on an established timescale for the whole of Government and external agencies.

### **Skills and Competencies**

#### **Academic:**

Diploma in Public Sector Management or a related Social Sciences discipline.

#### **Other:**

- M&E database manipulation
- Monitoring & Evaluation training
- Report writing and presentation skills

#### **Experience:**

Three (3) to five (5) years of job experience in the public service at a middle management position.

# **PUBLIC SERVICE MANAGEMENT BILL**

## Briefing Report

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Department of Human Resources

### **ABSTRACT**

A brief summary of the various provisions within the Public Service Management Bill in order to assist stakeholders to participate meaningfully in the consultation process and to provide feedback where improvements can be made. For ease of reference a summary of the intent of each of the relevant clauses is provided, followed by a brief commentary where appropriate.

## **1 Section I**

### **1.1 BACKGROUND**

1.1.1 The Public Service is the principal actor policy making infrastructure and an architect of an enabling environment for national development. Public Service management covers such aspects of management as productivity management, and management of human, financial and other resources. It involves an array of activities ranging from planning, formulation and implementation of policies, programmes and projects for the delivery of goods and services to the territory through a number of government and quasi-government agency arrangements. Consequently, it is imperative that the structures, policies and operations of the Public Service create an environment for high performance, and efficiency to respond adequately to the socioeconomic needs of the Territory and to global challenges.

1.1.2 The Department of Human Resources is mandated to provide the overall policy framework in human resources and performance (productivity) management practices.

### **1.2 THE NEED FOR CHANGE**

1.2.1 On the enactment of the Virgin Islands Constitution Order, 2007 and the Labour Code, 2010, the Department of Human Resources, as part of this process of transformation initiated a review of the employment practices and procedures of the Public Service and commenced a legal reconciliation exercise towards aligning employment laws within the Public Service. Most of the employment practices and procedures previously in operation were designed prior to the new Constitution and were consequently no longer relevant or valid.

1.2.2 The General Orders contain rules and procedures relating to the employment of public officers, the management of their career incidents and performance, and the termination of their services. Not only are many of these rules and procedures out-dated, they do not focus effectively on the attainment of key human resource objectives such as the establishment of employment equity and tend to emphasise process at the expense of the achievement of strategic outcomes. The adoption of the Nolan principles and the issuance of the Public Service Statement of Principles and Values provided further momentum to the process of reviewing the Public Service's employment policy by articulating the basic values and principles which should underlie human resources management in the Public Service.





1.2.3 Guided by the principles of natural justice, separation of powers, rule of law, good governance and the fundamental rights and freedoms of individuals, the Department of Human Resources began the development of the new PSM Bill, which will establish appropriate mechanisms and structures to create broad policies on the employment, deployment and development of human resources, and the development of a management system, in which the responsibility and capacity to make decisions are placed with the most appropriate functionary and levels of management. It also addresses a systematic approach to accountability in which indicators are developed for measuring, monitoring and evaluating the quality of performance of ministries/departments, public officers and employees. In view of the importance of effective and equitable people management, the Department of Human Resources has decided to develop this Briefing Report to provide an overview of the key policy changes, the basis for such policy decisions and to elicit comments and inputs from stakeholders on the values and principles which should guide the employment practices of a transformed Public Service.

1.2.4 The introduction of new employment practices will be incomplete without linking continued employment and promotion to clear performance indicators. This will require the introduction of new mechanisms to monitor and evaluate performance on the basis of results and quality of service. A new Performance Management Programme was already initiated and information about this project has been included in this Paper. The underlying principles relating to remuneration, human resources development, leave and other conditions of service, are mentioned in the Bill, the details of which the details are to be expounded in the supporting Regulations.

1.2.5 The drafting team consisted of officers from the Department of Human Resources and the Attorney General's Chambers.

1.2.6 This *Paper* is to outline the broad structure of the PSM Bill and provide a brief summary of the various provisions within in order to assist stakeholders to provide feedback on where improvements can be made.

## **2 OVERVIEW OF PUBLIC SERVICE MANAGEMENT BILL**

2.1 The purpose of the Public Service Management Bill

2.1.1 *The purpose of the PSM Bill states:*

“to establish a high performing apolitical service, promote the effectiveness and efficiency of government ministries and departments; and provide for the



administration of the service and the employment and management of officers and employees; and provide for the rights and obligations of officers and employees; and promote equality of employment opportunity in the service."

2.1.2 *The PSM Bill is divided into 24 parts:*

- |  |   |
|--|---|
| 1. Preliminary   | 13. Rights and Duties of Public Officers and Employees    |
| 2. The Public Service  | 14. Establishment of Offices and Categories of Employment |
| 3. Public Service Values and Principles                                  | 15. Appointments  |
| 4. Relevant Commissions  | 16. Remuneration  |
| 5. Duties, Responsibilities and Powers of the Head of the Public Service | 17. Performance Management                                |
| 6. Executive Members   | 18. Training and Development                              |
| 7. Permanent Secretaries   | 19. Categories and Qualification of Leave                 |
| 8. Heads of Department   | 20. Modes of Leaving the Service                          |
| 9. Role of the Director of Human Resources                               | 21. Discipline of Officers and Employees                  |
| 10. Committee of Senior Managers   | 22. Association of Officers and Employees                 |
| 11. Government Media Relations   | 23. Whistleblowers  |
| 12. Role of the Director of Information and Technology                   | 24. Miscellaneous   |

## 2.2 **PART 2 – THE PUBLIC SERVICE**

### 2.2.1 **Section 5 – The Public Service**

This section properly establishes the Public Service and provides a schedule to set out the offices that comprise the Public Service and any person holding an office laid out in the Schedule to be deemed a public officer.

#### **Commentary**

*Whilst the responsibility to make appointments to public offices clearly rests with the Governor in Chapter 7 of the Constitution, it fails to properly constitute the Public Service as an organisation comprised of ministries/departments/ offices, etc.*

### 2.2.2 **Section 6 – The Role of the Public Service.**

This section defines the role of the Public Service to provide and administer the public services for which the Government is responsible with integrity, honesty, and impartiality; assist with the formulation of the policies of the Government by providing frank, honest,



comprehensive, accurate and timely advice; and implement policy, programmes and decisions of the Government. Officers and employees in the Service, as a condition of employment, are to uphold the values and principles set in Part III.

### 2.2.3 **Section 7 – Ministries and Departments**

This section establishes a ministry and constitutes it as being an organisation under a Minister, who is assigned responsibility in accordance with section 56 of the Constitution, and states that the organisational structure of a ministry, which consists of:

- the Minister and his or her secretariat;
- the office of the Permanent Secretary and other officers or employees of the ministry; or
- such other departments, divisions, sections, or other units within the service as may be placed or established within that ministry by the Governor.

2.2.4 Also, this section highlights the Governor's power to establish a new ministry or department, transfer, separate/divide/terminate, alter the designation of existing ministries and change office titles.

#### **Commentary**

*The Constitution speaks to a Minister having oversight of a department, but does not make mention of a ministry. As previously highlighted, one of the objectives of this Bill is to rationalise the operations and practices of the Government. In this instance, it was necessary for a ministry to be properly established, and defined which also assists in distinguishing the roles between a Permanent Secretary and Head of Department.*

### 2.2.5 **Section 8 – Minister's Role in the Service**

This section seeks to rationalize the role of the Minister in relation to a ministry or department for which he/she has responsibility, in consideration of the Minister's constitutional powers and those through statute. Without limiting or affecting the other functions of the Minister, the functions provided for are:

- (a) promote the overall effectiveness and efficiency of the ministry or department;
- (b) direct a Permanent Secretary or Head of Department about steps that should be taken to improve the effectiveness and efficiency of the ministry or department;



- (c) authorise reviews of activities or functions of the ministry or department;
- (d) refer to the Deputy Governor for review, matters relating to the effectiveness or efficiency of the ministry or department;
- (e) monitor the performance of the Permanent Secretary in the ministry and report on same to the Deputy Governor.

**2.2.6 Section 9 – Delegation of functions of a Minister**

*This section provides for the delegation of the Minister's functions to either a Permanent Secretary or Head of Department. Each delegation is to be made in writing and shall not include the power to delegate. In law, a power that is delegated may not be further delegated.*

**Commentary**

*Section 9 of the Public Service Act, requires any delegation of power to be in writing, and such delegation shall be revocable in writing and shall not affect or prevent a Minister from exercising any function or power or relieve the Minister from the overall responsibility for the actions of that Permanent Secretary or Head of Department acting under the Minister's delegation.*

**2.2.7 Section 10 – Employing ministerial staff**

This section recognises the needs of the Minister to engage staff and requires persons employed as ministerial staff to execute a contract between that person and the Permanent Secretary. The Deputy Governor may issue guidelines on the administration and engagement of ministerial staff.

**Commentary**

*A distinction with ministerial offices and public officers is necessary in order to address the influence a Minister has on the employment of his/her advisory staff. Ministerial offices are employed to help Ministers on matters where the non-political and political work of Government overlap and where it would be inappropriate for public officers to become involved. Ministerial staff serve as advisors and private secretaries who share the ruling party's political commitment, and who can complement the professional, expert and nonpartisan advice and support of the Public Service.*

*To recognise the unique, partisan role performed by persons appointed to ministerial offices, as a condition of employment, they will be required to comply with guidelines issued by the Governor for their standards of conduct. The guidelines will provide guidance on how ministerial staff may exercise their partisan duties while also respecting the nonpartisan role of officers and employees in the Public Service.*

### **2.3 Part 3 – Public Service Values and Principles**

2.3.1 *This Part lays out the values and core principles to which the Public Service shall aspire to, which shall govern its management and operations. These following sections form part of the basic level of conduct expected in the service and are to be upheld by the Deputy Governor, Permanent Secretaries, Heads of Department, officers and employees:*

- Section 13 – Public administration and management principles.
- Section 14 – Human resources management principles
- Section 15 – Principles of accountability
- Section 16 – Merit principle
- Section 17 – Code of Conduct and Ethics and Code of Discipline.

2.3.2 *A breach of the Codes under section 17 shall constitute grounds for disciplinary proceedings against the officer or employee.*

#### **Commentary**

*The Merit principle has been identified as the core principle and sole basis upon which vacancies in the service are to be filled. The merit principle is determined through a fair and transparent assessment process based on the stated principles of merit, natural justice, human resource management and conduct. The administrative processes that are usually followed, in order to achieve a merit-based outcome would include the advertisement of the vacancy. However, on its application, the definition of the merit principles has been expanded.*

*The PSM Bill expands the application of the merit principle to provide some flexibility and to address practical approaches to selection, where a merit-based outcome can be achieved with the advertisement of the vacancy. Section 16, introduces an exception to the application of this principle in instances when:*

- *employing persons as ministerial staff;*
- *employing persons in the non-established division;*



- *employing persons under the Cadet Programme; or*
- *the promotion of an officer by way of reclassification of the officer's post.*

### 2.3.3 *Conflicts of Interest and Disclosure*

*This section requires a public officer or employee to disclose a potential or actual conflict of interest including notifying the service of all personal, financial, business or other interests, in particular any*

- (a) directorship, partnership, agency or any shareholding in an entity;
- (b) interest in any activity or business in which or with which the Government is engaged;
- (c) interest in goods or services recommended or supplied to the Government;
- (d) sponsorships;
- (e) gifts of any value, other than gifts received from a family member;
- (f) benefits; and
- (g) immovable property.

The requirement for disclosure also extends to any financial, business or other interests of his or her spouse or a person living with that officer or employee as if they were married to each other. Failure by an officer or employee to comply with the obligation referred to in this section constitutes gross misconduct, and the officer or employee may be subject to disciplinary proceedings.

#### **Commentary**

*The Public Service is increasingly expected to ensure that public officers do not allow their private interests and affiliations to compromise official decision-making and public management. In an increasingly demanding society, inadequately managed conflicts of interest on the part of public officers have weakened the public's trust in the service and conflicts of interest the public service has become a major matter of concern.*

*The PSM Bill seeks to promote a culture where conflicts of interest are properly identified and resolved or managed in an appropriately transparent and timely*

*way that is practical in our small society and without unduly inhibiting the effectiveness and efficiency of the public service.*

## **2.4 Part IV – Role of Relevant Commissions**

*2.4.1 This part recognises that service commissions, namely the Public Service Commission, Teaching Service Commission and the Judicial and Legal Services Commission and that they are relevant and critical agencies that contributes significantly towards supporting the public services' principle and values. The relevant Commissions assist, through the separation of duties, towards ensuring transparency, equity, fairness, and justice. This all support the proper management of and development of human resources in the Public Service.*

## **2.5 Part V – Head of the Public Service**

*2.5.1 This part details the duties of the Head of the Public Service for administering the PSM Bill and the management of the Service, as the Deputy Governor.*

*2.5.2 These duties include:*

- identifying reform opportunities and advising the Governor on policies and strategies in areas of reform;
- advising the Governor on leading the strategic development and management of the service in relation to;
  - leadership and structural changes required to improve efficiency and effectiveness;
  - developing service delivery strategies and models for the public service; and
  - policies, practices and equity and diversity strategies reflective of the wider community;
- managing the performance of Permanent Secretaries in consultation with the relevant Minister.
- reviewing the effectiveness of the PSM Bill.
- conducting inquiries, investigations, etc., into management practices in ministries and departments.

*2.5.3 The principal objectives of the Office of the Deputy Governor are to:*

- (a) promote and maintain the highest levels of integrity, impartiality, equity, accountability and leadership across the service;



## PUBLIC SERVICE MANAGEMENT BILL



- (b) improve the capability of the service to provide strategic and innovative policy advice, implement the decisions of the Government and meet public expectations;
- (c) attract and retain a high calibre professional workforce in conjunction with the Department of Human Resources;
- (d) ensure the recruitment and selection processes comply with the merit principles and adhere to professional standards;
- (e) foster a public service culture in which service to clients, initiative, individual responsibility and the achievement of results are strongly valued;
- (f) build public confidence in the Service; and
- (g) support the Government in achieving positive budget outcomes through strengthening the capability of the Service.

### **Commentary**

This part formally establishes the Office of the Deputy Governor and the role of the Deputy Governor as the Head of the Public Service. Whilst the Constitution, is clear that the Governor is the ultimate authority responsible for public service employment, the work involved is not directly performed by the Governor's office. Hence, the establishment of the role of Deputy Governor, an office created by the Constitution, is provided to assist the Governor in executing his/her functions and provides a separation of duties.

*Section 38(1) informs that the role of the Deputy Governor is to assist the Governor in the exercise of his or her functions and in some instances, at the request of the Premier, and such functions, may be authorised, in writing, by the Governor in accordance with section 38 of the Constitution.*

The PSM Bill recognises that every Permanent Secretary is subject to the direction of the appropriate Minister, in accordance with section 56 of the Constitution, with certain crucial exceptions, particularly with respect to appointments to the Public Service. The relevant Commissions are not subject to direction, influence or control of any person or authority. It's important to highlight subsection 56(6) which requires that a Minister exercise his/her powers in accordance with the policies of the Government as determined by Cabinet.

*In section 29, a mechanism is newly introduced whereby Permanent Secretaries or Heads of Department may report instances of political pressure from Ministers*



*to the Deputy Governor and outlines the actions to be taken by the Deputy Governor to address such reports.*

## **2.6 Part VI - Permanent Secretaries**

*This Part establishes that every Permanent Secretary, including the Financial Secretary is subject to the direction of the appropriate Minister, with certain crucial exceptions.*

*2.6.1 Appointments to the post of Permanent Secretary shall be on contractual terms, for a period of five years. The remuneration of Permanent Secretaries will be agreed to between the Deputy Governor and the Permanent Secretary and will include a performance-related portion.*

*2.6.2 Section 38 outlines the functions of the Permanent Secretary, under the direction of a Minister, which are to manage that ministry, and in particular:*

- to provide strategic direction and a focus on results for that ministry;
- to provide advice on policy to the relevant Minister;
- to plan for and undertake financial, and information management in relation to that ministry and to monitor the administrative and financial performance of that ministry;
- assess the appropriateness, effectiveness and efficiency of the service provided by the ministry;
- to be responsive on matters relating to the collective interests of Government by a ministry;
- to ensure the appropriate utilisation of resources within that ministry;
- to ensure the proper organisation of that ministry, including the devising of organisational structures and arrangements to the core and support functions of the ministry;
- to ensure the appropriate division of responsibilities between, and the assignment of functions to, the officers, employees and ministerial staff employed in that ministry;
- to evaluate the performance of officers and employees employed in that ministry in any manner that the Director may prescribe and make recommendations to the Director on staff training and development;
- to hold general staff meetings at least twice per year to communicate and review the strategic direction, major challenges and the goals and objectives of the ministry;



- to seek to resolve or redress the grievances of officers and employees in that ministry;
- subject to the Archives and Records Management Act, 2010, to ensure that the ministry keeps proper records; and
- to perform such other functions as are conferred or imposed on the Permanent Secretary under this Act or any other enactment

2.6.3 *Section 38 outlines the functions of the Permanent Secretary, under the direction of a Minister, which are to manage that ministry, and in particular:*

2.6.4 *In performing his or her functions, a Permanent Secretary shall endeavour to:*

- *attain performance objectives agreed with the relevant Minister;*
- *achieve Government objectives, in coordination as necessary with other ministries, departments, and other government entities;*
- *achieve satisfactory levels of efficiency and quality in the delivery of any services to the public;*
- *promote and uphold the values and principles set out in Part II and applicable policies and directives governing staff conduct, management and the use of resources;*
- *comply with the Deputy Governor's instructions, service standards, codes of conduct, ethics and any codes that may be established;*
- *comply with any lawful directions or instructions given to him or her from time to time by the relevant Minister.*

#### **Commentary**

*To promote the progression of officers throughout the Service, to provide greater flexibility, to encourage performance and accountability, it is being recommended that appointments to the post of Permanent Secretary be on contractual terms, for a period of 5 years.*

*The Deputy Governor is to enter into a performance agreement with the Permanent Secretary within 30 days of the passage of the Budget, and established the key performance areas. When assessing the performance of the Permanent Secretary the Deputy Governor shall consult with the relevant Minister. The provision supports the strategic management and performance*



*excellence frameworks by incorporating same into the functions of the Permanent Secretary.*

*This section excludes Executive Members because they do not report to a Minister, instead they report to the Governor and act independently.*

*Section 56(5) of the Constitution gives rise to concerns regarding the role of the Permanent Secretary, DGO who does not report to a Minister. Furthermore, in 38(1)(c), the Deputy Governor is restricted from performing functions independently, [not of a ministerial nature],*

## **2.7 Part IX – Role of the Director of Human Resources**

*2.7.1 This Part details the Director of Human Resources' functions, with the primary emphasis on providing administrative and technical support to the Governor and Deputy Governor on human resources matters and responsible for the employment/human resources framework in the Public Service.*

These functions include, inter alia:

- *ensuring adherence to the merit principles, Codes, Rules and policies developed for the management of human resources in the Service;*
- *determining classification of posts;*
- *salaries and allowances;*
- *grievances; and*
- *terms and conditions of employment*

### **Commentary**

*This Part formally establishes the role of the Director of Human Resources as the main functionary for human resources and performance management in the Public Service. It is important to highlight this role, as previous legislation and statutes failed to highlight the role of the Director of Human Resources.*

## **2.8 Part X – Committee of Senior Managers**

*2.8.1 This part formally recognises and establishes the Committee of Senior Managers, inclusive of the following offices:*

- *Deputy Governor, Chairperson*
- *Financial Secretary*
- *Permanent Secretaries*
- *Cabinet Secretary, and*
- *Director of Human Resources*



*The purpose of the Committee is to expedite the decision making process in matters involving several ministries and departments.*

*The functions assigned to the Committee are as follows:*

- (a) advise the Governor, through the Deputy Governor, on
  - (i) such areas of the management of the Public Service as the Governor requires; and
  - (ii) the policies necessary to administer and develop the Public Service;
- (b) consider and make recommendations on any specific matter referred to it by the Governor;
- (c) co-ordinate those functions of the Public Service that relate to the management of the services that cut across ministries or departments to ensure that there exists the capacity of Government to provide a modern and efficient public service;
- (d) expedite the decision making process, particularly in matters requiring the involvement of several ministries or departments;
- (e) facilitate the realisation of Government's policies and ensure the achievement of objectives that cut across ministries or departments; and
- (f) generally create a working environment that is conducive to
  - (i) increased productivity and greater job satisfaction in the public service; and
  - (ii) achieving satisfactory levels of efficiency and quality in the delivery of services to the public.

## **2.9 Part IX – Government Media Relations**

2.9.1 Recognises the Director of Communications as being responsible for the management of media relations and providing administrative support and technical advice on media and communication matters to the Senior Managers.

2.9.2 A Permanent Secretary or Head of Department are to liaise with the Director of Communications for all inquiries from the media.

## 2.10 **PART XII – Role of the Director, Information and Technology**

2.10.1 *Section 54, highlights the role and functions of the Director of Information and Technology, in particular*

- To promote access to public services through the use of information technology;
- acquire and use information and communication technologies in a manner which:
- ensures the interoperability of its information systems with information systems of other ministries, departments or other government entities to enhance internal efficiency or service delivery;
- eliminates unnecessary duplication and communication technologies in the public administration;
- leverages economies of scale to provide for cost effective service; and
- ensures security of its information systems.

## 2.11 **PART XII – Right and Duties of Public Officers and Employees**

2.11.1 *This Part addresses most of the rights and duties of officers and employees mentioned in the General Orders and incorporate the freedoms provided for in the Constitution, in particular, the freedom of association. The right for an officer or employee to work in a safe workplace, in accordance with the Labour Code is also provided for in this section. An officer or employee to submit him/herself for examination is so requested in order for the Government to maintain a healthy, and safe workplace.*

2.11.2 *A summary of the rights and duties of officers are provided below:*

- Legal representation – Officers and employees is provided legal representation in respect of acts done or liabilities incurred in the execution of the officer's or employee's official duties.
- Discrimination – An officer and employee is prohibited from discriminating against another officer or employee or a member of the public.
- Communication with the media - Officers and employee, who are not authorised to do so, may not communicate with the media
- Freedom of Association Every officer or employees has the right to freedom of association, including the right to form and join a trade union of his or her choice, save that officers or employees whose service is essential, are not permitted to engage in industrial actions.



- Safety in the Workplace - Officers and employees have a right to safe and healthy conditions at work and make take reasonable steps to safeguard that right, including the refusal to work in conditions which present an imminent danger to their person, health, safety or life. This section also, requires that an officer or employee submit him/herself to be examined by the Director, in order to determine if the officer or employee is physically or mentally fit to perform on the job, for the purpose of maintaining a safe workplace.
- Respecting elections – Officers and employees are prohibited from seeking nomination, being a candidate in a general Election or serving as an elected representative. Officers or employees wishing to contest a seat for General Elections are required to resign from the service. Furthermore, an officer or employee shall not solicit funds for or on behalf of a political party or candidate. Candidates who are unsuccessful for election may, upon application, be re-engaged in the Service.
- Outside employment prohibited – An officer or employee shall not accept or engage in any employment for reward without the written approval of the Deputy Governor. When considering applications for outside employment, the Deputy Governor shall take into account whether the employment
  - a. could reasonably be expected to interfere with or impede the effective or efficient performance of the officer's or employee's functions in the department; or
  - b. would constitute a contravention of the Code of Conduct and Ethics contemplated in section 22;
  - c. is prohibited by any other enactment; or
  - d. would bring the Service into disrepute.
- Grievances – An officer or employee may file a grievance arising from an administrative act, omission, or disciplinary action in accordance with the procedures outlined in the Bill.

## 2.12 PART XVII – Association of Officers and Employees

2.12.1 *This Part, formally recognises the Civil Service Association and renames it to the Public Service Association and with other associations (representative bodies established or to **be established**) in the Public Service.*





**2.13 PART XVIII – Whistleblowers**

*2.13.1 This Part is to facilitate the disclosure, in the public interest, of maladministration and waste in the Service and of corrupt or illegal conduct generally providing the means by which such disclosure may be made and the appropriate protections for those who make such disclosures.*



**REF:** PO/L2/036-III  
**FROM:** Permanent Secretary (Ag.), Premier's Office  
**TO:** Permanent Secretary, Deputy Governor's Office  
**DATE:** 2<sup>nd</sup> May, 2019  
**SUBJECT:** Implementation of an Integrity Commission

RECEIVED  
MAY 09 2019  
DEPUTY GOVERNOR'S OFFICE  
ROAD TOWN, TORTOLA  
*Return on file please*

The Cabinet of the Virgin Islands was informed that the new Government through the Premier's Office will be leading the charge in the implementation of an Integrity Commission.

The Hon. Premier is requesting that all input on this matter from your kind office be submitted to the Premier's Office as a matter of urgency so that this Commission can be made a reality forthwith.

Your kind cooperation in this matter is greatly appreciated.

Elvia Smith-Maduro (Mrs.)  
Permanent Secretary (Ag.)

ESM:tms

pc: Deputy Governor

*Be file in  
two weeks  
(9/7/19)  
awaiting  
meeting with  
Ms. Finch  
28/6/19*

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
PREMIER'S CONFERENCE ROOM, CENTRAL ADMINISTRATION BUILDING  
7th November, 2019

TO: The Governor

CC: The Premier  
Deputy Governor, Deputy Governor's Office  
Financial Secretary  
Permanent Secretary, Deputy Governor's Office

DATE: 18th November, 2019

Paper No.	<u>Memo No. 378/2019</u> <u>(/memorandums/406)</u>
Date Arrived in the Cabinet Office:	<u>5th November, 2019</u>
Date Approved by the Cabinet Steering Group:	<u>LATE</u>
Date Sent to Cabinet:	<u>7th November, 2019</u>
Cabinet Confirmation Date:	<u>13th November, 2019</u>
Expedited Extract Issued:	<u>7th November, 2019</u> <u>(/expedited_extracts/30)</u>
Cabinet Extract:	

Integrity in Public Life Policy  
Memo No. 378/2019

Cabinet:

- a. reviewed and approved the draft Integrity in Public Life Policy that aims to promote and enhance standards of ethical conduct for public officers, legislators and Statutory Agencies and State Owned Enterprises;
- b. decided that the Bill, entitled Integrity in Public Life, 2003 be reviewed in line with the policy and incorporate a review of the Register of Interests and Complaints Commission Acts;
- c. decided that the Deputy Governor's Office instruct the Attorney General's Chambers to draft the new Bill;
- d. agreed that the Bill would be forwarded to the House of Assembly to be introduced for its first reading; and
- e. decided that an expedited extract be issued to allow the decision of the Cabinet to be acted upon before the confirmation of the Minutes.

Ms. Sandra Ward  
24th November, 2019



# Speech From The Throne Delivered By His Excellency The Governor Mr. Augustus J. U. Jaspert - Going Green, Going Smart

## Statement

Office of the Governor  
Constitutionally Established Departments  
House of Assembly  
Topics: [H.M. the Queen](#)  
Release Date:  
Thursday, 14 November 2019 - 10:00am

**SPEECH FROM THE THRONE DELIVERED BY  
HIS EXCELLENCY THE GOVERNOR MR. AUGUSTUS J.U JASPERT  
First Sitting of the Second Session of the Fourth House of Assembly**

**House of Assembly Chambers**

**Thursday, 14<sup>th</sup> November, 2019  
10:00 a.m.**

**GOING GREEN, GOING SMART**

Honourable Speaker, Honourable Members of the House of Assembly, invited guests in the gallery, those listening via radio and online, good morning

I count it an honour and privilege as Governor of the British Virgin Islands to deliver the Speech from the Throne on behalf of Her Majesty Queen Elizabeth II.



The Speech from the Throne is a tradition in the Commonwealth countries and British Overseas Territories. Today's Speech will outline the Legislative Agenda of the elected Government of the Virgin Islands during this First Sitting of the Second Session of the Fourth House of Assembly.

The Speech from the Throne is prepared within the Premier's Office in consultation with Ministries. The Speech is then deliberated and approved by the elected Government of the Virgin Islands.

In this speech, I will refer to Her Majesty's Government as 'Our Government'.

During this Session, our Government will focus on introducing and amending different pieces of legislation under the theme: ***Going Green, Going SMART***.

Our Government will bring forward different pieces of legislation this upcoming session designed to benefit the people of the British Virgin Islands, their wellbeing, socially and economically.

Our Government will deliberate each piece of legislation within the context of SMART strategies, green development, economic stability, and empowerment of the people to ensure transformation and long term resilience of the Virgin Islands.

Towards this end, and in no particular order, our Government is creating the platform to drive green innovation, green diversification, and green expansion of the economy.

Our Government is aware that some of the pieces of legislation that will be mentioned today were previously highlighted in former speeches from the Throne. Our Government understands the issues the Territory has been grappling with for decades, and our Government intends to address them now.

Our Government will bring forward a longstanding suite of electronic legislation to support the comprehensive digital transformation of the Public Service and improve e-payments for customers. The Bills include ***Data Protection, Electronic Filing, Electronic Funds Transfer, and Electronic Transactions***.

To enhance our Government's green agenda, the ***Archives and Records Management Act, 2010***, will be amended to establish the Archives and Records Management Department and to provide for the preservation of public archives and records from an electronic perspective.

***Going Green, Going SMART*** also includes innovation.

Our Government will mobilise and attract foreign and domestic investment to enhance economic development, reduce unemployment, grow entrepreneurship, accelerate growth, and diversify the economy through the proposed **BVI Investment Bill**.

Additionally, the **Incentive Legislation Bill** will be introduced to ensure the empowerment of local investors and local businesses in all sectors of the economy, inclusive of all, but not limited to tourism, health, entrepreneurship, agriculture and fisheries.

Our Government will revise the **Securities and Investment Business Act** to establish the requirements for private investment funds to be recognised by the Financial Services Commission, the criteria to be satisfied for the Commission to grant recognition, and a requirement for these entities to act in accordance with the provisions established within their constitutional documents. This Bill is required to satisfy aspects of the European Union's economic substance requirements which will result in the following related subsidiary legislation - the **Private Investment Funds, Regulations 2019, the Mutual Funds (Amendment) Regulations, 2019, the Public Funds (Amendment) Code, 2019, the Foreign Funds Regulations, 2019, and the Incubator and Approved Funds Regulations, 2019**.

An integral part of *Going Green, Going SMART* will be realised through proposed amendments to the **Customs Management and Duties Act**. The objective is to encourage investments in Green SMART products. Other amendments to this Act also include measures that will increase and reposition the Territory as the sailing capital of the world.

To encourage fair and equitable business practices for consumers and businesses, our Government is committed to ensuring that the **Consumer Protection Bill** moves forward once and for all.

Very shortly, the British Virgin Islands will be audited by the International Maritime Organisation (IMO) under the global standards set by the IMO Instruments Implementation Code. Our Government is placing great emphasis on ensuring that the Territory maintains its Category One shipping status to continue registering large ships under the International Maritime Conventions.

An important part of this mandatory audit is the introduction of longstanding maritime legislation.

Our Government will amend the **Merchant Shipping Act 2001** to increase the registration of ships.

The **Nairobi Convention on Wreck Removal** will be brought forward to make ship owners accountable and financially liable for removing wrecks.

The **Merchant Shipping (Fees and Charges) Regulation 2008** will be aligned with current market prices.

In tandem with that effort, a Bill to amend the **Merchant Shipping (Small Ship Registration and Certification) Regulation 2017** will be placed before this House to have vessels properly identified, inspected and issued with a coastal craft licence.

Proposed legislation titled the **Merchant Shipping Accident Investigation Regulations 2019** will inform the set-up of an independent Marine Safety Investigation Authority to carry out safety investigations on marine accidents.

The **Merchant Shipping Port State Control Regulations** will be brought forward to ensure inspection on



international ships and also inspection of the master and crew on board.

The **Merchant Shipping (International Safety Management Code) Regulations** will be introduced to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the marine environment.

Additionally, our Government will propose the enactment of **Merchant Shipping (Ballast Water Management) Regulation 2017** to control ballast water and sediments of ships and prevent the spread of harmful aquatic organisms from one region to another.

Our Government is committed to the blue economy and the green economy of the Virgin Islands through environmental management, ecological integrity, and protection of our natural resources to ensure economic growth and development.

It is for this reason that our Government is tackling Climate Change as one of its high priority areas. Our Government believes in a beautiful, clean, and healthy green environment. Therefore an amendment to the **Climate Change Trust Fund Act** will allow for greater access to funding that may become available to the Virgin Islands.

Along the lines of sustainable development and climate adaptation, the **Beach Use Policy** will be introduced and ratified in this Session to ensure environmental management and maintenance of beaches.

Our Government believes in its primary responsibility to preserve and protect the natural assets and environment of the Virgin Islands. Our Government remains committed to its further responsibility to ensure that the sea as an asset is used sustainably to provide benefits for the people of this Territory.

On an immediate priority basis, our Government will give the tourism sector the attention and level of priority it deserves and focus on strengthening the accommodation sector, bringing new hotel investment, and supporting the marine sector.

Our Government will place special focus on different pieces of tourism legislation to ensure that the Virgin Islands remain on the bleeding edge with Tourism being a strong pillar. Our Government will introduce the **AirBnB Tax legislation** and **Yachting Aid** legislation to ensure the development of the local tourism product. Tourism development also means investing in the infrastructure locally and recognising the Film Commission as a vibrant investment center that can boost revenue.

There will be the introduction of the regulation for the **Tourism Act**, which will include, but not limited to the **Anti Visitor Harassment and Solicitation** legislation. The efforts will be buttressed with the National Tourism Strategic Plan to bring more legislative and regulatory structure to the Territory. The structure will include the establishment of stronger linkages and involvement of all sectors within the Territory to ensure “one tourism” mandate.

Our Government will use the opportunity to improve the linkages between tourism and other productive sectors such as fishing, agriculture, and cultural heritage.

The *Going Green, Going SMART* Legislative Agenda of our Government also includes the agricultural and fisheries sectors, which are important to the historical, economic, and cultural identity of the Territory. That is why legislative reform and other measures will be put in place to increase the earning potential of fisher folks

and farmers.

By now it is evident, the strength and unpredictability of hurricanes in these present times are an indication that Climate Change is not a myth, but a reality. That is why our Government is placing an even higher emphasis on the quality and standard of the Territory's physical infrastructure through green building strategies and practices.

As a result, our Government is moving forward with introducing the **Architects, and Engineers Registration Bill** to ensure that all architects and engineers practicing in the BVI are registered, licensed, and regulated to strengthen the enforcement aspect of the **Business and Constructions Regulations**.

This also means amending the **Physical Planning Act, 2004**, to ensure that the application of green building technologies apply to all development, whether it is for public infrastructure, residential, or commercial buildings.

Amendments will also be made to the **Wickham's Cay Development Authority Ordinance (Cap. 281)** to introduce a board and a secretariat to assist with the management of Road Town, which is the capital of the Virgin Islands.

There are many aspects of development, with the safety and upgrade of the public roadways being one of them. Our Government will bring forward the **Road Traffic Act (Cap. 218)** for amendments to incorporate green SMART development.

Preparatory work to achieve the lifting of the restrictions on jet skis and motorcycles will continue as our Government works diligently to put the appropriate legislation in place.

Our Government's green strategy calls for the further development and expansion of the water network across the Territory through amending the **Water Supply Ordinance (Cap. 153)**. The Ordinance will be further expanded to ensure tertiary treatment of sewage.

Our Government will also reform the law regulating waste management. **The Waste Management Act** will strengthen the legal framework for sustainable management of household waste, industrial waste, construction, demolition waste, and hazardous waste to protect health and the environment while improving the aesthetics of the Territory.

Our Government will bring forward the **Disaster Management Bill** to provide for the more effective organization of the efforts related to the mitigation of, preparedness for, and recovery from hazards affecting the British Virgin Islands.

The safety of the people and the well-being of law enforcement officers remain of paramount importance to our Government. To this end, the security of the people and the growth and development of the economy means supporting the work of the police by modernising and amending the **Police Act (CAP. 165)**.

Our Government recognises the need to protect the safety of persons who may have witnessed a crime. The introduction of the **Witness Anonymity Bill** will strengthen the capacity of our law enforcement agencies, through the courts, to make a witness anonymity order.

The **Liquor Licence Act (CAP. 106)** will be brought to this House to upgrade the legislation so that it is

aligned with current practices.

Our Government is in support of a modern Public Service and will introduce the **Public Service Management Bill** to replace the General Orders, 1982, to provide a legal framework for the overall management, organisational structure, administration and proper establishment of the Public Service of the Virgin Islands.

Legislation on the **Integrity in Public Life** will be brought forward to preserve and promote the integrity of public officials and public institutions.

Additionally, our Government remains committed to good governance, transparency, and accountability and will work towards the **Whistleblower Legislation** to cover both the public and private sectors.

Introducing legislation in the context of *Going Green, Going SMART* can only further empower people, especially in the area of health.

The **Tobacco Products Control Act, 2006**, will be amended to meet the basic provisions outlined in the World Health Organisation Framework Convention for Tobacco Control to protect present and future generations from the devastating health, social, environmental, and economic consequences of tobacco consumption and exposure to tobacco smoke.

The **Medical, Dental, and Allied Health Professionals Act** will be introduced to distinguish between licensing and registration. It will also broaden the categories of registration, expand the range of practitioners registered under the Act, and include a requirement for continuing education, among other provisions.

Additionally, the **Public Health Ordinance (Cap. 194)** will be amended to provide for the establishment of disease registries, including a National Cancer Registry, as part of a comprehensive Cancer Control Programme aimed at reducing the number of cancer cases and deaths, and improving the overall quality of life of cancer patients.

Our Government will seek to develop the legislative framework to allow for the production and sale of medical marijuana. Through legislation there will be an increase in the economic resilience of the Territory, among many other positive medicinal benefits.

Putting the necessary legislation in place to ensure the empowerment of the people is important, but transformation and long term resilience of the Virgin Islands cannot happen without our Government's commitment to educational development and SMART schools.

Our Government is mindful that in today's technological age, the education system is evolving, and the Territory's schools must keep pace with the rest of the world. That is why there will be a focus on amending the **Education Act (2004)** to bring this legislation in line with the current and future education trends.

In line with the **Education Act (2004)**, our Government remains committed to ensuring that students receive the best possible instructions and are trained to become functional citizens within this Territory. To realise this, our Government will focus on the revision of the **Education (Student Code of Conduct) Rules, 2006** to ensure that guiding principles are in place for building students' character.

Our Government is committed to supporting the Virgin Islands' cultural development in the Territory. It is

recognised that the preservation of the Virgin Islands' unique culture, traditional values, and pride of its people are all worth fighting for to lay the foundation for future generations. Such recognition serves as a springboard for the revision of the **2013 Culture Policy of the Virgin Islands** to be ratified by the House of Assembly.

Our Government strongly believes in strengthening and empowering youth. In this vein, our Government will focus on revising the **Virgin Islands National Youth Policy and Strategic Plan 2014-2019** to bring this policy up-to-date so that it addresses the challenges and opportunities to achieve positive youth development.

Recent major successes of our Territory's athletes in sports on the regional and international stage have highlighted the importance of our Government introducing the **Virgin Islands National Sports Council Act** to provide for the establishment of a National Sports Council. The Act will also provide for a comprehensive management mechanism to support all sports and recreation in the Territory.

Also, in the area of sports, there will be the introduction of the *Horse Racing Act, 2001*, to provide for the establishment of a Horseracing Commission. This will better regulate the sport, which is one of this Territory's greatest past times.

Additionally, our Government will put forward legislation to introduce and regulate the gaming and betting industry to provide for the establishment of the *Gambling (Gaming and Betting) Control Commission*. The Commission will establish a licensing framework that will avert criminal or illegal activities. The gaming and betting industry will, among other areas, cover sectors such as horse racing and the cruise industry. These are areas, which have not previously been structurally targeted to encourage revenue and employment.

In order for our Government to carry out its *Going Green, Going SMART* Legislative agenda, a strong and functioning House of Assembly is important.

Our Government is pleased to report that thus far five Committees of the House of Assembly were constituted during the last Session. All of which have already started meeting. This can only strengthen democracy.

For the first time in the history of the House of Assembly, a Bill was sent to a Select Committee of the House where the Committee met, made amendments to the Bill, and produced a report so that the Bill could have moved from the Select Committee stage back to the House of Assembly for further consideration. The Bill was then reported out of Committee and passed by the House of Assembly. This important Bill is entitled "**Computer Misuse and Cybercrime (Amendment) Act 2019**".

The Youth Parliament now falls under the House of Assembly. Legislation will be explored to ensure significant youth participation in our democracy.

It is our Government's intention to have at least one Sitting a year on a few Sister Islands, so that members of the public can get further experience and exposure to the proceedings and to be a part of monitoring the progress of our Government's Legislative Agenda.

Our Government during this First Sitting of the Second Session of the Fourth House of Assembly will be swiftly moving forward with some of the legislation mentioned in this Speech from the Throne.

In closing, our Government's Legislative Agenda has been laid out for this Session, and it will be monitored by the Premier's Office to ensure that it moves forward with fortitude and determination. Notwithstanding, as the need arise, other pieces of legislation not mentioned will be considered from time to time.

Honourable Speaker and Honourable Members of this House, I thank you.



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Two banners for the IWF Reporting Portal. Each banner features the IWF logo (a globe with 'IWF Reporting Portal' text) and a red 'REPORT' button. The first banner is for 'child pornography content online completely anonymously' and the second is for 'child sexual abuse content online completely anonymously'. The banners are set against a world map background.

### Contact Us

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### Follow Us



## **Chronology of Recent Public Procurement Reform in the BVI**

<b>Timeframe</b>	<b>Action</b>	<b>Status</b>
September 2014	GoVI sought the assistance from the Caribbean Development Bank (CDB) to assess its procurement systems.	Completed
October 2014	CDB conducted an assessment of GoVI's procurement systems utilizing the Methodology for Assessing Procurement Systems (MAPS)	Completed
December 2014	Country Procurement Assessment Report prepared by CDB.	Completed
February 2015	The Ministry of Finance (MOF) engaged the consultancy services of Mr. Norman Cameron (formerly employed by CDB) to address the recommendations in the Report. The consultancy produced draft procurement legislation and a 3-volume handbook for adaptation in BVI procurement.	Completed
2016	Cabinet accepts Procurement Assessment Report and adoption of the recommendations.	Completed
July 2018	Cabinet decides for Attorney General to draft legislation and regulations in light of the draft documents prepared by the Consultant.	Completed
September 2018	An updated MAPS (using revised methodology) was conducted on the GoVI procurement systems.	Completed
December 2019	Cabinet decides on minor amendments to the draft Public Procurement Bill and that it should be forwarded to the House of Assembly.	Completed
March 2020	On the invitation of the MOF, CDB engaged Charles Kendall Group to review the draft Public Procurement Bill and to make recommendations for its finalization.	Completed
April 2020	Charles Kendall Group completed final draft of the Public Procurement Bill.	Under final stages of review by the AG
September 2020	Charles Kendall Group completed draft of the Public Procurement Regulations	Under final review by the MOF
May 2021	Series of reviews by MOF, CDB and Charles Kendall Group with final draft produced.	Cabinet Paper to be finalized by MOF

# Premier Delivers 2020 Budget Address: Transformation for Resilience and Sustainability

## Statement

Premier's Office

Ministry of Finance

House of Assembly

Topics: Budget Estimates (/tags/budget-estimates), Finance and Fiscal Policy (/tags/finance-and-fiscal-policy), House of Assembly (/tags/house-assembly)

Release Date:

Tuesday, 19 November 2019 - 3:41pm

**2020 BUDGET ADDRESS DELIVERED BY  
PREMIER AND MINISTER OF FINANCE  
HONOURABLE ANDREW. A. FAHIE**

**Transformation for Resilience and Sustainability:  
SMART strategies, Empowered People, and Green Development**

**November 19, 2019**

Mr Speaker, a pleasant Good Day and God's Blessings to you and all the people of the Virgin Islands; those here in the Gallery, those listening via the radio and to those viewing online.

I move that the Bill shortly entitled the Appropriation Act, 2020 be read a second time as I invite this Honourable House to extend its customary indulgence as I deliver the Territory's 2020 Budget Address.

I count it an honour and a privilege to rise for the second time in less than nine months to present a national budget for the Virgin Islands.

Introduction

Mr Speaker, before I get in to this Budget Address, I wish to first say all praises be to God for keeping His guiding hands on the BVI, and for reminding us as a Government that we are here working for the people doing His will. I do not take my faith in God as a lifestyle, but a reality because nothing is





possible without the hands of God.

In standing here today, I pay tribute to our first Premier of the Virgin Islands, Honourable Ralph T. O'Neal, OBE Member Emeritus, who passed away on November 11. I know that we are all grateful to him for his 60 years of service to this Territory. In an unconventional action, I hereby ask all persons to please stand for a moment of silence in remembrance of him. May his soul rest in eternal peace.

I also recognise the contributions and service of our previous Virgin Islands leaders who served in this Honourable House prior to this Government's tenure.

I want to express my appreciation and commendations to our Ministerial team who have brought a fresh perspective, excitement and drive to Government. I wish to thank them for their continued commitment in keeping the BVI afloat. I can say that we all came in with fresh eyes in February

2019, in a time when hope and prosperity were extremely low. Now with recovery on the move, new ideas and focus, I am comforted in the words that God's anchor still holds in the storm.

I thank our families for understanding that building the BVI requires long hours. We do love and appreciate you for the unwavering support that you continue to give.

I extend thank you to our dedicated members of the Public Service from the Permanent Secretaries to senior, middle and junior Public Officers and to all statutory bodies and their Boards.

I wish to especially single out the Financial Secretary and his staff at the Ministry of Finance, who have done most of the heavy lifting in producing two budget plans and supporting documents in less than nine months. I know that this has not been an easy feat, but an important undertaking for the people of this Territory.

I would also like to thank the many members of the public who took the time out to provide suggestions formally and informally, and during the several public consultations held during the past nine months. Your Government is happy that the people of the Virgin Islands can once again speak freely about where we all want to see the BVI. Thank you for being a people who openly reminds us that we are not a perfect Government, but yet encourages us to strive for perfection.

It is on all of your shoulders that I stand today, and that we as a Government stand today, and that we as a Territory stand every day, in solidarity, as I read this 2020 Budget Address.

What you will recognise throughout this Budget Address is that it is about 'back to basics'. It is about engaging and employing the strategies that our forefathers used to build the BVI. They built the BVI with what was in their hands. You may ask what was in their hands? I am glad that you asked. Their faith in God. Their innovative and entrepreneurial spirit. Their persistence to defeat resistance from achieving their goals. And, they did all this working together for one common goal—a better BVI.

This Budget Address is about us connecting what we need, with what is in our hands using green and SMART strategies. This address is about getting our people involved in the planning, production, and distribution of success through their entrepreneurial spirits and innovation.

More importantly, this budget is not just about money, it is about us being innovative through laws, and the Budget reflecting how the laws will help our people to earn money.

## The Starting Point

When I presented the 2019 budget in April – eight months ago, I described it as a transitional budget. This was partly because, firstly, more than a whole quarter of the fiscal year had already passed.

Secondly, the preparation of a budget is not a simple task. It takes months of work. Ministries must identify their priorities and programmes through strategic planning in a process that involves a lot of moving parts, and then this must be brought together in a fiscal package. Therefore, with a constitutional deadline looming for the passage of the 2019 budget, there was not much that a one-month-young administration could do but to press forward with a budget drafted based on the priorities and programmes of our predecessor. Circumstances simply did not allow this new Government the opportunity to begin out of the blocks with a budget that was tailored to match the mandate appointed to us by the people mere weeks before.

Notwithstanding this, your Government dug in its heels and sat down to the task of bringing relief to those citizens who needed it and improving the quality of life for all residents.

Suffice it to say, we met a Territory struggling to recover 18 months after being devastated by three back-to-back major catastrophes and with precious little done to help the people of the Territory to get back on their feet, especially those who were most vulnerable.

Major revenue-generating infrastructure such as our ferry ports were in shambles and inoperable. Our Public Officers were working in unfavourable environments while hoping for their justly-earned increments to more adequately provide for their families and themselves.

In some cases, almost two years after Irma, our children were relegated to half-day school, putting their preparation for life in a fiercely competitive global world at a severe disadvantage compared to that of their peers in other countries.

In some cases, we met taps dry, no running water; sewage running onto our streets, blocked ghuts and drains, and open burning of garbage at the incinerator and other temporary sites. We met the Territory operating on a provisional budget of one-third of the 2018 national recurrent allocation due to failure to have an approved 2019 Budget, in a timely manner.

The tourism industry was facing many challenges. Our taxi drivers, tour operators, food and beverage vendors, and service industries were suffering, largely because relationships with external partners, such as some of the major cruise lines, were allowed to deteriorate.

Residents on our Sister Islands were neglected for simple essentials such as banking facilities, among other needs.

I have mentioned just a few of these challenges to refresh your mind of what your Government was faced with upon taking office just over eight months ago.

### **The Operating Environment 2019 into 2020**

The operating environment of 2019 has provided opportunities as well as threats for the Virgin Islands.

On the one hand, the Caribbean Tourism Organization has registered increasing interest by tourists in Caribbean destinations since the latter half of 2018, with a 12 percent increase in arrivals to regional destinations in the first quarter of 2019.

But our neighbours – our competitors – are upping their game.

Just to give some examples, Barbados is set to host the Caribbean International Tourism Conference from December 11 to 13, and Nevis has been named as the host country for the 10th Tourism Human Resources Conference in May 2020. By that time, St Kitts is expecting a major increase in airlift with both American Airlines and Delta Air Lines extending their existing non-stop Saturday flights to the island from John F. Kennedy Airport.

Cayman Islands this month announced that its room stock is now past 7,000 with the condominium and villa categories accounting for 73 percent of the 1,000 rooms added in the last three years.

Recent reports indicate that Grand Bahama Island has already rebounded from the damage caused by Hurricane Dorian last August, and many of its major hotels, marinas and attractions have begun reopening. Cruise ships have started making calls. Grand Bahama will welcome its one hundred thousandth cruise visitor by the end of the year, and the Grand Bahama International Airport is expected to reopen by the end of this month.

Other Caribbean destinations have become more aggressive with their marketing. Regional tourism is becoming increasingly competitive.

Our financial services industry has been exposed to shocks as well. The likely implementation of a publicly accessible register of beneficial ownership, and the requirement for economic substance will change the landscape in this sector.

Already high shipping costs have started to increase. As of this month, shipping companies serving the BVI, and those plying routes around the world, commenced compliance with the International Maritime Organisation (IMO) 2020 sulphur emissions regulation. This is scheduled to take effect on January 1, 2020. This will obviously increase the cost of food, building materials, and other imports.

This is just a snapshot of some of the external environmental factors that we are faced with.

### **Financial Performance Review**

Although we have not yet reached full recovery, substantial progress has been made to restore our physical infrastructure, demonstrating the resilience of our people and their ability to revive critical economic activity in the aftermath of the 2017 natural disasters.

At the end of 2019, the Ministry of Finance projects that the total size of our economy measured by Gross Domestic Product (GDP) in nominal terms should reach \$1.303 billion. This reflects an increase in growth of between 1 and 2 percent from 2018.

The sum approved in the 2019 Budget for recurrent expenditure was \$331.33 million. Total recurrent expenditure, based on estimates, is \$293.45 million. Mechanisms put in place by your new Government constrained unnecessary and wasteful spending resulting in potential savings for the people for the Virgin Islands despite the significant decline in revenues from incorporations of companies. Upcoming legislation such as the Contractor General Legislation will further enhance our procurement policy to ensure value for the people's money.

Meanwhile, it is estimated that \$350.3 million of the \$361.8 million budgeted revenues were realised under your Government's astute and prudent management. The projection is for ending the year with a recurrent surplus despite having to deposit \$26.9 million to the Reserve Fund in 2019 to bring our Territory into compliance with the ratios under the Protocols for Effective Financial Management (PEFM).

Income taxes surpassed expectations, drawing an estimated \$51.8 million, which is \$1.3 million more than the amount projected in the 2019 Budget. This is a sign of employment growth, which is an indication of a recovering economy.

Prior to our taking office, there were already projections that clearly stated that in the coming years our financial services industry would be faced with some serious and unprecedented challenges. Case in point: up to September, 2019, we recorded a 27.9 percent decline in new incorporations of companies and an 8.7 percent drop in revenue from the Registry of Corporate Affairs.

Although the timing infers that this was due to the imposition of economic substance on the financial services industry, other factors such as our rate of recovery, an unprecedented level of uncertainty stemming from BREXIT, increasing regulations, an unstable global macro-economic environment, reputational risk, new competitors, and changing client expectations can all be possible contributing factors.

We also cannot forget the likely impact of the anticipation for full implementation of the publicly accessible register of Beneficial Ownership by the end of 2023. The possible risk to our financial services model and revenue collection is still a looming factor that needs to be closely monitored.

However, this impact has been cushioned somewhat by the performance of other revenue categories. For instance, hotel accommodation tax is estimated at \$2.68 million, which is \$1.48 million above the sum anticipated in the budget and more than double this revenue category's performance in 2018. Recovery of our tourism industry is on the move.

Collection from the Environmental Levy has increased by over 32 percent, which translates to over half-a-million dollars more than 2018. Proceeds from cruising permits are estimated to pass the 2019 approved budget by \$0.9 million to total \$4.3 million. This is in excess of \$1 million more than the actual revenue from cruising permits for 2018.

Taxes from international trade is estimated to have jumped by more than \$5 million compared to 2018, and more than \$4 million than what was budgeted at the start of the year. This is largely attributed to the diligence of our hard-working team at Her Majesty's Customs. This has all been accomplished in an environment of heightened demand for goods, especially building materials.

Despite the challenges in the financial services industry, recovery has steadily continued to the extent that more attention can now be paid to planning for development work which would set an investment friendly platform for a stable, smart, green economy.

The reality is that we cannot allow ourselves to be like a flag flapping in the wind. The BVI must diversify its economy with urgency. We must take steps today to improve the revenue generation capacity of our existing engine of tourism, shore up our position in the global financial services market, and develop new industries and our productive capacity.

Doing nothing is definitely not an option. However, we must proceed with caution with respect to borrowing, even with loan guarantees and lower interest rates. We must be mindful to the extent to which we allow ourselves to be leveraged because it is us, the people of the Virgin Islands, who will have to repay any debts incurred. Hence, our borrowing must be based on our ability to repay.

### **The Task Ahead**

Notwithstanding the fact that this Government took office without finding a substantive budget in place, only nine months left in the fiscal year, and the economic challenges mentioned above, your Government has worked hard to stabilise the situation, lay the foundation for a turn around and improve the quality of life of our citizens.

The task before your present Government is to right the wrongs we inherited, fix that which is broken, and transform these Virgin Islands into a financially sustainable Territory; to make our people secure, physically, emotionally and economically; and to make our infrastructure, systems and people resilient against any conceivable calamity.

Resilience requires being competitive in the global business world, whether it is in our main industries of tourism and financial services, or in any other sectors we lean on to bolster our economy.

The role of Government is to cultivate an environment where citizens can thrive and where economic activity can take place. Part of this responsibility includes positioning the Territory to compete in the global arena.

Looking ahead for the medium- to long-term, your Government's objective is to make the BVI a financially and economically sustainable Territory; to make our people secure, physically, emotionally and economically, and to develop all-round resilience and competitiveness.

To achieve this, your Government will lead the way in fostering the development of robust, efficient and effective value chains and value systems that will strengthen our competitive position in our main industries of financial services and tourism, while creating opportunities for our entrepreneurs and trained professionals to spread their wings and pursue activities in other areas of business, leading to diversification of the economy.

Our aim is to accelerate transformation for resilience and sustainability, embracing SMART strategies and Green Development, and creating opportunities for empowerment of our People.

For any good business plan to succeed, you must have the necessary supporting infrastructure, capable human resources, appropriate technology, reliable procurement systems, operational capacity, inbound and outbound logistics, marketing and sales, and supporting services.

Your Government will be doing its part and, as far as is possible, will be open to entering into partnerships with the private sector to bring this vision to a reality.

## **Infrastructure**

Mr Speaker, good infrastructure is essential for building strong value chains.

Over the last eight-and-a-half months, your Government has prioritised the revitalisation of the infrastructure to get our children back into an academic environment. The L-Shaped building of the Elmore Stoutt High School, now renamed the L Adorothy Turnbull building, was completed. The facilities at the Clarence Thomas Limited building in Pasea Estate was upgraded to make it more conducive to teaching and learning. Building-one of the Bregado Flax Educational Centre was restored with help from Unite BVI and the Cable & Wireless Foundation, while the Enis Adams Primary School was rebuilt through donations.

In 2020, we will equip our schools with much needed furniture and equipment. We will focus on replacing and upgrading internet access points, and placing technological devices such as Promethean Boards, digital tablets, laptop and desktop computers in every classroom in both primary and secondary levels.

We will also begin the rebuilding of the Jost Van Dyke Primary School and the remaining buildings at Bregado Flax Educational Centre, and we will complete designs for the Eslyn Henley Richez Learning Centre. We will also develop the Elmore Stoutt High School Master Plan and design a building that will house the students presently in the Clarence Thomas Ltd building.

Decisive action was taken to recommence ferry operations at West End and to start work on the facilities at Jost Van Dyke. This will continue in the new fiscal year.

Work has begun to restore and renovate the Central Administration Complex, now renamed in honour of the first Premier of the Virgin Islands the late Hon Ralph T O'Neal, OBE, to make the facility fit for use by our hard-working public officers. Repair to the roof and replacement of the skylights should be completed early in the first quarter of 2020 and the tender for the vertical glazing is expected by month's end.

Restoration of fire stations throughout the Territory continues as well as the purchase of new fire tenders and other needed vehicles for the department.

The application of SMART technology to increase energy efficiency and functionality is a priority consideration in the design of all public buildings moving forward. Incentives are under consideration to encourage private property owners to embrace SMART technology and these will be announced

shortly.

SMART technology is a very broad area with increasing applications that not only encompasses energy saving, but includes data collection and analysis to drive informed, effective decision making. As this approach becomes more widely embraced, it will create opportunities for Information, Communication and Technology (ICT) businesses and employment opportunities for trained professionals.

As we strive to "Go Green" and foster sustainable development more efficient use of brown spaces must be made to reduce the impact on our natural environment and precious natural resources such as our immaculate beaches and stunning views.

Mr Speaker, your Government will be following through on already-announced plans to reduce congestion in the Road Town area and to create a more pedestrian friendly Capital, which will be more aesthetically pleasing. We will be pressing ahead with the construction of a multi-level parking facility at the Festival Grounds venue, and subsequently opposite the Dr D Orlando Smith Hospital, as well as paid parking in central Road Town. Commuters will be encouraged to park and ride using a low-cost "around town" shuttle. Owners of properties in already-brown spaces will be encouraged to consider building multi-level parking facilities as well. This has the potential for them to generate revenue for themselves and to create jobs during and after construction.

May I add that designs are in progress for the development of the Market Square. This will add aesthetically to the city and provide more business opportunities for entrepreneurs, especially those in the farming community.

Critical infrastructure also includes boosting our hotel room stock so that we can accommodate overnight tourist visitors, which, by the way, is at four percent above pre-hurricane levels of 2016.

Your Government will intensify its efforts to bring those properties under the control of the Government, such as Prospect Reef, back into operation. An attractive formula is to partner with large international brands that have a global marketing structure already in place and which are synonymous with high quality service. Invitations for expressions of interest will be going out soon. Your Government commits that reconstruction of a hotel at Prospect Reef must take place during the current term of office.

Such a venture, along with the return to service of our major privately-owned local hotels and resorts, will bring us much closer to our desired medium-term room stock target of 5,000 when completed.

To accelerate the expansion and upgrade of our room stock, your Government intends to ensure applications for hotel aid tax relief are turned around within three months of the submission of completed documents.

Our strong entrepreneurial spirit of Virgin Islanders shone in the aftermath of Hurricanes Irma and Maria as local homeowners opened up their houses to visitors through the AirBNB online service. This provided a lifeline to our tourism industry when major properties were inoperable. The expansion of the hotel stock poses no threat to AirBNB owners since the demand for rooms far exceeds the set targets and the market preferences are diverse. Your Government views AirBNB as a valuable part of our economic landscape, and contributing positively to the economy.

Water is essential for life. Not only do our citizens need a reliable potable water supply, but they deserve it.

In early 2020, Expressions of Interest will be invited for the conduct of a complete assessment of the Territory's water network inclusive of purchasing of water meters, upgrading the billing system, and addressing the leakages in the network.

In the meantime, improvements are continuing on Tortola and the Sister Islands.

Persons on Jost Van Dyke are now receiving water on a continuous basis. In the last few months, the Perot Hill Reservoir in North Sound Virgin Gorda was completed. Residents in the higher elevations of Greenland were provided with water supply for the first time in over 10 years through the installation of a pressure valve at the top of Georgie Hill in Greenland. Upgrades to the infrastructure in Slaney, Thomas Landing, Beef Island and Carrot Bay have improved service to residents in these areas, especially at the higher elevations.

The installation of pumps in the Long Trench pump house will provide water on a continuous basis to the residents and businesses in Sea Cows Bay hopefully before Christmas. Installation of a containerised water plant in Sea Cows Bay will further enhance the supply.

We have said that the devastation of 2017 presented this Territory with the opportunity to hit the reset button and recast a new future for this Territory taking full account of lessons learnt. Your Government will action this opportunity with the launch of a National Sustainable Development Plan (NSDP) in partnership with the United Nations agency, Economic Commission for Latin America and the Caribbean.

When completed the Plan will provide a roadmap for the transformation of this Territory encompassing its economic, social, environmental, physical and climate resilient issues. In the face of climate change this plan will help us to navigate the complexities and uncertainties ahead.

You will recall that this Honourable House approved a revised Recovery to Development Plan just a few short weeks ago. In that Plan, we separated recovery from development and assigned the recovery matters to the Recovery and Development Agency in order to allow a more focused RDA to complete the recovery in the allotted five years. To enhance this further, the RDA will be adding to its complement architects, engineers, technicians and quantity surveyors in preparation of projects for loan funding and execution. Equally important, it places responsibility for the development of this Territory where it rightfully belongs, with the Ministers and the Cabinet of this Territory. The NSDP which will be formulated through extensive stakeholder and public consultation, will guide the development of the Virgin Islands.

## **Transportation Logistics**

Mr Speaker, Transportation is a critical element of our value system. The BVI continues to be the number-one Caribbean tourist destination, according to U.S. News & World Report's annual ranking of the world's best vacation destinations. People are longing to visit the BVI. But of what value is this if the logistics are not there to deliver the payoff on their desire?

The BVI Airports Authority (BVIAA) has advised that it is in discussion with Caribbean Airlines Limited to add the Virgin Islands to their route network. There is optimism that this will happen in 2020. Silver Airways is set to add their 48 and 72-seater ATR aircraft to the BVI by April 2020. This will significantly increase airlift to and from the Territory and make it more convenient to connect with other destinations. The marketing strategy of these two airlines involves promoting the calendar of events – in the BVI's case, our events such as Emancipation Festival, Lobster Fest, Virgin Gorda Easter Festival and our regattas – to boost their bookings. This will help the BVI to increase our visitor arrivals, providing direct benefits to our hotel, accommodation, and hospitality sectors.

To support the growth of visitor arrivals and fill our hotel rooms, particularly with persons with spending power, special visitors' visas will be introduced allowing certain categories of visitors one-week stays. They would be able to purchase these visas at the airport of their departure or here in the BVI, and this would provide another revenue stream for the Territory.

Also, to support increasing arrivals, your Government is working on a framework for providing emergency airlift for visitors out of the Territory in times when disasters loom. The fact that we are vulnerable to Hurricanes has been identified as one of the reasons some potential visitors are sceptical to travel to the BVI at certain times of the year, which creates an off-season. They worry about how



they will get to safety if a hurricane threat arises. But, if we can assure our visitors that they will be guaranteed airlift capacity and an opportunity to get to safety, they will be more likely to visit our shores.

To improve efficiency and traveller experience, the BVI Airports Authority will be switching to the international exchange system by March 2020. This is a commonly-used platform for printing baggage tags and boarding passes. To ensure more comfort for travellers, the arrival area of the Terrence B Lettsome International Airport will be air conditioned.

Additionally, the Airport Police which will be introduced shortly, will provide a better-structured environment and enhance security at our airports.

To further increase airlift capacity and improve connectivity with the Mainland USA, priority will be given to infrastructure development, built for resilience, to accommodate larger capacity aircraft at the airport. This will facilitate the arrival and departure of larger capacity aircrafts, which are capable of bringing far greater numbers of visitors to our shores.

Upgrade and refurbishment of the airports at Anegada and Virgin Gorda are well on track. This includes extending and paving the runway at Virgin Gorda as well as paving of the road way. Also, a variety of infrastructure work is taking place in Anegada including construction of a separate fire hall.

These improvements will increase the BVI's share in the global and regional tourism market, increase business for our tourism stakeholders, and support the position of the BVI as an ideal destination for conferences and training. It will also build a solid foundation for our economy for the next 50 years.

Mr Speaker, there is a need for proper infrastructure and systems to attract and accommodate visitors so that they can support and grow our tourism industry and our hotels which are coming back on stream such as Little Dix and Mango Bay, just to name a few.

The high interest by tourists and tour operators in destination Virgin Islands is an opportunity that must be capitalised upon. The recent visit to the Territory by officials of the Florida-Caribbean Cruise Association and executives from major cruise lines affirmed their confidence in the BVI. This is in addition to the increase in calls by Norwegian, Royal Caribbean, Disney and Carnival Cruise Lines which was the product of your Government, and myself as Premier, directly engaging them at the 2019 Seatrade Cruise Global event in Miami in April, and which increased arrivals for the current tourist season initially by 64,000 passengers. The first half of 2019 saw a 75.9 percent increase in cruise tourist arrivals compared to the same period in 2018.

Cruise operators are interested in increasing calls to the BVI and staying at port later into the night – such as until midnight.

Mr Speaker, take a walk with me through Road Town at 9:00 p.m. or 10:00 p.m. and imagine the possibilities. Imagine a vibrant Capital. Tourist visitors strolling, visiting the Craft Alive shops and other stores. Bars and restaurants alive with activity. Street food vendors and live musicians making profits. Imagine the opportunities for our providers of goods and services who support these activities from the background. This is not a fantasy; it can be our reality.

To capitalise on this, it is necessary to increase the berthing opportunities. Options are being explored at the moment because of the tremendous earning potential that this holds for our people. Additional ships with extended time in port can boost annual cruise arrivals to beyond one million passengers.

To further enhance cruise tourism, the lands reclaimed outside of the Administration Complex will be immediately transferred back to the BVI Ports Authority.

At this point, it is important to point out that in order to boost mega-yachts sailing and remaining in our waters, the Customs Regulations will be amended immediately to allow them to purchase duty free fuel, once they remain in our Territory three days or more. This will be a step in the right direction towards encouraging mega-yachts to make the BVI their home port.

Mr Speaker, growth also requires an expansion of our networks and relationships.

On the international front, your Government will continue to strengthen and expand our regional relationships in the face of the uncertainty in our international relationships, particularly with the European Union as a result of the turmoil over Brexit. Our membership in CARIFORUM and the Association of Caribbean States are two examples of areas where the Territory will be able to enhance cooperation and partnerships to manage the uncertainties of the future.

We are also forging new levels of partnership with the United Nations through its various organs, including the United Nations Development Programme, which was very instrumental in our early recovery. We are very grateful to them. Mr Speaker the United Nations through one of its organs, the United National Development Programme, will be establishing a satellite office in the BVI in 2020; an unprecedented development for an Overseas Territory.

In February 2020, in partnership with the BVI Chamber of Commerce and Hotels Association, I will be issuing invitations to the various Chambers of Commerce and business organisations throughout the Caribbean region to meet with your Government to explore opportunities for trade. Many products such as building materials, manufactured goods and food can be sourced from our CARICOM neighbours at competitive prices, if a major reliable shipping route is developed through the region. The BVI wants to pioneer this initiative.

The BVI Ports Authority is preparing to conduct a feasibility study on flexible work hours, which will extend the operating hours at Port Purcell to increase the efficiency of loading and unloading cargo. This will lower the cost of doing business through lower storage fees, and importers will be able to pass these savings on to customers.

Revenues at the BVI Ports Authority for the first 10 months of the year are up by 39 percent in comparison to the same period last year. In strategically looking ahead towards the enhancement of the aesthetics of the ports facilities and revenue collection, a number of requests for proposals were issued which includes:

- Provision of Tug Boat
- Supply of specialty equipment for port cargo operations
- Operational Feasibility Study
- Administration Building Design
- Warehouse Design
- Forensic Auditor Services
- Rehabilitation of the International Dock at Road Town Ferry Terminal
- Design/Engineering and Build of an extension of the bulkhead at Port Purcell

Our maritime industry is the backbone of our tourism product and our way of life. You would be aware that your Government launched its 'Back to the Sea' initiative to ensure that our people have the opportunity to take their rightful place in this sector. We also have an established position as a Category One shipping registry which allows us to provide a financial services offering with significant revenue potential for the Territory.

Mr Speaker, in 2020, the Territory will undertake an International Maritime Organisation audit to maintain this significant status. Your Government is working in partnership with the Maritime and Coastal Agency of the United Kingdom to ensure that the BVI is certified as a Category One registry of ships and expand its offering in registration of ships. It is also your Government's plan to develop a similar infrastructure for the aircraft industry and establish an Aircraft Registry.

Mr Speaker, our people deserve good roads to drive on. Major infrastructural development in the redesigning of our drains and the road network to build resilience against climate change will be the main focus with redesigning for flood mitigation and building resilience through our drainage structure in 2020 and execution 2021.

Since taking office in February, your Government resurfaced a number of roads across the Territory, including the Elevator Hill, Frenchman's Cay, Paraquita Bay, Long Bay, and many other critical areas in the Territory that were badly damaged and in need of urgent attention. Work on roads and drainage in Georges Northside and Cooten Bay have commenced. The designs have been completed and work should commence in a few weeks. In 2020, the Northside Coastal Defences and road restoration will move into action to include vulnerable areas such as Carrot Bay.

On the Sister Islands, work will continue to complete and rehabilitate roadways in Virgin Gorda and Jost Van Dyke, targeting the areas undermined by the storms of 2017. The Nail Bay Road rehabilitation work will commence any day now and is expected to be completed no later than the first quarter of 2020.

I am happy that the traffic lights in the city are now functional after being destroyed in 2017. Recovery is on the move.

## **Environmental Protection**

Mr Speaker development is encouraged, but this must be done in a responsible way and cannot be allowed to compromise our environment and our people. Consistent with our vision for Green development, the recently appointed Planning Authority Board and other relevant agencies will enforce the building regulations so that reckless construction practices do not continue.

The members of the new Board are passionate about their duties and will now be meeting at a minimum of twice per month to ensure that applications for construction and development are addressed in a timelier manner. In three short weeks from their appointment, I am happy to report that they have resolved the major backlog of applications.

Mr Speaker, the cleaning up of the Territory is all of our business. The Ministry of Health and Social Development has begun a Territory-wide clean-up campaign and a drive to rid our islands of derelict vehicles and metal waste. A comprehensive waste management plan that encourages reducing, reusing and recycling non-biodegradable waste is in the works. Repairs to the Pockwood Pond incinerator are soon to be completed and plans are underway to have a scrubber installed.

Citizens are reminded that it is an offense that carries a fine to dispose household items such as furniture, fridges, stoves, etc at the various garbage collection outlets. Enforcement of these laws will be a priority immediately.

Mr Speaker, proper management of sewerage is important for protecting our environment as well as the health and safety of residents and visitors.

Installation of sewer pumps in Cane Garden commenced in September 2019 and upgrades to secure the system will continue. Work has also begun to improve the pump stations throughout Road Town to ensure that they are functional and that our surroundings are aesthetically pleasing. Efforts are also underway to return the Burt Point Sewerage Plant to operation after it was damaged in the 2017 hurricanes.

Your Government remains committed to rectifying the unacceptable and long overdue sewerage problems in the East End-Long Look area. Just over \$3 million has been made available in this budget for tendering and work on the first phase of this project to commence shortly.

Mr Speaker, cognisant of the importance of protecting our natural assets for the benefit of generations to come, your Government is focused on addressing issues relative to the changes in the climate. Amendment to the Climate Change Trust Fund Act will allow for greater access to various types of regional and international funding avenues. Equally, we have been significantly involved in the International Maritime Organisation's audit of the Class 1 Registry and will introduce legislation to address issues resulting from oil discharge.

Additionally, a National Beach Use Policy will be introduced to establish a legal framework that ensures sustainability of our natural resources, more so our beaches, as they are very important to our future economic viability.

To further care for our environment, we must push ourselves to go green and to adopt more environmentally friendly options. To demonstrate our seriousness about this, a package of incentives is being worked on which would feature zero tax on the import of clean energy systems such as solar and wind power generation equipment, and hybrid vehicles.

This will reduce the BVI's carbon footprint, harness our renewable resources, and save citizens and the Government millions of dollars that are presently being spent on imported fossil fuels.

Additionally, the potential exists for citizens who generate their own electricity to earn money by selling excess power back to the power grid. We will also explore options for encouraging motorists to switch from the traditional petrol and diesel to liquified petroleum gas which is a lot cheaper and more environmentally friendly.

I am advised that with serious effort, the BVI can be 60 percent Green by 2030. Technical details are being worked out. A pilot installation at the Youth Empowerment Programme (YEP) building will provide valuable information for the establishment of the framework.

As you can see, your Government has set ambitious targets for converting our energy consumption to sustainable renewable energy. There is significant interest from the private sector in this area, and many proposals and partnerships are being considered.

In the coming year, your Government will embark on several renewable energy projects that will set this Territory on the road to green and sustainable energy production.

## **Agriculture and Fisheries**

Mr Speaker, I will now turn to agriculture and fisheries.

In 2019, the Ministry for Agriculture hired a new Director of Agriculture and Fisheries and policy support personnel in the ministry.

Steps were taken towards infrastructural recovery at the agricultural stations in Tortola and in Virgin Gorda. Measures for supporting the growth of the poultry industry were also implemented by identifying lands for lease by the private sector.

A land swap was performed with the HL Stoutt Community College to facilitate the establishment of the medical marijuana industry.

Medicinal marijuana in the Caribbean is projected to be worth \$2 billion and in Latin America the market is estimated to be worth \$14 billion. BVI is moving to tap into this industry and develop to generate millions of dollars in revenue.

In 2020 we will continue infrastructural recovery of agricultural stations and take significant steps towards establishing the medical marijuana industry.

Emphasis will also be placed on restructuring Crown land designated for farming; drafting of a national food production and land use policy; and reviewing and modernising existing agricultural and fishery legislation.

Your Government will support the establishment of commercial farming and fishing enterprises, and active farming and fishing cooperatives; and will explore the possibility of an agricultural and fishery curriculum at the H Lavity Stoutt Community College.

We are working on a programme to offer financial assistance to our fishermen and the development of fish processing businesses up to \$100,000. Similarly, the details of how we will deliver our campaign promise to assist farmers with development of private access road and supporting infrastructure to develop their farms is also being actively explored.

## **Human Resource Development**

Mr Speaker, I will now touch on our Human Resource Development strategy.

Your Government's commitment to the development of our people is unparalleled and beyond question.

The first phase of the 'Back to the Sea' Marine Training Programme was launched through the H Lavity Stoutt Community College in August and the second batch of trainees is expected to commence training in January. This programme is aimed at equipping our people for exciting and rewarding careers in the marine sector.

Also, the launch of the marine training programme coincided with registration for the 1,000 Jobs in 1,000 Days Programme, which saw over 500 registrants immediately signing up. Participants were exposed to a boot camp to equip them with basic skills for the world of work.

Training for interested young adults across the Territory in the installation of green energy systems will kick start in January through a partnership between your Government, the BVI Electricity Corporation and local renewable energy company, aTec. Participants will be at the forefront of the Green Energy industry as it picks up.

It is the philosophy of your Government that Virgin Islanders must come first in all development activities. This is consistent with the mandate of the rebranded Department of Labour and Workforce Development. Our people must be equipped to grab the opportunities that will flow as our economy picks up momentum. We must ensure they are able to start and run successful businesses. They must be qualified to lead companies. They must be able to out-bid applicants from anywhere in the world for any job, especially here in the BVI.

To prepare our people for success, your Government is conducting research towards the introduction of full Bachelors' and Masters' degrees and certifications on-island in the BVI from internationally recognised, accredited universities through a distance learning model. This will build our capacity for the public and private sectors. But more importantly, persons will be able to obtain or upgrade their qualifications at a lower cost without having to leave their homes, their families and their jobs. They will be able to command the job of their choice and negotiate better wages, while being able to grow professionally. Initially, the fields of business management and law are being looked at and thereafter other disciplines would be considered. Details on this effort will be provided soon.

I want to emphasise that this initiative will not compete with the arrangement between the H L Stoutt Community College and Johnson and Wales University in the United States that provides direct entry to Johnson and Wales for HLSCC graduates. The aim is to provide additional options to our people, especially those who are unable to go abroad for extended periods.

Simultaneously, we will be reviewing the arrangements through the Public Service to facilitate our public officers being able to pursue qualifications to the Masters' and Doctoral level.

In 2019, your Government supported many students by providing educational grants to pursue tertiary education. In 2020, our scholarship programme will be fully re-established since Hurricane Irma, providing funds for supporting students abroad.

Mr Speaker, in 2019 some 134 acres of land was transferred to the HLSCC. This is a significant step in shoring up the college's assets as we pursue reaffirmation of our accreditation. Your Government also increased the subvention to the college from \$8 million to \$10 million. In 2020, your Government will continue to support the institution in its 30th year of existence.

In the upcoming fiscal year, the Ministry of Education will conduct an educational review and move towards implementing teaching standards. We will also conduct a study on our teacher education system and make recommendations for its re-establishment. We will also equip our schools with much needed resources in reading and other areas. We will fill much needed positions in student support.

Mr Speaker, looking forward to 2020, your Government recognises the importance of satisfying the informational, educational, cultural and historical needs of the public. The Library Services Department is therefore looking forward to the reopening of its branches on Virgin Gorda, East End and Anegada with upgraded services. We expect to provide a combination of traditional library services to the public, as well as utilising the latest library technology available which would include the use of artificial intelligence. A review of the previous drawings for a state-of-the-art library facility for Road Town has been commissioned. It is anticipated that we will be able to secure donor funding for this vital project during this budget year.

Building a knowledge-based society has to start from early, and education must be relevant to the BVI context. That is why your Government will ensure that our young people, from as early as pre-school age, are taught about tourism, so that they are prepared to thrive in their BVI. We will take steps to have an appropriate curriculum developed in time for the September 2020 school year.

Mr Speaker, in 2020 the Territory will be conducting a new census. This is a critical undertaking and I am using this opportunity to make a strong plea for the public to give its full cooperation to the Central Statistics Office and its team of census takers. As we reset the direction of this Territory following the 2017 devastations, we must become a data driven society and make plans and decisions based on solid information.

### **Support for Youth and Sports**

Mr Speaker, in the area of youth affairs, in 2019 the Ministry of Education held many successful programmes, including the Gen-Y Factor. Significant support was extended to organisations, such as Youth Empowerment Programme (YEP), in delivering their programmes.

In 2020 we will continue the succession programmes run by the Department of Youth Affairs and Sports. We will also reintroduce the Emerging Fellows Award, and we will continue our support of organisations which are doing significant work among young people.

Your Government will ensure revision of the Virgin Islands National Youth Policy and Strategic Objectives that will outline and underpin all the work and efforts made on behalf of the development of young people in the Territory. This process will begin with the young people and their current situation, and will address their current and future needs. Our youth will be consulted at every step of the process and the revised policy will act as a road map for ensuring that our youth are given all the necessary opportunities and supporting mechanisms to ensure positive development. It is hoped that by the end of 2020, the process will be well underway towards providing a comprehensive and future-minded policy with a clear Action Plan to be launched in 2021.

Your Government's support for sports was demonstrated in the repair of several recreational facilities. Upgrade of facilities will continue in 2020, especially our basketball courts and recreational grounds across the Territory.

In the new year, your Government will establish a National Sports Council that will manage sports in the Territory. We will continue the restoration of the Multi-purpose Sports Complex, including the air conditioning system. Work will continue apace on the International Federation of Association Football (FIFA) football stadium in East End as this will provide facilities for our sportsmen and women, and allow the BVI to generate revenue from sports tourism.

Of equal importance is the recognition of our athletes who achieved a gold, silver and bronze at various international sports competitions. Your Government is committed to recognising these shining stars since they demonstrate that our BVI athletes can achieve at the highest level of competition and

fly our flag high. Your Government will be investing in preparing our athletes who will be significantly competing in the upcoming Olympic Games.

Your Government intends to introduce legislation to establish a Horseracing Commission to regulate the sport and make it more profitable. A Gaming Commission will also be established to regulate betting on horse racing and other forms of gambling, but only in designated areas.

Many people in the Territory are fans of drag racing but it is unsafe for this pastime to take place on our public roads.

Within the next week, we will call a public forum with all our youth and interested persons to turn this into a sport of safety and fun, as it has the potential, if conducted in a responsible manner, to generate employment opportunities and attract revenues.

Also, motorsports can then be added to our tourism product. We will discuss sites where Government land is available and turn our fears into opportunities.

## **Operations – Public Services**

Mr Speaker, regarding operation of the Public Service, your Government fully supports the ongoing drive to reform and modernise the Public Service to improve the delivery of Government services to the people of the Territory.

To complement this thrust, training will be afforded to all of our front-line personnel, especially those who interact with tourists and visitors such as personnel in Customs and Immigration. These are critical points of contact with our visitors and we must ensure that we make positive lasting impressions.

## **Technology**

Mr Speaker, essential to modernising public service delivery and increasing efficiency is the application of modern technology such as e-Government. E-Government services will afford great flexibility and convenience to citizens, especially our Sister Island residents who will be able to transact business over the Internet.

The harmonisation and streamlining of Labour and Immigration commenced in June and this includes the linking of the electronic systems. We expect to make significant progress in the digitisation of customer service in the upcoming year as relevant legislation is passed and implemented.

We have completed the Work Permit online system with the exception of the payment portal, the details of which are being worked out. We are now finalising the relevant legislation to ensure protection of user information and to meet international standards. Scanning is ongoing so that historical data can be loaded to the system and we expect to officially launch and commission the system in short order. We are now getting ready to launch Phase Two of this project in 2020, which is the workforce development component – the Job Board.

We are working to be able to install the Advanced Passenger Information System to strengthen our borders, but while discussions with the Foreign and Commonwealth Office and CARICOM are being finalised, we are well on the way with the signing of the contract with a Canadian Company to have a Border Management system in place. This signing should be completed by the end of the month for works to begin flowing into 2020 with completion in early 2021. The Advanced Passenger Information System will be connected to the Border Management System once completed.

We must create a labour market which is conducive to economic growth, investment and employment creation that will be characterised by improved skills, equity, sound labour relations, respect for employment standards and worker rights and due respect to those who help to create economic opportunities while protecting our borders and preserving our natural resources for the benefit of all.



Technology and innovation are key to the continued success of financial services as well as in the wider economy. In this regard, the Cabinet will be shortly approving the Territory's first National Information, Communication and Technology (ICT) Policy, Strategy and Implementation Plan.

The ICT Plan has set the following vision for the Territory: Agile BVI - Connected, Resilient, Smart. This Plan, when implemented, will allow the Territory to leverage ICT to foster innovation, diversify the economy and expedite the Territory's transformation into a digital economy.

Mr Speaker, embracing the vision for the development of the Territory and the role of technology in this regard, only last Friday, one telecommunications provider, after meeting with the Premier, agreed to immediately double broadband speeds for customers and to lower its prices. The challenges our citizens and business community face with the reliability of Internet service must be overcome, even if it means inviting new players into our market.

Another significant lesson of the great hurricanes of 2017 is that we must guard and protect our information, which will become our history and our legacy. The information and history of a nation belongs to its people. For that reason, I requested that responsibility for this important national treasure be transferred to the Premier's Office. As we prepare to temporarily relocate from the Honourable Ralph T O'Neal Administration Complex, the issue of the protection, preservation and management of our records and archives must be immediately addressed as they have to be moved.

In this budget year, your Government will be initiating the establishment of the National Archives to ensure that the history of the administration of this Territory is available for future generations. In the meantime, interim arrangements will be made to protect our records and archives.

And on the topic of documents, the commitment to have all our Government documents and forms published in both English and Spanish will be kept.

## **Marketing and Promotion**

Mr Speaker, in marketing and promoting the economy and as we embrace the greater use of technology, the BVI Tourist Board will be utilising Search Engine Marketing strategies which involves using the web architecture of companies such as airlines and travel sites to promote our destination. This will be in addition to traditional marketing techniques.

We will continue to market to our core demographic in US and Canada, Regional Caribbean, Italy, Germany, France and Latin America, but we recognise it is also important to reach out to emerging markets. Our view is to start to gain ground in the Scandinavian as well as Canadian markets. Niche markets such as MICE (that is Meetings, Incentives, Conferences and Exhibitions), Adventure, Health and wellness as well as Culinary and Sports will be explored.

May I add, Mr Speaker, the total allocation for Tourism will be \$15 million at the end of this budgetary process.

## **Culture and Heritage**

Mr Speaker, Culture and heritage are vital parts of our tourism product and investment will be made to build on this area.

Your Government will put more resources into the development of our cultural artisans, providing them with expertise, platforms, opportunities for collaboration with the aim of improving and promoting their craft.

Historical tours and heritage sites will be further developed to enhance our knowledge of the past and to enrich visitor experience. We will ensure our Emancipation Festival promotes our culture and we will build on the Honourable Delores Christopher Festival of the Arts which we started in 2019. We will

establish a cultural website with a register of cultural artisans, a cultural calendar, as well as a virtual marketplace where persons can purchase cultural products.

At the Cyril B Romney Pier Park, we will be creating a platform from 3pm to 6pm when ships are in for live performances by local artistes and local music bands. This will allow our talented artistes to develop and showcase their talent and earn money. It will also provide an attraction for visitors returning to the cruise ships to linger around on land and patronize our businesses and vendors, while absorbing more of the BVI's cultural offerings.

Mr Speaker, as I deliver this address today, I must acknowledge that November 24, 2019, will mark 70 years since the People of the Virgin Islands, our fore-parents – marched through the streets of Road Town, in what is referred to as the 1949 Demonstration, to demand a change to the way matters affecting their lives were decided.

This mass Demonstration was the catalyst for political development in our Territory, leading to the evolution of the Modern BVI. It led to the re-instatement of the Legislative Council in 1950, the first Constitution of the Territory, the Constitution Act 1950, which revoked power from the Governor of the Leeward Islands and reinstated it to the reformed Legislative Council. The first elections were also held in 1950 and by 1954 the Constitution and Elections Act, 1954 was enacted, paving the way for General Elections and the right to vote for each adult Virgin Islander, whether male or female, was provided for the first time.

Mr Speaker, as I stand here today, I take this moment to recall that we stand on the shoulders of those Virgin Islanders who have gone before, our fore-parents, who presented a petition to the Commissioner in which they stated and I quote,

“One of the purposes of this Demonstration today is for us to achieve a measure of political freedom for ourselves and the generation of the future.”

Today as we gather here to present the Budget Address for these Virgin Islands, I acknowledge the desire of our forefathers that we would be able, today, to govern our internal affairs. Hence provisions are made in this 2020 Budget to request the commissioning of a Constitutional Review.

## **Health Services**

Mr Speaker, in terms of health services, our most important resource is our people, and health is among the most critical factors in the development of our Territory.

Your Government will continue to make investments towards the international accreditation of the BVI Health Services Authority as well as strengthening the performance of the National Health Insurance System following a comprehensive functional review.

We have also heeded the call for better health services on the Sister Islands, and this budget provides the resources necessary to commence operations of the new Nurse Iris O'Neal Medical Centre in The Valley, Virgin Gorda, in the first quarter of 2020.

## **Social Services**

In addressing the pivotal issue of care and protection for the most vulnerable segments of our population, social services spending accounts for a significant portion of Government's expenditure for 2020.

Investments will continue to be made towards housing recovery for households displaced by the 2017 hurricanes, including building material grants to assist homeowners to carry out essential home repairs.

Your Government stands firm in its responsibility to enhance services to protect our seniors, and to strengthen the care provided to them in their homes, communities and residential facilities. We are therefore providing funding to further restore the Senior Citizens Programme throughout the Territory, and our infrastructural programme includes the expansion of the Adina Donovan Home to provide long-term nursing care to additional clients from its existing location.

Additional resources are being made available to rehabilitate the East End-Long Look Community Centre and the Brewers Bay Community Centre, as well as to strengthen the resilience and functionality of other community centres located throughout the Territory.

### **Correctional Services**

Regarding correctional services, funds have been made available for renovation and repair works at Her Majesty's Prison to provide much needed enhancements to the environment for workers and inmates at the facility.

### **Trade and Economic Development**

Mr Speaker, going forward with trade and economic development, I implore our people to see green development using Smart strategies, as our opportunity to set our economy on a stable, resilient and sustainable platform for the future.

While focusing on green development, the potential medium to long-term economic impact from many planned policy changes and initiatives in the medical field such as medicinal marijuana and medical schools, infrastructural renewal and development, diversification within the tourism, financial and business services would only serve to further stimulate the economy.

These initiatives are expected to lead to:

- a. Increased revenue to Government;
- b. Increased private sector activities including increased employment opportunities;
- c. Increased disposable income to individuals; and
- d. Increased savings and investment levels in the economy.

With the presence of the above positive, economic indicators, growth and expansion of our economy is an easily predicted result.

The answer to many of our economic and social problems is to grow our economy and more specifically that portion being led by the private sector. This is why we have set our minds on deepening trade ties with our CARICOM neighbours.

Your Government has plans to transform our relationship with businesses. We have already introduced the Trade Commission Act into this Honourable House and will soon be passing it into law, paving the way for the entire infrastructure required to facilitate, coordinate and support local and foreign investment in an efficient, effective and business friendly manner.

We are ready to launch the Territory's first investment promotion agency, BVI Invest. Through BVI Invest we will create a one stop shop to facilitate and support local and foreign investment. It will also promote the BVI's unique investment position.

### **Entrepreneurship**

Mr Speaker, we have a natural entrepreneurial spirit. History will record the recommendation of Mary Proudfoot to the British Government in 1965, that the British Virgin Islands be left as a bird sanctuary. History will also record the determination and grit of our people to remain in this Territory and make a living out of the little they had with the help of Almighty God.

That determination and grit could be seen in the lives of generations of BVI Islanders and Belongers from Anegada in the North to Jost Van Dyke in the West; examples such as William and Clarita Malone of Fat Hogs Bay East End who toiled as shop keepers and their children Helen Frett and Flosie Penn as community bakers.

That same determination and grit could be seen in the lives of Mr Edwe Hodge as a boatbuilder in West End, and many others. Indeed, this is the story of most families throughout the BVI.

We did not call them entrepreneurs then, but indeed that is what they were.

On reflection, it is clear to me that by the forces of history, entrepreneurship has become a natural part of the BVI's DNA. Entrepreneurship is in our blood. It's in our psyche. It's at the core of our identity. It's how we see ourselves as BVI Islanders, and indeed many Belongers.

That is why your Government has decided to make entrepreneurship development and the ecosystem that supports it a key focus for the empowerment of the people of these British Virgin Islands.

Everyone reading or listening to this speech must know that this focus is not only wise, but essential in the aftermath of Hurricanes Irma and Maria as we strive to rebuild our economy. Our people did it in the aftermath of Mary Proudfoot's unfavourable report and your Government believes that we will do it again.

To channel our national collective efforts in this area, your Government's vision is the development of the British Virgin Islands as a leading economy through Entrepreneurship and Innovation. To support this vision, we have made a request from the Caribbean Development Bank to make available US\$2.5 million dollars to be placed in a Fund to support the aspirations and development of entrepreneurs in the Territory. Access to the Fund will only be considered after applicants have been certified as having gone through training programmes that qualify them to use the funds responsibly.

To support the continuing development of entrepreneurs in the Territory and the ecosystem that support them, your Government will examine options for establishing an Entrepreneurial Development Fund to, among other things, invest alongside the private sector in the funding and training of start-ups to start and grow into successful businesses.

There are already reports of at least one Banking Institution in the BVI which is well on its way to rolling out a programme that will provide financing of up to \$50,000, together with development assistance, to start-ups that have less than two years of operations. The Government looks forward to partnering with institutions such as this and indeed we will actively encourage other institutions to follow suit.

Our plans for the development of the entrepreneurial and innovation ecosystem in the BVI include forming linkages and partnerships with the private sector, Non-profit Government Organisations, regional and international innovation hubs that provide technical, financial and research support for identified areas of innovation and entrepreneurship development generally.

Mr Speaker, as the British Virgin Islands charts its way forward in a post-Irma era and a world marked by globalisation, United Kingdom and international initiatives, rise in terrorist activities and the economic realities of developed economies, one thing has emerged as certain, CHANGE is inevitable.

As we engage in the search for the answer to the question, "Where do we go from here?", the question that we must ask ourselves is no longer, "What can we do to keep up with the rest of the world?", but rather, "What can we do to stand out from the rest of the world?"

To "STAND OUT" will require that we establish what is unique about our Territory, and its people. When we consider that the products and services for which the Territory is renowned are largely entrepreneurial in nature, the concept of pursuing a path that seeks to develop the natural entrepreneurial talents of the Territory and its people is compelling.

Welcoming the spirit and rising interest concerning entrepreneurship in this Territory, your Government has plans to further ignite and support it.

In the first quarter of 2020, we will be setting up the BVI's first Innovation Lab. This will become a hub of creativity and support for future entrepreneurs of the BVI. If the response to the recently completed Innovation Week is any indication, we have high hopes for the future economy of the Virgin Islands.

The Innovative Business Lab will be one of the many support mechanisms within the National Business Bureau, being offered to the micro, small and medium enterprise sector. It is evident across the globe that the small business sector is the lifeblood of any economy, and as such, we intend to restructure the Bureau to provide all of the relevant support services including training, technical assistance and micro financing to our MSMEs. We will also seek to partner with all of the relevant agencies in creating a strong ecosystem for MSME support that will ensure the long-term sustainability of the micro, small and medium enterprise sector.

Mr Speaker, this is a good juncture to highlight that in order to facilitate ease of doing business, and to provide some comfort and convenience to the people of Virgin Gorda, your Government has partnered with Banco Popular to restore a physical banking option to the island. This is an investment in our people who deserve to be treated as first class citizens and will help commercial activity on the Sister Island.

To ensure that we create an enabling environment in which the MSME sector can develop, grow, and thrive, Cabinet has already approved a number of policy instruments such as the Business License Policy, which will seek to ensure the ease of doing business, by streamlining the processes and procedures for starting and operating a business.

Equally important is the recent draft of the Investment Act, which will seek to create an attractive investment climate for both domestic and foreign investors. The purpose of the Act is to help to promote investments in various sectors that would seek to diversify the economy of the Virgin Islands.

## **Fiscal Strategy**

Mr Speaker, I will now turn to our fiscal strategy.

Negotiations with the UK Government are ongoing with respect to the offer of Loan Guarantee for Recovery to Development projects. Our technical negotiating team is working to ensure that the outcome will be to the benefit and interest of the people of the Virgin Islands. Of course, this takes time.

Our fiscal strategy incorporates fiscal buffers for potential risks mentioned, and its three primary goals are firstly on managing a balance between revenue and recurrent expenditure; secondly, on preserving our reserve fund; and thirdly, on maintaining compliance with the fiscal rules outlined in the Protocols for Effective Financial Management.

The strategy anticipates increased income through the exploration of new revenue generating initiatives which include collections from the implementation of a money transfer fees, venturing into the medicinal marijuana industry, from the licensing fees, etc of privately run medical schools, improved collection of taxes from a myriad of areas including from our Shipping Registry, and collections from our Statutory Bodies and State-owned Enterprises, just to name a few.

As we continue to move forward with our recovery your Government will not stifle our people with any new tax measures. We strongly believe that we will be able to meet our targets for revenue, expenditure and debt without putting undue burden on the people of this Territory.

In 2020, we anticipate revenues of \$362.9 million, with about \$201.4 million from financial services. I am urging Statutory Boards and State-owned Enterprises to increase their efficiency and effectiveness so that they become more commercially viable.

Our targets for revenue, expenditure and debt repayment recognise that we must invest in public infrastructure, build a stable economy and to empower our people. Recurrent expenditure for 2020 is expected to be about \$327.8 million, while capital expenditure has been budgeted at \$65.5 million.

We expect on-going efforts in Public Service Transformation and the Public Service Digital Transformation Programme to build efficiency into the Service and help us to channel funds into areas where they are most needed.

With increased investment in public services and infrastructure, and full recovery of our tourism sector expected to be achieved by the 2020/2021 tourist season, Mr Speaker, we anticipate real GDP growth in 2020 ranging between one to three percent. These growth expectations would continue to be tempered by downside risks to our financial services sector from increasing regulations, competition and changing client expectations. We are mindful of this and will exercise the necessary caution and diligence.

Growth in the global economy is predicted to be weak within the context of an unstable global macro-economic environment, looming economic wars, rising world trade tension, a slow-down in regional economic outlook, the protest in Asia and BREXIT.

It is in this context that we set out our plans to shore up financial services. We will continue dialogue to protect our industry and stand by our tried-and-tested service. We will also encourage development of 'niche' markets from the enormous opportunities and potential for developing expertise that could emerge through effective regulation, and the creation of innovative new products.

BVI Finance has also identified clear sectors for development and we are committed to supporting these. They include asset recovery, Islamic Finance and family offices and positioning BVI at the forefront of FinTech with cryptocurrency, Initial Coin Offerings and block chain all potential areas for development. I call this "Backing the Future" – and BVI Finance is leading the charge.

Your Government will ensure that the recovery continues apace so as to secure the resiliency and stability of our economy, and most importantly, the continued empowerment of our people.

## **The Budget Figures**

Mr Speaker, I now turn to the Budget figures.

The total budget this year is \$414,008,611. This will comprise of \$327,766,149 on recurrent expenditure; \$65,479,200 on capital expenditures; \$6,217,762 in fund contributions; and \$14,545,500 towards principal repayments on our debt.

The percentage distribution of each Ministry's recurrent budget allocation and our statutory obligations would be as follows:

- Constitutionally Established Departments, 2.5 percent;
- Governor's Group, 11.3 percent;
- Premier's Office, 8.1 percent;
- Ministry of Finance, 12.1 percent;
- Ministry of Natural Resources, Labour and Immigration, 2.7 percent;
- Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture, 15.2 percent;
- Ministry of Health and Social Development, 19.6 percent;
- Ministry of Transportation, Works and Utilities, 13.8 percent;
- Pensions, Public Debt & Funds Contributions, 14.7 percent;

Mr Speaker, as you would notice, the bulk of expenditure continues to be on education and health, two of the most important areas in guaranteeing the empowerment, strengthening, and development of our people.

In 2020, we estimate development expenditure to be \$65,479,200. This amount comprises \$7,987,200 in capital acquisitions and \$57,492,000 in infrastructure development across the Territory.

In the Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture, \$5,963,400, or nine percent of the Development vote has been allocated to, but not limited to:

provide a restored learning environment for the special needs students in the Territory that meets all existing smart and safe standards at the Eslyn Henley Richez Special Needs Learning Centre;

- provide a modern, resilient and safe learning environment at the Bregado Flax Educational Centre and Elmore Stoutt High School for students and teachers;
- provide a multiservice facility to enhance the learning and education of residents by building a National Library;
- meet the physical and social recreation needs of the various communities through restoration of recreational facilities across the Territory; and,
- Provide cultural and social benefits to the people of the Territory through the rehabilitation of cultural and historical sites and facilities.

In the Ministry of Health and Social Development, \$2.7 million, or four percent of the Development vote has been allocated to various capital initiatives, including on-going work at the Nurse Iris O'Neal Clinic on Virgin Gorda, which we intend to open early next year. Remedial work will also continue on the community centres and clinics throughout the Territory.

We will also continue to provide additional funding to update the existing health information system, and to move the Dr D Orlando Smith Hospital towards full accreditation. Two million dollars (\$2,000,000) has been allocated to fund this on-going initiative and other projects of the BVI Health Services Authority. This essential investment, is critical to ensuring that the Authority is able to collect sufficient revenue to meet all of its obligations and reduce its reliance on the National Health Insurance Programme. Please note that your Government also intends to carry out a comprehensive restructuring of the NHI as the current scheme is unsustainable and is in threat of failure.

The Ministry of Natural Resources, Labour and Immigration has been allocated \$12.6 million, or 19.0 percent of the entire Development vote. This will assist with the continued removal and disposal of derelict vessels that have been an eye sore since 2017. This also coincides with the Territory-wide clean-up that is ongoing and which will be accelerated in early January 2020. The subject Minister will provide more details on this initiative in the coming weeks, and I humbly request the support of each resident.

It is with great pride and joy that I announce that your Government has made an initial allocation of \$3.4 million towards the Land Bank initiative that I have been discussing over the past months. One of the primary goals of this initiative is to make affordable housing a reality for our people.

Mr Speaker, National Security continues to be paramount for this administration and your Government is ensuring that our security and border control agencies namely Her Majesty's Customs, Immigration Department and the Royal Virgin Islands Police Force are equipped and funded, sufficiently, to strengthen their response capabilities. We funded vacant Customs Officers positions and two (2) Customs Trainee positions within the Customs Department. The Police will receive monies to allow for the recruitment new constables.

Mr Speaker, \$1.288 million is appropriated to the Immigration Department for purchase of a New Boarder Management System. The Immigration Department will be more equipped to screen passengers for possible undesirable persons entering the Territory. The new system will also have the



capabilities to properly monitor and control the movement of persons within the Territory. The Immigration Department will also receive new positions comprising of Surveillance and Immigration Officers.

May I add that your Government intends to review the penalties associated with illegal entry into the Territory so that they can better serve as a deterrent.

Our Police Force cannot do all to this end, steps will also be taken to empower private security firms to take their rightful place in contributing to public safety and providing support to the business community where it may be necessary to have armed services in place.

Mr Speaker, enhancement to the existing road network and curing our water and sewerage woes remain a top priority for your Government. In excess of \$12.4 million is appropriated to provide economic and social opportunities to the people of the Territory by incorporating and developing resilient roads and associated infrastructure. Over \$8.9 million is proposed to be appropriated to develop an integrated sewerage system throughout the Territory. And in excess of \$10.7 million will be appropriated to ensure that all residents throughout the Territory can access potable water.

## **Conclusion**

Mr Speaker, I am advised that a tremendous amount of preparatory works for projects have been done to date. Several projects have been scoped and designed, engineering studies completed and tendering exercises completed and on-going. All in all, projects are poised for implementation and we will see more tangible evidence of the hard work that has been taking place behind the scenes under your new Government.

Just like Moses with the Red Seas in front of him and Pharaoh's army charging from the back, with Faith in God, we must move forward using what's in our hand. We must embrace the urgency to change and to transform, otherwise we will be doomed if the Pharaoh's army catches up to us.

What is in our hands as a people of the BVI? Our initiative and entrepreneurial spirit. It is in our DNA. Our forefathers built this Territory forging ahead with what was in their hands, but the desire came from what was in their hearts which was BVI LOVE. This same love is what we must embrace to build the new BVI. Love for our fellow man. Love for our economy. Love for innovation. Love for entrepreneurship. Love for our Territory.

We have never been short of ideas. We generally know how much money it will take to make our dreams become a reality. It is just like having a television and a satellite dish. The waves for the satellite to pick up are all around us, but unless someone connects the satellite to the television then those waves to an unlimited viewership will never be realised.

This budget coupled with legislative changes to support will be the mechanism to link our people to the funds and thereby to their prosperity. Now is the time. This is the place and your Government has a plan to move forward in a SMART, green, more sustainable with an empowered people.

We must chart our course or someone else will chart the course for us.

If we are going green and smart, we cannot stand still. We have to keep moving - forward. The vision of where we are going is clear.

In 2020, our vision must be 20/20.

In 2020, we will expand together. We will move together one as a hand pressing and punching forward.

Mr Speaker, I am excited about the future of the BVI.

We have much more to do. Your Government is committed to improving the quality of life of all our citizens through transformation of the BVI and the unlocking of our true, untapped potential.

This, we will do together as one BVI, united under God, our creator moving shoulder to shoulder towards prosperity. Our public and private sectors, Non-Governmental Organisations, leaders past and present working together can drive green innovation, green diversification, and green expansion of the Virgin Islands economy.

Mr Speaker, at this time, I am asking everyone under the sound of my voice to join me in prayer and in the quietness of their hearts as we pray, Dear Heavenly Father, we commit this ambitious budget to you. We pray that you multiply our efforts so that this Territory will see and realise revenues and prosperity never seen before. Like Moses, through our faith in you, we will use what is in our hands to rise up and part the troubling seas so that as one people, we can cross over into the new prosperous BVI. Amen.

Mr Speaker, I thank you for this opportunity to present the people’s budget for the year 2020.

I look forward to the coming weeks where Honourable Members will debate its provisions and add value to this journey.

I thank you.



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# Bill Entitled, Integrity in Public Life Act, 2021

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Signed

· 16 March 2021 · PO · File: PO/L2/036 · Mrs. Elvia Smith-Maduro

· Memo No. 173/2021 · Extract No. REx/173/2021 (/decisions/641)

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## Background Information

1) The need for Integrity legislation was championed by the current Premier and Minister of Finance. It is noted that when he was the appointed Leader of the Opposition that he also championed this cause. During his speech at the 30th June, 2017 Territory Day ceremony, he told the gathering, "The implementation of such legislation will create a victorious BVI because it would promote transparency." Now as the leader of this current Administration, the Premier is committed to bring forward this important piece of legislation, as his Government, pledged to place the people of the Virgin Islands first as well as its full commitment to integrity, the rule of law, transparency, accountability, stability, democratic principles, prosperity for the Virgin Islands, and to safeguard the rights of all who call the Virgin Islands home and ensure that those rights are fully respected and protected.

2) The Government also committed to put measures in place whereby elected members uphold our cherished institutions to the highest level and restrain from abusing their powers. This commitment was reinforced in the Speech from the Throne that was read in the House of Assembly on 14th November, 2019, by His Excellency The Governor, indicating that Integrity in Public Life legislation and other anti-corruption initiatives were on the 2020 Legislative Agenda.

3) Due to the emergence of the COVID-19 global pandemic in March 2020, Government's priorities were forced to be shifted towards mitigating the spread of the disease in the Territory and managing the social and economic impacts on the population. Circumstances hindered the legislature's ability to have regular sessions and thus impacted the implementation of the legislative agenda.

4) At the 2020 Speech from the Throne delivered by the Governor before the House of Assembly on 5th November, 2020, it was reiterated that the Government recognises that strengthening Governance remains important for having a stable economy. It was indicated that the Integrity in Public Life Bill remains a priority on the legislative agenda and that this legislation would promote and enhance ethical conduct standards by consolidating laws relating to the prevention of corruption and the award, monitoring, and investigating government contracts and prescribed licences.

5) On 13th December, 2020, Cabinet reviewed and noted the first draft Integrity in Public Life Act, 2020 via Cabinet Memo 505/2020, a copy of the Cabinet Memo is attached as **Appendix I**. As per items C and D, the draft Act was circulated to the Deputy Governor via email dated 19th January, 2021, and by email to various other stakeholders dated 19th January, 2021. A copy of the responses received are attached as **Appendix II** for members perusal.

6) The Integrity in Public Life Act seeks to establish an Integrity Commission which would assist in achieving the Government's objectives to promote good governance, to enhance ethical conduct of public officials and to strengthen the prevention and detection of corrupt acts by persons in public life.

7) The Bill consists of seven (7) parts. Part I (clauses 1 - 3) provides for preliminary matters. The preliminary provisions provide for the short title and commencement of the Act, as well as define various terms used throughout the Act. It also provide for the Act to apply to every person in public life.

8) Part II (clauses 4 - 13) provides for the establishment of the Integrity Commission. It provides for the functions of the Commission and the appointment of the members, their term of appointment and removal from office. This part also provides for the Governor to remove a member after consultation with the Premier and the Leader of the Opposition and on the recommendation of the Disciplinary Tribunal.

9) Members of the Integrity Commission shall be appointed to hold office for a period not exceeding five (5) years and shall be eligible for re-appointment.

10) The Commission shall comprise of five (5) persons as follows:

- i. a Chairperson who is a retired judge or an attorney at law of at least 15 years standing, and who has practiced in the Virgin Islands or within the jurisdiction of the Organisation of the Eastern Caribbean States;
- ii. two (2) persons nominated by the Premier;
- iii. one (1) person nominated by the Leader of Opposition; and
- iv. one (1) person nominated by Christian Council.

11) The appointment of the members of the Commission shall be made by the Governor. The Chairperson shall be appointed by the Governor after consultation with the Premier and the Leader of the Opposition. A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling his or her duties pursuant to the Act.

12) The following persons are disqualified from being appointed a member of the Integrity Commission:

- i. is a person in public life or is otherwise exercising a public function;
- ii. has, at any time during the three (3) years preceding the date of appointment, been a person in public life or otherwise exercised a public function;
- iii. has, at any time during the five (5) years immediately preceding the date of appointment, held office in a political party; or

- iv. would otherwise be disqualified, in accordance with the Constitution, to be a member of the House of Assembly;
- v. has been convicted of an offence within or outside the Virgin Islands;
- vi. is an undischarged bankrupt or has compounded with his or her creditors;
- vii. is not a Belonger; or
- viii. has been certified by a medical practitioner to be of unsound mind.

13) The functions of the Integrity Commission shall be:

- i. to receive and investigate complaints regarding any breaches or non-compliance with the provisions of this Act;
- ii. without prejudice to the provisions of any other enactment, conduct an investigation into any act of corruption under this Act referred to it by any person;
- iii. to make recommendations and to advise public bodies of any changes in practices and procedures which, in the opinion of the Commission, will reduce the likelihood or the occurrence of acts of corruption;
- iv. to conduct educational programmes and training relating to the role of the Commission in promoting ethical conduct; and
- v. to perform such other functions or exercise such powers as may be conferred, on it under this Act or any other enactment.

14) Part III (clauses 14 - 20) provides for powers of investigation. The Commission would have the power to inquire into complaints that a person in public life may have breached the Act including committing an act of corruption.



The Commission would be empowered to enter premises occupied or used by a public authority, and search for documents, inspect documents and take copies of documents. In the performance of its function to inquire into complaints, the Commission would have the power to summons and examine witnesses, administer oaths and affidavits, compel the production of documents etc. Where the Commission finds that there is a breach of a provision of this Act, the Commission would be required to refer the matter to the DPP and forward a report of its findings to the Governor. This part would also prohibit a person who is not suspected of committing an offence from objecting to the supply of information and documents on the grounds that it might tend to incriminate him or her. It would be an offence to obstruct an investigation under this Act.

15) Part IV (clauses 21 - 25) provide for conduct in public life. It provides for a person in public life to observe the code of conduct specified in Schedule 3 and for the Governor to prescribe a code of conduct with respect to public officers. This part also requires persons in public life to be fair and impartial, to maintain public confidence in their integrity, to avoid conflicts of interest, to refrain from using their office and information obtained by virtue of their office for private gain, and to refuse gifts that are connected with the performance of their duties.

16) Part V (clauses 26 - 28) provides for the acts which would constitute Acts of corruption under the Act, including:

- soliciting or accepting, whether directly or indirectly, any article or money or other benefit, or advantage for doing any act or omitting to do any act in the performance of his or her functions as a public official;
- offering directly or indirectly, to a public official any article, money or other benefit or advantage for doing any act or omitting to do any act in the performance of the public official's duties; and
- knowingly or recklessly allowing one's private interest to conflict with his or her public duties or improperly influencing his or her conduct in the

performance of his or her duties as a public official.

17) This Part would be in addition to the existing laws and without prejudice to the powers conferred upon a relevant disciplinary authority under the Constitution.

18) Part VI (clauses 29 - 32) would provide for financial provisions. This part would provide for the funds of the Commission and for proper accounts and other records of all income and expenditure of the Commission to be kept. The Commission would be required to submit to the Minister of Finance an annual report on its activities for each year, and a copy of the report together with the Auditor's Report shall be laid before the House of Assembly.

19) Part VII (clauses 28 - 39) provides for miscellaneous matters. A member of the House of Assembly would be required to disclose any interest in debates and questions that the Member may have in relation to any matter being debated or any question the Member intends to ask at a sitting of the House of Assembly. It would also provide for protection of witnesses, granting immunity from suit for actions done in good faith in the execution of duties, the forfeiture of property unlawfully acquired by a person in public life, and for the making of regulations which would be subject to a negative resolution of the House of Assembly.

20) The full details of the draft Act are contained in the Integrity in Public Life Act, 2021 attached as **Appendix III**.

## **Purpose**

21) The purpose of the Cabinet Paper is for Cabinet to review and approve the Integrity in Public Life Act (2021) and decide that the Bill be submitted to the House of Assembly for approval at its next convenient Sitting.

## **Cross-Ministry Consultation**

22) The paper was circulated for cross-ministry consultation. Members are to also note comments of the Director of Human Resources at **Appendix IV**.

**Permanent Secretary, Natural Resources, Labour and Immigration stated:**

23) The Ministry of Natural Resources, Labour and Immigration continues to give its support to the Integrity in Public Life Act which seeks to establish an Integrity Commission. The establishment of a Commission to look into and regulate the conduct of persons exercising public functions, to promote and strengthen measures for the prevention, detection and investigation of acts of corruption is an important aspect of good governance. We trust that with the comments from various sectors of the community, the legislation will be fine-tuned accordingly. It is important to promote the integrity of public officials and institutions.

**Acting Permanent Secretary, Ministry of Health and Social Development stated:**

24) The Ministry of Health and Social Development views this proposed legislation as a step in the right direction to further strengthen the good governance legislative framework in this Territory. Adding such an important layer to the documents used to guide the public service will help to strengthen the public's confidence in the services offered by the Government and in all public officials including those of Statutory Bodies. Transparency and accountability will not just be buzz words, but would rather be fully engrained in the foundation of the public service. This is certainly welcomed.

**Permanent Secretary, Transportation, Works and Utilities stated:**

25) The Ministry of Transportation, Works and Utilities concurs with the decision sought and trust that this matter is dealt with expeditiously. As the territory continues to contemplate the matter of self-determination, it is prudent that we put in place those measures that will assist us in determining our own economic, political and social development. This bill adds yet another critical piece of legislation to the territory's legal framework; it places us in a position to hold

ourselves accountable to each other with the hope that those still to come will find us faithful to the ideals we have set in place. That said, Cabinet may wish to consider adding to the bill the proviso that persons serving on the committee must sit out for a period not less than three years before being reappointed; this keeps the membership fresh. Also, it wasn't quite clear, to me, who nominates the chairman.

**Permanent Secretary, Education, Culture, Youth Affairs, Fisheries and Agriculture stated:**

26) The Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture supports the decision sought as the Territory continues to make strides in strengthening its good governance framework.

27) As Cabinet Papers are historical documents, it is important that the historical context of a matter of such significance be properly established in the Background Information. The Government's records will reflect that attempts were made since the early 1990s to introduce Integrity Legislation in the Territory. The significance of this milestone would therefore be better appreciated when highlighting the various steps taken in the past to get to the present. Most recently, the Integrity in Public Life legislation was among the good governance measures being championed by the Deputy Governor's Office and for which extensive research was conducted as part of the public service transformation programme.

28) I have noted that the National Bank of the Virgin Islands provided extensive feedback on the draft Bill, having done a comprehensive overview of the Act. There is no indication whether this or other feedback was considered in advancing this version of the draft Bill.

29) As one considers the current economic climate, there is a need for a comprehensive approach to be taken with respect to providing staffing to support the good governance institutions in the Territory. An approach similar to the Cayman Islands where there is a central Secretariat to support the various

good governance offices is required. It is not sustainable to try to provide separate support staff for each of these agencies (Registrar of Interests, Complaints Commissioner, Contractor General, Integrity Commission, Human Rights Commission - when established).

30) The limited time provided for review of this Paper and Bill did not allow for sufficient time to thoroughly review the provisions of the legislation. I am not sure whether it is included under one of the current parts, but when compared to similar legislations in the region, there appears to be one glaring omission, that of the Part of the Act that addresses Financial Disclosure.

31) On an administrative note, removal of the word, "to" in a, c, d, and e in Section 5 will ensure a proper flow with the introductory clause.

**Permanent Secretary, Deputy Governor's Office stated:**

32) The subject of Integrity in Public Life was advanced as part of the Good Governance Transformation agenda led by the Office of the Deputy Governor in response to the Governor's constitutional responsibilities, as outlined in Section 60 (1) of the Virgin Islands Constitution Order, 2007. This section indicates the Governor's responsibilities for the terms and conditions for service of persons holding or acting in public offices, without prejudice to Section 92.

33) The timeline presented below provides a chronology of the advancement of the Bill to date.

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<b>Date</b>	<b>Action</b>
18th October, 2019	Integrity in Public Life Policy was uploaded to ExcoTrack on 18th October, 2019
7th November, 2019	Integrity in Public Life Policy was approved by Cabinet in Memo No. 378 of 2019

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28th November, 2019	Office of the Deputy Governor instructed the Attorney General's Chambers, based on Cabinet's instructions in Memo No. 378 of 2019, to draft the legislation
15th June, 2020	Draft Legislation was received
2nd July, 2020	Memo sent to Attorney General's Chambers requesting that the draft is amended to be more in line with the approved policy
31st July, 2020	Revised Bill was received from the Attorney General's Chambers
18th September, 2020	Meeting was held with stakeholders to discuss the revised bill. It was agreed that two pieces of legislation will be drafted. The Register of Interests Act will be amended to include stronger accountability sanctions and extend its reach to all public officers and the draft Integrity in Public Life Bill will be further amended to incorporate a monitoring component through the establishment of and Integrity Commission
4th November, 2020	The amendment to the Bills were received
6th November, 2020	The draft bills were shared with stakeholders for comments (Permanent Secretary, Premier's Office, Director of Public Prosecutions, Director of Human Resources and Registrar of Interests)
24th November, 2020	Registrar of Interests requested a meeting to discuss her proposed amendments
1st December, 2020	<p>Meeting with the Registrar was held and the following decisions were agreed upon:</p> <ul style="list-style-type: none"> <li>• Repeal the Register of Interests Act with a new act that enables the Registrar of Interests to have enforcement powers</li> <li>• Amend the draft Integrity in Public Life Bill to allow the Integrity Commission to serve as an advisory body to the Registrar of Interests while the Registrar will serve as the decision making body.</li> </ul> <p>Note: A revised Role Profile for the Register of Interest was drafted and is presently with the Director of Human Resources.</p>

3rd December, 2020	An official memo was sent to the Attorney General's Chambers outlining the decisions agreed to above.
18th December, 2020	Cabinet Memo No. 505 of 2020 rescinded the decision taken in Cabinet Memo No. 378/2019 at the meeting of 9th November, 2019, where the Deputy Governor was deemed to be given the sole lead on this matter. Cabinet decided that the Deputy Governor and the Premier's Office will work in collaboration on this matter with the Premier's Office as the lead seeing that the scope is wider than Public Officers
22nd March, 2021	His Excellency the Governor wrote to the Attorney General to share his comments on the Bill presented by the Premier
31st March, 2021	The Attorney General responded to the Governor's letter by memo

34) On Thursday, 1st March, 2021 we received notification via ExcoTrack to provide comments on the Bill entitled, Integrity in Public Life. Our comments on this version of the Bill are outlined below. Also attached, as Table 1 is stakeholder feedback and an indication as to whether the points were addressed or not addressed.

1. The principle underlying the draft Bill is good and can represent a critical advancement in our good governance transformation agenda.
2. It is recommended that the content of the Bill be thoroughly reviewed and then discussed between the Governor and Premier before further advancement. This is important because of the Governor's responsibility for terms and conditions of Public Officers as laid out in section 60 of the Virgin Islands Constitution Order, 2007.
3. The independence of the Commission can be challenged if it is answerable to a Minister. It is recommended that the Commission's independence be aligned with best practice in fellow Territories, including the Turks and Caicos Islands and Cayman Islands;



4. The Bill needs to cover all persons in public life regardless of rank including Police, Fire Her Majesty's Customs and Immigration Officers.
5. Declared persons for political parties cannot be considered someone in public life as is listed in the schedule.
6. We wish to explore the possibility of the Bill speaking to accountable actions of members of the public who also knowing the law, willfully attempt to bribe and conduct acts of favour involving public officers.]
7. To ensure appropriate independence, the Secretary should also be appointed/hired and not be a public officer.
8. The Bill cannot be presented in its current form unless the Register of Interests Act is amended to allow the declarations of interests to be seen by the Integrity Commission and overall spell out how the Commission will interact with the Registrar. The Registrar of Interests Act will also need to be amended to allow for the expansion of other persons in public life. The Register of Interests Act might also need to be repealed to enable the Registrar to have enforcement powers, through sanctions, to ensure persons in public life comply with their declaration requirements. Section 34(1) should be amended to reflect the powers of a Commission of Inquiry to require production of information by the Integrity Commission.
9. The Bill attempts to cover persons in statutory bodies. While this intent is supported, some of the agencies are corporations and their specific legislation will have to be amended to allow for their actions to be monitored by the Commission.
10. Part V that speaks to corruption should have the offenses spelt out. If not in this Bill, then the Criminal Code will need to be augmented as this Bill is being advanced. The Section of Corruption needs to be cross-referenced with

Criminal Code 1994, as amended. The sections which deal with bribery, breach of trust by public officers and officials

11. Referral of Matters should not be given to Cabinet as there should be no appearance of the potential of influence over any matter. If the matter is criminal, it should be sent to the Director of Public Prosecutions only, or a report maintained by the Commission.
12. Section 18 (a) is vague regarding the Commission's options of accountability and needs to be tightened.
13. Part V, Section 27 needs further clarity to indicate when the Commission will interact with the work of other Bodies such as the PSC JLSC, etc.
14. Part VII, Section 33 needs to be checked against the criminal statute of limitations on criminal offenses. Therefore the prescription period for prosecutions should be aligned with wider criminal law
15. Corruption needs to be specifically defined in the interpretation section and must coincide with the Criminal Code Amendment No. 8 of 2006
16. The powers of investigation needs to be clearly defined to ensure that the proposed commission cannot investigate or interfere with any criminal investigation or prosecution being carried out by the DPP in accordance with his/her constitutional responsibilities
17. What makes a fit and proper investigation? The Bill does not define this
18. There is a strong policy case for declarations of interests by Ministers and Members of the House of Assembly to be made public in line with best practice in order jurisdictions, including the UK. The provision also needs to be amended to take account of the Commission of Inquiry Act and the recent Register of Interests legislative amendment.

19. The application of the Act to Heads of Diplomatic Missions, with the consequent requirement of declarations of interests, would be incompatible with the provisions of the Vienna Convention on Diplomatic Relations and therefore cannot be covered by this Bill.

20. The proposed application of the legislation to the Governor is inappropriate. The Governor is a UK public servant and is subject to, and answerable to, the UK Civil Service Code and Diplomatic Service Regulations. This should also be contrast with the Governor's role and responsibility in the Territory as laid out in the Constitution.

35) In addition to the points raised above regarding suggested changes to the Integrity in Public Life Bill, please find below proposed amendments to the to the Register of Interests Bill, which must be addressed before the Integrity in Public Life Bill is finalised.

1. Replace the select committee with the Integrity Commission

2. Under Schedule 4 of the Registrar of Interests Act, the section regarding members of boards should be made clear to include employees of Statutory agencies, commissions, etc.

3. Declarations should be made when officers are employed and annually at a fixed date, preferably January; therefore any reference to 30 days should be removed from the legislation

4. Under Schedule 1(12), the information referenced in the note should be removed

5. Sections 8, 9, 10, 11 and 14 should be removed

6. The Director of Human Resources' comments dated 12th November, 2020, that were shared with the Attorney General's Chambers should be considered

when amending the legislation. Those comments are attached as Appendix IV.

## **Financial Implications**

36) The Bill represents the Territory's commitment to strengthening governance, which remains important for having a stable economy. When passed, the Bill will also strengthen the prevention and detection of corrupt acts by persons in public life in the Territory. The legislation is in keeping with actions being taken with responsible governments world over. Public integrity (including corruption perception) is one of the indicators against which a country is assessed by various monetary policy institutions and bodies. For example, economists point to a direct correlation between a CPI rating and long-term economic growth; lenders may also consider this when assessing their risk of extending credit facilities to governments.

37) The paper noted that there are "No budgetary implications associated with the decision sought." However, the Bill requires the establishment of the Commission as a statutory body which will not be revenue-generating in nature. The Commission will therefore have the usual budgetary requirements associated with staffing, rental of office space, and other operating costs. The Bill did not speak to whether the Board is a non-paying or a paying Board in the form of a stipend. If the latter is conclusive, clause(s) relating to remuneration of the Commissioners are to be inserted into the Bill.

38) It is advisable that the establishment of this and future offices should be supported by a policy document in advance of the legislation being drafted. Such a document would indicate basic resources required for the proper operation of the entity.

39) If the Bill is assented to and comes into force before the end of the 2021 calendar year, a Schedule of Additional Provision would have to be sought and the source of funding be identified from prioritisation of existing projects or programmes or from savings.

## **Legal Implications**

40) The Cabinet paper has been reviewed and, in principle, the Decision Sought is in order for a favourable consideration by members, save that it is recommended that the Decision Sought be amended to direct that the Attorney General's Chambers have a final opportunity to specifically review the Bill herein before same is advanced to the House of Assembly to ensure its adherence to the other laws of the Virgin Islands.

41) And I So Advise.

## **Budget**

42) No budgetary implications associated with the decision sought.

## **Communication Strategy**

43) Premier will make an official statement regarding Cabinet's decision.

## **Conclusion**

44) Members are invited to concur with the decision sought.

## **Decision Sought**

Cabinet is invited to:

- a. review and approve the Bill entitled, Integrity in Public Life Act, 2021 (the “Bill”) (**attached at Appendix III**), which seeks to establish an Integrity Commission which would assist in achieving the Government’s objectives to promote good governance, to enhance ethical conduct of public officials, and to strengthen the prevention and detection of corrupt acts by persons in public life;
- b. decide that the Premier's Office instruct the Attorney General's Chambers to review the Bill to ensure its adherence to the other laws of the Virgin Islands before being submitted to the House of Assembly for approval at its next convenient Sitting; and
- c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

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*Recipients: Financial Secretary, MOF; Permanent Secretary, ODG; Permanent Secretary, MECAFSYA; Permanent Secretary, MNRLI; Attorney General, AGC; Permanent Secretary, MTWU; Deputy Secretary, MHSD;*

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Hon. Andrew A. Fahie  
Premier  
07 April 2021

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
PREMIER'S CONFERENCE ROOM, RALPH T. O'NEAL ADMINISTRATION  
BUILDING  
12th February, 2020

TO: The Premier

CC: Financial Secretary  
Permanent Secretary, Premier's Office

DATE: 19th February, 2020

Paper No.	<u>Memo No. 55/2020 (/papers/56)</u>
Date Arrived in the Cabinet Office:	<u>12th February, 2020</u>
Date Approved by the Cabinet Steering Group:	<u>LATE</u>
Date Sent to Cabinet:	<u>12th February, 2020</u>
Cabinet Confirmation Date:	<u>19th February, 2020</u>
Cabinet Extract:	

Update - A New Era of Accountability and Prosperity for BVI  
Memo No. 55/2020

Cabinet:

- a. noted the update on the progress made to ensure that Good Governance in the conduct of public affairs over the past eleven (11) months since the new Government Administration has taken office detailed in the statement attached as **Appendix I**;

b. noted that the following legislation will come to Cabinet in due course in 2020:

- i. Public Service Management;
- ii. Integrity in Public Life;
- iii. Whistleblower;
- iv. Contractor General;
- v. Code of Ethics;
- vi. Procurement; and
- vii. Asset Seizure and Forfeiture.

c. noted that work continues on the following projects:

- i. the construction of the Halls of Justice; and
- ii. upgrades to the Territory's Courts and Police Stations.

Ms. Sandra Ward  
21st February, 2020



# House Of Assembly Statement By Honourable Andrew A. Fahie - New Era of Accountability and Prosperity through Good Governance

## Statement

Premier's Office  
Ministry of Finance  
Constitutionally Established Departments  
House of Assembly  
Topics: House of Assembly (/tags/house-assembly)  
Release Date:  
Tuesday, 25 February 2020 - 3:22pm



Mister Speaker, I will now give a statement on the new era of accountability and prosperity through good governance.

Today, 25<sup>th</sup> February is the date one year ago, that voters of this Territory showed up in numbers to the polls, across districts to elect their new Government.

The voters, with the stroke of a pen, signaled to the world that the Virgin Islands Party Government is the best party for restoring hope and prosperity in this Territory.

The voters with the stroke of a pen said yes to a new beginning.

The voters with the stroke of a pen said no to bad practices and yes to accountability and prosperity.

Mister Speaker, I wish to take a brief moment at this time to update you on the progress that we have been making to ensure that Good Governance is at the heart of the conduct of public

affairs in our Territory- the British Virgin Islands.

During my previous tenure in Her Majesty's Loyal Opposition, and in my present role as your Premier, I have always maintained the position that if we do not police ourselves then someone will police us in a manner that we will all regret.

I have always advocated that we have to build institutions so that the reputation of each Public Officer, elected or otherwise, are above reproach.

My credo, and that of your Government, is that Good Governance is not something that should be prompted upon us by anyone, but rather it must be in our way of life. Our resolve in this regard remains intact.

During the tenure of the previous Administration, which you the people brought to an end on 25 February, 2019, with the exercise of your vote in our democratic General Elections, there were a lot of questionable activities in the conduct of certain aspects of Government business.

The \$7.2 million BVI/BV Airways deal, over expenditures of more than \$40M at the Cyril B Romney Tortola Pier Park project; the \$1.6 million expenditure on a section of the Elmore Stouff High School perimeter wall project; and the redirection of \$8 million in funds taken away from the East End/Long Look sewer project leaving the people in the East walking in sewerage to date, are only some of the contentious issues of that period.

Mister Speaker Sir, please note that it is not my intention to dwell on those matters at this time, but I mention them merely for context.

The electors of the Virgin Islands demonstrated that they hold morality and good Governance in public affairs in high importance. Unlike what obtained in other jurisdictions where poor Governance was practiced, Virgin Islanders used their votes to signal a rejection of bad Governance practices and changed their Government.

Virgin Islanders ensured that, insofar as they had the power to do, some key individuals who were at the centre of those contentious matters were removed from holding Public Office.

This speaks volumes for the Moral Standards of the electors of the Virgin Islands and their support for Good Governance.

The activities of the past Administration—the Administration that was rejected by the electorate on 25 February, 2019—led to the imposition of bureaucratic mechanisms on our BVI systems and procedures by the UK Government, such as the *Protocols for Effective Financial Management* in 2012 – which the former Administration did not adhere to.

Your present Government views these measures as beneficial to Good Governance in the Territory. We would have preferred, however, not to have had these measures imposed upon us as a consequence of the conduct of our predecessors, but rather based on initiative by the then BVI Government. Indeed, the proverb is true that if we do not police ourselves then someone else will police us. That is not the aspiration of your new Government.

This is why your present Government did not have to be prompted into prioritising measures that would strengthen Governance in the Territory. Important Good Governance provisions were placed into the 2020 Legislative Agenda and the 2020 Budget Address by your Government. The Speech from the Throne, as you know is written by the Premier's Office with the input of the Ministers and their respective teams, and it is delivered by Her Majesty's Representative, His Excellency the Governor, in the House of Assembly.

The Speech from the Throne that was read in the House of Assembly on 14 November, 2019, include the policies, legislation and the agenda of your Government. Therefore, the commitment in the Speech from the Throne that legislation such as the Public Service Management Bill, Integrity in Public Life legislation and Whistleblower legislation are on the 2020 Legislative Agenda, is the commitment and initiative of your Government.

The commitment publicly expressed in the 2020 Budget Address, which I delivered in the House of Assembly on 19 November, 2020, that public procurement will be strengthened by the introduction of the Contractor General legislation, is the initiative of your Government.

These were policies that your present Government campaigned on in the run-up to the 2019 General Elections. They featured prominently in our campaign advertisements. They are therefore embedded in our social contract with the BVI population.

The inclusion of projects such as the construction of the Halls of Justice and upgrades to our courts and police stations in the Revised Recovery to Development Plan, is the doing of your Government to strengthen the infrastructure and institutions that support Good Governance.

You elected your Government on the promise that we would conduct our affairs and your business on the basis of transparency, accountability, Good Governance and best practices, and that we would put the systems in place to ensure this.

That is why your new Government has issued these commitments in black and white and in documents such as the Speech from the Throne, the Budget Address and the Revised Recovery to Development Plan, which are public.

We have done this so that you, the public, can hold us accountable for the trust you have placed in us.

It is said that a journey of a thousand miles begins with a single footstep.

It is clear that over the last 11 months, your Government has taken many strides in the journey of bolstering our Good Governance framework – far more than our predecessors made in the eight years they were in office.

As I speak, your Government continues moving forward on this agenda.

Immediately, we will be moving to put in place, in short order, the Code of Ethics for Ministers, all elected officials, Public Officers and all Statutory Bodies. The new procurement legislation and asset seizure legislation will also to be brought into force and this will cultivate a new era of transparency which, might I add, would include spouses and extended family members of public officials.

In terms of our finances, when we took office, we found that the audited financial statements were not up-to-date.

Not having audited financial statements in place is a violation of the Virgin Islands Constitution. The last time an audited financial statement was done was in 2016.

I am pleased to say that the 2017 audited financial statement is in the process of being completed and the 2018 audited financial statement will follow immediately thereafter.

Your Government has set the National Vision to Transform the Virgin Islands into a leading regional economy by 2025 through innovation, entrepreneurship and local and foreign investment. This is how we will deliver our pledge to create opportunities and build our economy. This was a promise made; a promise that is being kept and a promise that will continue to be delivered.

Good Governance is essential for having a level playing field for our people and for providing confidence to investors that they are investing in the correct business environment. Your Government recognises this.

Local and foreign investments are welcome here and no one needs ever to worry about any unofficial prescription to anyone, be it Government officials, public officers or Statutory Bodies. Their investment is for the betterment of the Territory and the people, and this we consider to be a solemn Partnership.

This is our message to the world!

Our own Bishop John Ivan Cline has shared a profound thought, which is that the BVI has survived poverty but we must also survive prosperity.

With prosperity comes the need for us to police ourselves through policies, procedures, regulations and laws that will ensure the highest standard of conduct at all times.

The BVI suffered setbacks in the aftermath of the 2017 natural disasters but we are on the move to once again being prosperous. As your Government, we are moving forward with putting systems of accountability in place to ensure that we not only survive in our prosperity but thrive in it.

With these systems in place, the public purse will be more securely protected. Taxpayers will get greater value for money. Citizens will be treated more fairly. Persons will be able to enjoy a life in the BVI where they would not be unfairly subject to their reputations being tarnished or their character assassinated, while they are innocent.

Good Governance and transparency will be underlying threads running through the mechanisms in all dealings of Government officials and public officers inclusive of Statutory Bodies.

This will ensure that what is due to Virgin Islanders cannot be snatched away because our accountability systems will stand any test.

This is what your Government promised the people, and this is what we are working feverishly to deliver now.

May God continue to bless and protect our Virgin Islands and its people as we usher in a new era of accountability and prosperity for all through good governance.

I thank you.



([https://bvi.gov.vg/sites/default/files/field/image/1\\_-\\_honourable\\_andrew\\_a\\_fahie\\_-\\_premier\\_and\\_minister\\_of\\_finance\\_](https://bvi.gov.vg/sites/default/files/field/image/1_-_honourable_andrew_a_fahie_-_premier_and_minister_of_finance_)

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# Establishment of a Working Group - Ministerial Code of Conduct

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Signed

· 16 March 2020 · PO · File: C6/045 · Mrs. Elvia Smith-Maduro  
· Memo No. 111/2020

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## Background Information

1) A Ministerial Code is a document that sets out guidelines and standards for Government Ministers. It is expected that Ministers would conduct themselves according to the highest standards of constitutional and personal conduct in the performance of their duties. Codes of Conduct for Ministers are among a range of initiatives designed to uphold transparency and standards of ministerial accountability and to preserve public trust in the institutions of Cabinet Government. Therefore, Codes of Conduct reflect a worldwide trend on the part of citizens to demand greater accountability and transparency from their Governments.

2) In addition, a Ministerial Code of Conduct remedial actions can be applied. The ideal standard of compliance is evidence of the Code being applied. Implementation and enactment of the Code in the Virgin Islands would be a clear signal that the Government is committed to upholding the highest standards of governance.

3) A draft Ministerial Code of Conduct for the Virgin Islands was developed and presented to the Cabinet on 26th September, 2018 for consideration. Extensive work was carried out by the former Permanent Secretary in the Deputy Governor's Office. That draft Code included an assessment of a number of Ministerial Codes, including the Cayman Islands, New Zealand, Australia and the Turks and Caicos Islands. Input was also included from the Director of Human Resources and Chris Cooper of the UK's National School of Government Institute,

who had been supporting the Public Sector Transformation Programme. However, that paper was withdrawn. At the said meeting, the Cabinet agreed that the Attorney General and the Cabinet Secretary consider other Codes governing ministerial conduct and present to Cabinet a draft Ministerial Code of Conduct for the Virgin Islands for Cabinet's consideration and approval. They reviewed various Ministerial Codes including that of the United Kingdom and other Overseas Territories. The Attorney General and the Cabinet Secretary settled on a review of the United Kingdom's Ministerial Code and modified the same to bring it into conformity with the Virgin Islands.

4) The UK's Ministerial Code of Conduct was reviewed section by section and modified in keeping with examples from other Commonwealth Countries and Territories as outlined above and the Virgin Islands Constitution, Public Service Code and other relevant legislation. The amendments have been incorporated into a draft document for review by Ministers and subsequent finalisation as **Appendix A.**

5) On 20th February, 2019, prior to the 2019 General Elections, the draft Ministerial Code of Conduct was presented for Cabinet's consideration. It was agreed, in principle, by the former Administration, however, in light of the change in the Government, following the 2019 General Elections, there is now a need for a further review of the draft Ministerial Code document. It is therefore being recommended by the current Administration that a working group committee be established to review the draft Ministerial Code of Conduct and bring recommendations for the final document for Cabinet's consideration. This is one of many measures that this current Government Administration is putting in place to make good on their promises to ensure good governance, transparency and accountability is the norm and not the exception. The composition of the working group is recommended as follows:

i. Mr. Ronnie Skelton - Chairman

- ii. Mrs. Irene Penn-O'Neal
- iii. Mrs. Dancia Penn-Sallah
- iv. Mr. Lloyd Black
- v. Hon. Carvin Malone
- vi. Hon. Mark Vanterpool
- vii. Hon. Ralph Gonsalves
- viii. Mr. Rueben Meade
- ix. Mrs. Josephine Callwood
- x. Mrs. Arliene T. Penn - Recording Secretary

6) Mr. Ronnie Skelton is a past member of the House of Assembly. He also served as Health and Social Welfare and Minister of Finance from 2003 to 2007 and then as Minister of Health and Social Development from 2011 to 2019. He is also the Managing Director of the Skelton Group of Companies. Mr. Skelton has given his verbal and written consent via email to serve as Chairman of the recommended Working Group for the Ministerial Code of Conduct. A copy of his email response is attached as **Appendix B**.

7) Mrs. Irene Penn-O'Neal is a past member of the House of Assembly. She served as Territorial At Large Representative from 2007 to 2011. She is also owns and manages her own restaurant on the south-western end of Tortola. Mrs. Penn-O'Neal has given verbal consent to serve as a member of the working group.

8) Mrs. Dancia Penn-Sallah is a lawyer by profession and owns her own law firm Dancia Penn & Co. She is also a past member of the House of Assembly serving as the Eighth District Representative from 2007 to 2011. She has given verbal consent to serve as a member of the working group.

9) Mr. Lloyd Black is a past member of the Legislative Council, now House of Assembly. He served as the Eighth District Representative from 1999 to 2007 and Minister of Education from 2003 to 2007. He is a licensed commercial pilot and is currently working as a consultant for the the past eleven (11) years. He also has over a decade work experience in the banking sector. Mr. Black has given verbal and written consent to serve as a member of the Working Group. A copy of his written email response is attached as **Appendix C**.

10) Hon. Carvin Malone is a current member of the House of Assembly. Hon. Malone is currently serving as the Deputy Premier and Minister of Health and Social Development. He is also the CEO of Caribbean Basin Enterprise (BVI) Ltd. and helps to manage a number of family owned businesses. Hon. Malone has given verbal consent to serve as a member of the Working Group.

11) Hon. Mark Vanterpool is currently serving as the Representative for the Fourth Electoral District. He is also the owner of One Mart Supermarket. Hon. Vanterpool has given verbal and written consent to serve as a member of the working group. A copy of his email response is attached as **Appendix D**.

12) Hon. Ralph Gonsalves a lawyer by profession and is currently the Prime Minister of St. Vincent and the Grenadines. He practiced law in the BVI for a number of years in the 1980s before he returned to his home country, St. Vincent and the Grenadines, where he entered the political arena. He completed his PhD in Government in 1974 from the University of Manchester and has also holds a Masters of Science in Government and Bachelors of Science in Economics. Hon. Gonsalves has also given verbal consent to be a part of the working group.



13) Mr. Rueben Meade is a past Premier of Montserrat served as Premier of Montserrat from 2010 to 2014. He served as the island Chief Minister between 1996 and 1999 and then again from 1999 to 2009. He became the island's first Premier in 2010. Mr. Meade has given verbal consent to be a member of the working group.

14) Mrs. Josephine Callwood is a past public officer who served in the capacity of Permanent Secretary in the Ministries of Health and Social Welfare, Natural Resources and Labour and the Ministry of Education and Culture. She served as an adjunct lecturer at the HLSCC and is currently an English instructor in the Alternative Secondary Education Programme. Mrs. Callwood has given verbal and written consent to be a member of the working group. A copy of Mrs. Callwood email response is attached as **Appendix E**.

## **Purpose**

15) To establish a working group to review the draft Ministerial Code of Conduct and make final recommendations for its improvement.

## **Cross-Ministry Consultation**

16) No cross ministry consultation required regarding the decision sought.

## **Financial Implications**

17) Upon careful review of the Decision Sought section of the paper, it would appear that no adverse implications will arise were Cabinet to act on the decisions as requested.

## **Legal Implications**

18) There appears to be no adverse legal implications for the Government if the Cabinet were minded to take the decisions sought in the Cabinet Paper

## **Communication Strategy**

19) Normal Cabinet process.

## **Conclusion**

20) Cabinet is invited to consider and concur with the decision sought.

## **Decision Sought**

Cabinet is invited to decide:

- a. that a Ministerial Code of Conduct Working Group be established to review the draft Ministerial Code of Conduct with a view to making recommendations for amendments before it is presented to the Cabinet for approval;
- b. that the composition of the Ministerial Code of Conduct Working Group be as follows:
  - i. Mr. Ronnie Skelton - Chairman
  - ii. Mrs. Irene Penn-O'Neal
  - iii. Mrs. Dancia Penn-Sallah
  - iv. Mr. Lloyd Black
  - v. Hon. Carvin Malone
  - vi. Hon. Mark Vanterpool

vii. Hon. Ralph Gonsalves

viii. Mr. Rueben Meade

ix. Mrs. Josephine Callwood

x. Mrs. Arliene T. Penn - Recording Secretary; and

c. that the Committee submit their report to the Premier within three (3) months for onward submission to the Cabinet for further consideration; and

d. that an expedited extract be issued so that the decision of the Cabinet can be acted upon before the confirmation of the Minutes.

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*Recipients: Financial Secretary, MOF; Attorney General, AGC;*

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Hon. Andrew A. Fahie  
Premier  
09 April 2020

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# BVI Ports Closed Among Measures To Protect Against COVID-19

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## Press Release

Premier's Office

Topics: Coordination of Government Policy (/tags/coordination-government-policy), Novel Coronavirus (/tags/novel-coronavirus), Public Health (/tags/public-health)

Release Date:

Sunday, 22 March 2020 - 4:49pm



After the Special Meeting of the Cabinet of the Virgin Islands today, the Premier of the Virgin Islands, Honourable Andrew Fahie has officially announced the following:

- a. That effective Sunday, 22 March, 2020 at 11:59 p.m., for a period of fourteen (14) days, in the first instance, all airports and seaports in the Territory of the Virgin Islands be closed to inbound passengers (whether nationals or non-nationals) until Monday, 6 April, 2020 at 11:59 p.m., except as pre-authorized. (The restriction does not apply to freight, cargo or courier craft or vessels. International crew members on incoming vessels will be required to remain within the port facility and comply with all Public Health measures in effect);
- b. that the Minister responsible for Health issue an Order, in accordance with the Public Health Ordinance (Cap. 194), to prohibit all non-essential gatherings of 20 persons or more with effect from Monday, 23 March, 2020 until Friday, 17 April, 2020, in the first instance;
- c. that all businesses and services, and all recreational facilities be ordered to close by 8:00 p.m. and remain closed until 6:00 a.m. daily with effect from Sunday, 22 March, 2020 at 11:59 p.m. until Friday, 17 April, 2020, in accordance section 15 of the Public Health Ordinance (Cap. 194), in the first instance;

These measures are being taken to avert the introduction and active transmission of COVID-19 in the British Virgin Islands, thereby safeguarding the health and wellbeing of all residents and visitors. For more information on COVID-19, visit [www.bvi.gov.vg/covid-19](http://www.bvi.gov.vg/covid-19) (<http://www.bvi.gov.vg/covid-19>).



([https://bvi.gov.vg/sites/default/files/field/image/government\\_of\\_the\\_virgin\\_islands\\_logo\\_3.jpg](https://bvi.gov.vg/sites/default/files/field/image/government_of_the_virgin_islands_logo_3.jpg))

## Author

Adrianna J. Soverall

Ag. Public Health Communications Specialist  
Ministry of Health and Social Development

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# Airports In The BVI Closed To Incoming Traffic

## Press Release

BVI Airports Authority

Topics: Airports (/tags/airports), Novel Coronavirus (/tags/novel-coronavirus)

Release Date:

Sunday, 22 March 2020 - 8:13pm



The BVI Airports Authority wishes to advise the travelling public that in accordance with the instructions of the Government of the Virgin Islands, all airports in the territory will be closed to incoming traffic effective March 22, 2020 at 11:59 pm.

Acting Managing Director, Mr. Clive Smith said “the closure to incoming traffic will be for a period of 14 days in the first instance and will allow passengers to depart the territory between the hours of 7:00 am and 7:00 pm until April 6, 2020. He also advised that “cargo and medical evacuation flights will be allowed to operate during this period.”

Passengers with confirmed tickets or those wishing to depart the territory during this period are asked to contact their respective airlines IMMEDIATELY for information regarding their travel.

Mr. Smith reminds the travelling public that “these measures are put in place to help prevent the introduction and/or spread of the novel coronavirus, Covid-19 in our beloved BVI”.



([https://bvi.gov.vg/sites/default/files/field/image/bvi\\_airport\\_authority\\_logo.jpg](https://bvi.gov.vg/sites/default/files/field/image/bvi_airport_authority_logo.jpg))

Author

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# BVI Government Declares Action Plan To Fight COVID-19 Pandemic

## Press Release

Ministry of Health & Social Development

Topics: [Health and Safety](#), [Novel Coronavirus](#)

Release Date:

Wednesday, 1 April 2020 - 10:18am



Minister for Health and Social Development Honourable Carvin Malone has declared the National Action Plan Against the COVID-19 Pandemic.

Honourable Malone made the announcement on March 31 as part of Cabinet Decisions. He said the Territory was at Level 'Operation Action: Stamp it Out Red Alert' of the plan since the first positive laboratory case was confirmed.

At this level, the main objective is to rapidly contain the spread and prevent transmission of COVID-19 within the community, especially to vulnerable groups.

Honourable Malone said activities during this level will focus on increasing surveillance and reporting from sentinel site; preparing and supporting health system needs; managing initial cases; identifying and characterising the nature of the disease within the BVI context. This phase will also provide information to support best practice healthcare, empower the community and responders to manage their own risk of exposure and support effective governance.

Referencing the need for an extended curfew, the Minister for Health explained that the Epidemiology Unit modeled the possible epidemic size and impact of COVID-19 on the Territory when limited measures are put in place.

He said, “If left unchecked, it was estimated that in 12 to 15 days, 10.5 percent to 12 percent of the population would be affected with COVID-19. This equates to 3,750 persons. If left unchecked, calculations showed that in 90 days, 89.8 percent of the population would be infected.”

Honourable Malone stated that in order to limit the active spread of COVID-19, public health prevention and control measures like social distancing, epidemic lockdowns and quarantine management must be implemented early and to a substantial extent in order to be effective.

“Because of low numbers of confirmed COVID-19 cases, the BVI should operate on the assumption that there may be a substantial amount of transmission in the Territory that remains undetected. Underpinning the recommendations is the need to keep the number of infections across the Territory low while the Government ramps up the health system,” the Minister further added.

The British Virgin Islands’ epidemiological summary to date is as follows:

- 52 persons tested in total
- 49 tested negative
- 3 tested positive
- 143 persons self-quarantined due to risk factors.

The public is reminded that there is no known vaccine and no specific antiviral treatment against the virus. Persons should practice preventive actions every day to help reduce the risk of respiratory viruses by frequent hand-washing, cough and sneeze etiquette, avoiding contact with visibly sick people and staying home when feeling ill.

Persons who have recently travelled and show any symptoms such as a fever, cough and difficulty breathing should stay home and seek medical advice early by contacting the medical hotline at 852-7650.



## Author

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The image shows two identical IWF Reporting Portal logos side-by-side. Each logo features a globe icon and the text 'IWF Reporting Portal'. Below each logo is a red 'REPORT' button. Under the first button, it says 'child pornography content online completely anonymously'. Under the second button, it says 'child sexual abuse content online completely anonymously'.

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**IN THE MATTER OF THE TERRITORY OF THE VIRGIN ISLANDS COMMISSION OF INQUIRY 2021  
AND THE COMMISSION OF INQUIRY ACT (CAP 239) (THE 'ACT')**

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**FIRST AFFIDAVIT OF MS SANDRA WARD**

---

I, Ms Sandra Ward of Cabinet Office, Flemming Street, Road Town, Tortola, Cabinet Secretary **MAKE OATH** and **SAY** as follows:

**Introduction**

1. I am the Cabinet Secretary and Head of the Cabinet Office of the Virgin Islands. I have served in this capacity since January 2012 and I make this Affidavit from facts within my own knowledge which are true or are without my own direct knowledge but are true to the best of my knowledge, information and belief, the sources of which are identified.
2. I make this Affidavit to set out the procedure I carry out to prepare minutes of meetings of the Cabinet of the Virgin Islands (the '**Cabinet**'). In particular I will set out details of a period of time between approximately June to December 2020 for which there are not finalised minutes or final draft minutes for submission to the Cabinet, in relation to each, mostly Special Cabinet meetings held during that time.
3. At the outset, I should further say that in this Affidavit, where I mention a document, I do not waive any privilege asserted in respect of it unless I do so expressly.
4. I shall refer in this Affidavit to the exhibit marked 'SW-1, which is a paginated bundle of documents.
5. My role as Cabinet Secretary is set out in the Cabinet Handbook, a copy of which is exhibited as Exhibit 'SW-1'.

**Preparation of Cabinet Minutes generally**

6. As set out at paragraph 4.22 of the Cabinet Handbook, *'The outcomes of Cabinet deliberations are recorded as Cabinet Minutes by the Cabinet Secretary assisted by the Cabinet Recording Secretary. Cabinet Minutes are not operative until they are confirmed by the Cabinet and signed by the Cabinet Secretary and the Chairman of the Cabinet'*.
7. There has not been a Cabinet Recording Secretary since February 2012, despite efforts to fill that role. In these circumstances, I, as Cabinet Secretary am tasked with recording the outcomes of Cabinet deliberations during a meeting of Cabinet.
8. During meetings of Cabinet, from 2012 to 2019 I took notes via a laptop. However, since 2019 to present, I have taken abbreviated notes directly into the Excotrack platform to record the outcomes of Cabinet deliberations and decisions. The notes are typed as the Members of Cabinet are speaking and may contain mistakes. Following a particular meeting, I review my notes and turn them into draft minutes to be put before Cabinet for approval. I do not save my notes of a particular meeting separately to the draft minutes – put simply, my notes become the draft minutes.
9. Although I am aware that the Cabinet Handbook provides that Minutes should only record decisions and not discussions, the recent practice, and in particular from 2020, has developed of minuting a summary

of discussions as well.

10. At a meeting of Cabinet during the review of minutes process, I again take notes directly into those draft minutes I have prepared on Excotrack based on the Cabinet providing clarity and amendments, where necessary. The draft minutes, amended in that way, then become the final minutes and are subsequently confirmed. The draft minutes are not saved separately to the final minutes. This is in accordance with paragraph 4.24 of the Cabinet Handbook as follows *'Minutes recorded on the day of Cabinet meeting are considered draft minutes until confirmed at the next meeting and signed by the Cabinet Secretary and the Chairman of the Cabinet, at which point they become the Minutes of the meeting. Draft Cabinet Minutes are finalized as part of the agenda of the next meeting. Once draft Minutes are finalized, the Cabinet Secretary takes possession, destroys or causes the same to be destroyed.'* However, as I explain above, I do not destroy any drafts. The draft minutes, once finalized as part of the agenda of the next meeting, become the Cabinet Minutes.
11. Once the final minutes have been prepared and signed off, I then circulate those final minutes in accordance with the provisions in the Cabinet Handbook.
12. Where a decision forming part of Cabinet Minutes is to be actioned by a person other than a Minister, I am instructed by Cabinet to extract that particular decision and make it available to the person who must action that decision. If the extract contains an action that must be carried out upon confirmation of the minutes, it is known as a 'Regular Extract'. If the extract contains an action that must be carried out before the confirmation of the minutes, it is known as an 'Expedited Extract'.

#### **Preparation of Cabinet Minutes during June – December 2020**

13. During the period of June – December 2020, there were far more Cabinet meetings than usual due to the COVID-19 pandemic. In fact, during 2020, over 94 Cabinet meetings were held, some lasting for more than a day. 51 of those meetings were convened as special meetings on the COVID-19 pandemic, often under lockdown conditions. Special meetings are those authorised pursuant to section 48 of the Virgin Islands Constitution Order 2007. Most of the 94 Cabinet meetings were held virtually using Cisco Webex. Of these 94 meetings, 75 sets of minutes remain in rough draft – i.e. they are still in note form rather than being in draft minute form to go before Cabinet for finalisation. (25 of the 75 are related to COI requests.)
14. Due to the frequency and length of the Cabinet meetings and the limited resources of the Cabinet Office, there simply was not time to prepare draft minutes to be finalised for each and every one of those meetings.
15. Instead, I arranged for most of these Cabinet meetings to be recorded, using the recording function on Webex. I also, where possible, took rough notes of outcomes of Cabinet deliberations.
16. I am currently working through my notes of all the meetings to prepare the draft Minutes to be finalised by Cabinet. Where my notes are not complete on a particular agenda item, I consult the recording of a particular Cabinet meeting. As I have explained above, my notes would not ordinarily be preserved as notes, but would be turned into the draft minutes.
17. To assist me with the process of preparing the backlog of draft minutes, I have engaged a Court Reporter to transcribe those recordings of Cabinet meetings. We are currently working together to ascertain the length of each of these Cabinet meetings and therefore produce an estimate of the time it will take to prepare the transcripts. Once I receive those transcripts, I will be in a better position to prepare the draft minutes that I have not yet been able to create.

#### **Minutes provided to the Commission of Inquiry ('COI')**

18. Upon receipt of a letter ('Request') requesting minutes of a Cabinet meeting from the COI, I searched Excotrack using key words in the letter to obtain the Cabinet Minutes which related to the topic of the Request. In the Requests addressed to me I was asked to provide *"Cabinet minutes of the discussions*

and decision" relating to the subject matter of the Request. I understood that to be a reference to a limited minute of the particular discussion and decision at a meeting, referable to the issue or issues addressed in the Request. I did not understand it to be a Request for the Minutes of the entire meeting, including discussions and decisions on matters not covered by the Request.

19. Upon reviewing the particular minutes of a Cabinet meeting during which a topic of a Request was discussed as revealed by my search, I extracted the relevant minute items and produced a Memo of the relevant items from the Cabinet Minutes which was then provided to the COI. I also provided Cabinet papers and any appendices to the Memo which related to a topic of the Request.
20. I have now been informed that the COI wishes to see the full Cabinet Minutes of any Cabinet Meeting at which a topic the subject of a Request was discussed. I am currently arranging for these to be provided to the COI.

**Retention of drafts**

21. As I have explained above, I would not ordinarily 'keep' my notes taken during Cabinet Meetings, as these notes would become the draft minutes, which in turn become the Cabinet Minutes when finalised.
22. However, since I was informed by the Commissioner at the Hearing I attended on 4 May 2021 that the COI wishes me to keep my notes separate to any draft minutes prepared and for any draft minutes to be kept separately to the Cabinet Minutes (once finalised), I have done so. The notes that I am providing have not been amended or altered in any way.

Sworn by: Ms Sandra Ward )

On 28 May 2021 )

At Road Town, Tortola )



Ms Sandra Ward

Before me:



Notary/Commissioner of Oaths



**EXPEDITED EXTRACT**

**Ref:**

CO/C/070/2

**FROM:**

Cabinet Secretary

**TO:**

The Premier

**CC:**

Financial Secretary  
Permanent Secretary, Premier's Office

**DATE:**

9th April, 2020

**Establishment of a Working Group - Ministerial Code of Conduct**  
**[Memo No. 111/2020](#)**

Further to the decision made by the Cabinet at the Special meeting on 9th April, 2020, below is the amended decision taken by the Cabinet in respect of the captioned matter:

Cabinet decided:

- a. that a Ministerial Code of Conduct Working Group be established to review the draft Ministerial Code of Conduct with a view to making recommendations for amendments before it is presented to the Cabinet for approval;
- b. that the composition of the Ministerial Code of Conduct Working Group be as follows:
  - i. Mr. Ronnie Skelton - Chairman
  - ii. Mrs. Irene Penn-O'Neal
  - iii. Mrs. Dancia Penn-Sallah
  - iv. Mr. Lloyd Black
  - v. Hon. Carvin Malone
  - vi. Hon. Mark Vanterpool
  - vii. Hon. Ralph Gonsalves

- viii. Mr. Rueben Meade
  - ix. Mrs. Josephine Callwood
  - x. Mrs. Arliene T. Penn - Recording Secretary;
- c. that the Committee submit their report to the Premier within three (3) months for onward submission to the Cabinet for further consideration; and
  - d. that an expedited extract be issued so that the decision of the Cabinet can be acted upon before the confirmation of the Minutes.

Please be guided accordingly.

Ms. Sandra Ward  
9th April, 2020



# Statement By Premier Andrew A. Fahie : Ministerial Code: Important To Our Future Development

## Statement

Premier's Office

Topics: Community Development (/tags/community-development), Novel Coronavirus (/tags/novel-coronavirus)

Release Date:

Thursday, 16 April 2020 - 8:37pm

**STATEMENT BY PREMIER AND MINISTER OF FINANCE  
HONOURABLE ANDREW A. FAHIE  
DURING THE SEVENTH SITTING OF THE SECOND SESSION OF THE FOURTH HOUSE OF ASSEMBLY OF THE VIRGIN ISLANDS**

**April 16, 2020**

**MINISTERIAL CODE: IMPORTANT TO OUR FUTURE DEVELOPMENT**



Mr. Speaker, as we continue to grow as a Territory, we believe that a Ministerial Code would lend to our future path that would involve systems being in place in keeping with our commitment to self-determination.

Mr. Speaker, the Ministerial Code is an important accountability tool to ensure that when persons are elected to serve, and serve in ministerial office, we are all conducting ourselves in line with best ethical standards.

Additionally, a Ministerial Code is a document that sets out guidelines and standards for Government Ministers. It is expected that Ministers would conduct themselves according to the highest standards of constitutional and personal conduct in the performance of their duties in line with best practices.

Codes of Conduct for Ministers are among a range of initiatives designed to uphold transparency and standards of ministerial accountability and to preserve public trust in the institutions of Cabinet Government.

Therefore, Codes of Conduct reflect a worldwide trend on the part of citizens to demand greater accountability and transparency from their Governments.

I always say you cannot be private in the public, and the Ministerial Code is important to our democratic advancement.

Mr. Speaker, we believe that the passing and implementation of a Ministerial Code that is fully discussed would lend to our future development and even as we think about our constitutional review and advancement.

It is important that the Ministerial Code goes beyond just Ministers. It must also include how we all, as elected officials conduct ourselves because we all interact with the public service and serve in public office, and we interact with each other so we cannot be exempted.

We must ensure that everyone with an overarching and constitutional status becomes legally binding to the proper use of the Government's human and financial resources.

Once you interact with public officers, oversee public offices where there is public service delivery, we have to ensure proper and transparent engagement while in public office.

I am aware that the public service is currently working on its Public Service Management Act. I heard about this document while I served in the Opposition. Currently, public officers are still following the General Orders, and things have changed tremendously over the years.

So, we must therefore ensure that all the parts are moving together — a code for public officials working at the same time with the code for public officers— to ensure collective responsibility of all, hence the need for a code of conduct for elected and even constitutional representatives.

Mr. Speaker, with that backdrop I am pleased to inform you that Cabinet has approved the establishment of a committee to review, revise and furnish recommendations to allow for the completion of the Ministerial Code for approval by Cabinet to further strengthen our abilities to police ourselves.

On February 20, 2019, prior to the 2019 General Elections, the draft Ministerial Code of Conduct was presented for Cabinet's consideration. It was agreed, in principle, by the former Administration.

However, in light of the change in the Government, following the 2019 General Elections, there is now a need for a further review of the draft Ministerial Code document.

Mr. Speaker, your Government through the Cabinet, approved a working group committee to review the draft Ministerial Code of Conduct and bring recommendations for the final document for Cabinet's consideration.

This is one of many measures that this current Government Administration is putting in place to make good on our promises to ensure good governance, transparency, and accountability is the norm and not the exception.

The composition of the working group is as follows:

- i. Mr. Ronnie Skelton – Chairman (Former Minister for Health and Former Minister of Finance)
- ii. Mrs. Irene Penn-O'Neal (Former Member of the House of Assembly)
- iii. Mrs. Dancia Penn-Sallah (Former Minister for Health and Social Development and Attorney)
- iv. Mr. Lloyd Black (Former Minister for Education and Culture and Banker)
- v. Honourable Carvin Malone (Current Deputy Premier and Minister for Health and Social Development)
- vi. Honourable Mark Vanterpool (Former Minister for Communication and Works and Current Member of the House of Assembly)
- vii. Honourable Ralph Gonsalves (Current Prime Minister of St. Vincent and the Grenadines and a lawyer by profession)
- viii. Mr. Rueben Meade (past Premier of Montserrat)
- ix. Mrs. Josephine Callwood (Former Permanent Secretary)
- x. Mrs. Arlene T. Penn - Recording Secretary (Director of Communications)

This Committee will submit their report to the Premier within three months of activation for onward submission to the Cabinet for further consideration.

Mr. Speaker, implementation and enactment of the Code in the Virgin Islands would be a clear signal that the Government is committed to upholding the highest standards of good governance.


Thank you.



(https://bvi.gov.vg/sites/default/files/field/image/economic\_response\_plan\_to\_be\_implemented\_in\_a\_phased\_approach.jpeg)

**Attachment**

**Size**

 <a href="#">hoa_-_statement_from_premier_and_minister_of_finance_honourable_andrew_a_ministerial_code.pdf</a> (https://bvi.gov.vg/sites/default/files/hoa_-_statement_from_premier_and_minister_of_finance_honourable_andrew_a_ministerial_code.pdf)	315.64 KB
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## **MEMORANDUM**

**FROM:** Attorney General  
**TO:** Permanent Secretary, Deputy Governor's Office  
**DATE:** 8<sup>th</sup> April, 2020

**Re: Feedback on the Proceeds of Criminal Conduct Amendment Act to make provisions specifically for unexplained Wealth**

Reference is made to the subject at caption and your Memorandum requesting review of the initial draft Proceeds of Criminal Conduct (Amendment) Act, 2020 subject to comments from the Director of Public Prosecutions, Commissioner of Police and Court Manager.

Please be advised that our department has reviewed the recommendations by the various Departments and has sought to make the necessary amendments to the draft Proceeds of Criminal Conduct (Amendment) Act, 2020.

Accordingly, please find hereunder responses to comments raised by the various institutions highlighted in red.

**Compilation of Comments on the Proceeds of Criminal Conduct (Amendment) Act, 2020 from the Director of Public Prosecutions, Commissioner of Police and the Court Manager**

**Director of Public Prosecutions  
Office of the Director of Public Prosecutions**

### **ANALYSIS**

1. **Section 2, line 2** - Reference is made to the statement "*...The Proceeds of Criminal Conduct Act, 1997 is amended by inserting after section 39 the following new sections... [sic]*" The undersigned is unable to comprehend the basis upon which the proposed numbers: 38A through 38I: are being inserted **after** section 39. With no other point of reference to explain this peculiarity, it is suggested that such an insertion being done **before section 39** or **after sections 37 or 38**. **Agreed since this was an inadvertent error – Amendment made to reflect "is amended by inserting after section 38 the following new sections"**.
2. **Section 38A (1), lines 1-2** - Reference is made to the phrase "*...The High Court may, on an application made by an enforcement authority, make an unexplained wealth order in...[sic]*" It is submitted that the Office of the Director of Public Prosecutions [ODPP] should not be among the law enforcement entities to advance an application



for an unexplained wealth order. The only person who can advance such an application is the Director of Public Prosecutions on the behalf of Her Majesty's Customs, Royal Virgin Islands Police Force, and the Financial Investigation Agency. The ODPP will not delegate such responsibility any other entity. As it is legitimately proper to expect that the ODPP will be advancing such an application before the Court for the order to be made. To this end, it would be more appropriate for the section to read "*...The High Court may, on an application made by the Director of Public Prosecutions, make an unexplained wealth order in...*"

**Amended in section 38A. (1) and (2) (b) to provide for the Director of Public Prosecutions.**

**To also address this matter to clearly indicate that the DPP may act on behalf of other entities the following subsection has been included as subsection (7) in section 38A as follows**

**(7) For the purposes of this section and sections 38B-H where an application is made or any action is taken by the Director of Public Prosecutions, such application or action may be made on behalf of**

- (a) the Royal Virgin Islands Police Force;**
- (b) the Customs Department; or**
- (c) the Financial Investigation Agency.**

**Based on the recommendation of the DPP the following sections has also been amended to remove law enforcement authority/ enforcement authority to be replaced by DPP. (38D(2),(4),(5),(6),8(A) and 38I(3)(a).**

**The term enforcement authority has only been retained in section 38G(3) and (5) and law enforcement authority has been defined in section 38G(6)**

**Please indicate if this is acceptable as drafted (preferred response from DPP's Office).**

3. **Section 38A (2) (b), line 9** – Reference is made to the phrase "*...specifies the respondent as the person whom the law enforcement authority thinks holds the property... [sic]*" It is submitted that, notwithstanding the qualifications of section 38H, there may be a need to further broaden the connection of the respondent from 'holding' the property to having additional, discernible interest(s) in the property, in the conjunctive form. This may better align with the provisions of subsection 3 (b) regarding 'obtaining' the property.

**Section 38A(2) (b) has been amended to provide for "property obtained and property held."**

4. **Section 38B (2) (b), lines 4-6** – Reference is made to the phrase "*...whether the property was obtained by the respondent before or after the coming into force of this section...[sic]*" In other jurisdictions unexplained wealth is limited or determined by the alleged length of purported criminal or suspected criminal activity. The way the

section is written violates the principles of retroactivity. Criminal legislation or any legislation cannot work retroactively.

396B (1) (5) provides It does not matter if the

**UK Proceeds of Crime section 362B (5) (b) provides for..... Ireland Proceeds of Crime Act (Amendment) Act 2005 section 3(a) (1) is made in respect of property obtained years or decades before.**

**Is it the intention to capture property that would have only been obtained after the Act was brought into force. Most subjects would have at some point obtained property before the Act was brought into force.**

(a) whether or not that are other persons who also hold the property; or  
(b) whether the property was obtained by the respondent before or after the coming into force of this section.

5. **Section 38C (5), line 3** – Reference is made to the phrase “...requirements imposed by the order arc to be complied with... [sic]” It is submitted that the word “arc” ought to be ‘are.’ **Amendment made.**

6. **Section 38C (5), line 3** – Reference is made to the phrase “...A person is to be taken to have “effective control” over property if, from all the circumstances, it is reasonable to conclude that the person...[sic]” It is submitted that the period mark after the word “if” should be replaced by a comma. **Amendment made.**

Please see below other amendments that were proposed by the Financial Services Commission (FSC) on 19<sup>th</sup> May, 2020, who is also making amendments to the Act. There are other areas of the Act that require urgent amendment and it is respectfully, suggested that the Attorney General’s Chambers make contact with the FSC to ensure that one proper amendment is done to ensure that the suggested amendments submitted by all Competent Authorities and LEAs are incorporated.

**Please find attached amendments made and prepared by the FSC, to the Proceeds of Criminal Conduct Act (Proceeds of Criminal Conduct (Amendment) Act, 2021. It would appear that some of the concerns raised by the DPP in her correspondence of 18<sup>th</sup> May, 2020 has been addressed in the Amendments by the FSC.**

**Please note that the amendments will have be drafted as Proceeds of Criminal Conduct (Amendment) Act, 2021 (FSC draft since the proposed amendments must be submitted before the HOA in order to satisfy the FATF recommendations) and Proceeds of Criminal Conduct (Amendment) (No. 2) Act, 2021. (The proposed amendments to address unexplained wealth, which must be consulted on extensively and approved.)**

make by Cabinet

already been approved by Cabinet

The legislation is stated to be retroactive affects property obtained before the Act came into force. This is an area of law likely to be tested by the Courts. No misunderstanding this area of law which may be tested by the Courts it must be noted that in both the UK & Ireland

**Re: Procurement Act**

Layla Jones <LJones@gov.vg>

Wed 4/15/2020 6:37 PM

To: Jeremiah Frett <JFrett@gov.vg>

Cc: Baba F. Aziz <BAziz@gov.vg>; Malcia Leonard <MLeonard@gov.vg>; Abina Solomon <ASolomon@gov.vg>; Christine Bowen <CBowen@gov.vg>

📎 1 attachments (83 KB)

Public Procurement Act, 2020.docx;

Dear Mr. Frett,

I have been directed by the Attorney General to send you the attached word version of the Procurement Act, 2020.

Regards,

*Layla Jones*

Layla Jones (Mrs.)

Senior Administrative Officer  
Attorney General's Chambers  
Government of the Virgin Islands  
Road Town, Tortola VG1110  
British Virgin Islands

Tel: (284) 468-2960 Ext. 2981

Email: ljones@gov.vg

<< Public Procurement Act, 2020.docx >>

From: Abina Solomon/government/VG

To: Layla Jones/government/VG@bvigov

Cc: Baba Aziz/government/VG@bvigov, Malcia Leonard/government/VG@bvigov

Date: 04/15/2020 01:05 PM

Subject: Procurement Act

Good Day Mrs. Jones,

The Honourable AG has asked that you forward the draft Procurement Act which was prepared by Ms. Lamini, to Mr. Jeremiah Frett.

Mr. Frett is requesting the Word version.

Regards,

Ms. Abina Solomon

Parliamentary Counsel

Attorney General's Chambers

TTT Building, Road Town

Tortola, BVI

Phone: 284-468-2960 Ext. 2977

Fax: 284-468-2983

## Procurement Act

Abina Solomon <ASolomon@gov.vg>

Wed 4/15/2020 1:05 PM

To: Layla Jones <LJones@gov.vg>

Cc: Baba F. Aziz <BAziz@gov.vg>; Malcia Leonard <MLeonard@gov.vg>

Good Day Mrs. Jones,

The Honourable AG has asked that you forward the draft Procurement Act which was prepared by Ms. Lamini, to Mr. Jeremiah Frett.

Mr. Frett is requesting the Word version.

Regards,

Ms. Abina Solomon

Parliamentary Counsel

Attorney General's Chambers

TTT Building, Road Town

Tortola, BVI

Phone: 284-468-2960 Ext. 2977

Fax: 284-468-2983



# Memorandum C/2/MOF/M/29/2020 [Return](#)

Edit

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General

## Public Procurement Bill, 2020

- **Circulated**
- 18 September 2019
- MOF
- File: FIN/L1/83
- Mr. Claude Kettle

### Background Information

1) On 12th February, 2019, Cabinet by way of Memo No. 13/2019 decided after reviewing the draft Bill entitled Public Procurement Act, that “the Ministry of Finance instruct the Attorney General’s Chamber to include a Part VIII – Miscellaneous in the Bill to provide for the making of regulations, the issuance of financial instructions, enforcement matters, the necessary repeal of the relevant sections of the Public Finance Management Act and Regulations, and any transitional provisions as deemed necessary, and to incorporate the amendments highlighted in the document into the Bill” (see **Appendix II**). In carrying out Cabinet’s instructions, the Ministry of Finance (“the Ministry”) wrote to the Attorney General’s Chambers (“Chambers”) on 12th February, 2019, instructing Chambers of Cabinet’s decision (see **Appendix III**). Since then, the Ministry and Chambers have been

collaborating on revisions to the draft Bill as decided by Cabinet, with the most recent instructions by the Ministry sent to Chambers on 27th June, 2019 (see **Appendix IV**).

2) On 3rd July, 2019, Chambers submitted the final draft Bill to the Ministry under cover of a memorandum advising that the Ministry's "comments were reviewed and section 55 – Transitional provisions have been inserted in the draft Public Procurement Act, 2019" (see **Appendix I**); now entitled "Public Procurement Act, 2020."

3) The Bill as drafted consists of seven (7) Parts and seeks to:

- i. maximise, the economy and efficiency in public procurement;
- ii. foster and encourage participation in public procurement proceedings by suppliers and contractors regardless of nationality, thereby promoting international trade;
- iii. promote competition among suppliers and contractors for the supply of the subject matter of public procurement;
- iv. provide for the fair, equal and equitable treatment of all suppliers and contractors;
- v. ensure that domestic suppliers and contractors are provided with ample procurement opportunities in order to encourage and support national development;
- vi. promote the integrity of, and fairness and public confidence in, the public procurement process; and
- vii. achieve transparency in the procedures relating to public procurement.

4) The Bill, during its initial drafting stage, has had the benefit of a review by a Procurement Specialist from the United Nations Development Programme (UNDP), Mr. Shadi Hussein, during their support to the Ministry, under the Caribbean Development Bank (CDB) Rehabilitation and Reconstruction Loan. The same was also reviewed by officials from CDB. Both reviews yielded valuable comments which were considered and incorporated in subsequent drafts where deemed appropriate. Similarly, the comments of the Attorney General as to legal implications have been included or addressed in the Bill now before Cabinet.

## **Purpose**

5) To establish the legal framework for public sector procurement.

## **Cross-Ministry Consultation**

6) No cross-ministry consultation is required.

## **Financial Implications**

7)The proposed draft Bill is geared towards modernising the procurement process in the public sector with current best practices. The implementation of the Bill and subsidiary legislation will enhance the existing procurement procedures and bring greater structure to the procurement process. It is expected that this Procurement Bill would provide for value for money, greater transparency and flexibility in the procurement of goods and services, and allow for greater accountability by all involved in the procurement process.

## **Legal Implications**

8)Please be advised that we have reviewed the Cabinet Paper and its attachments and note the following:

9)1. The title of the paper refers to the Bill as "Public Procurement Bill, 2019", given that we are in the middle of the year 2020, the Bill ought to be updated to reflect the current year and the title of the Bill changed accordingly. Similarly, in the decision sought the year should be changed.

10)2. Paragraph 12 of the background information reads as follows:

11)"As the Bill is substantially complete, Cabinet is being asked to agree to allow for Chambers to make any necessary amendments emanating from this current review and submit to the Ministry for onward submission to the House of Assembly without having to return to Cabinet for further approval."

12)The 'substantially completed' Bill ought not to be before the Cabinet at this time since approval was previously given by the Cabinet for the drafting of the said Bill. Further, any amendments that are being proposed to the draft should be finalised prior to seeking Cabinet approval to submit the said Bill to the House of Assembly.

13)Save as referred to above, we find that there are no adverse legal implications arising in this matter at this time.

## **Communication Strategy**

14)The decision of Cabinet will be communicated via the Government Information Service.

## **Conclusion**

15)Cabinet is asked to support the Decision Sought.

## **Decision Sought**

Cabinet is invited to:

- a. review and consider the Public Procurement Act, 2020 ("the Bill") attached herewith as **Appendix I**;
  - b. accept the Public Procurement Act, 2020;
  - c. agree that the Bill be submit to the House of Assembly and introduced at its next convenient Sitting; and
  - d. decide that an expedited extract be issued to allow the decision of the Cabinet to be acted upon before the confirmation of the Minutes.
- 

*Recipients: Attorney General, AGC;*

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## Comments

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**Ms. Abina Solomon for Hon. Baba Aziz**

Created on: 12th May 2020

Confirmed by Delegate on: 12th May 2020

Published on: 13th May 2020

Please be advised that we have reviewed the Cabinet Paper and its attachments and note the following:

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## Memorandum C/2/MOF/M/29/2020 [Return](#)

Edit

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General

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- **Circulated**
- 18 September 2019
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- File: FIN/L1/83
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## Conclusion

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## Decision Sought

Cabinet is invited to:

- a. review and consider the Public Procurement Act, 2020 (“the Bill”) attached herewith as **Appendix I**;
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*Recipients: Attorney General, AGC;*

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## Comments

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**Ms. Abina Solomon for Hon. Baba Aziz**

Created on: 12th May 2020

Confirmed by Delegate on: 12th May 2020

Published on: 13th May 2020

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Save as referred to above, we find that there are no adverse legal implications arising in this matter at this time.



# MEMORANDUM

**FROM:** Attorney General

**TO:** Permanent Secretary, Premier's Office

**cc:** Deputy Secretary Smith-Maduro, Premier's Office

**DATE:** 27 April 2021

**Our Ref.:** AGC G 6/1/C27

**RE: Contractor General Bill, 2021**

We refer to your email of 12 June 2020 including draft legislation and requesting Chambers to complete same for submission to Cabinet.

As this request does not follow the established legislative process, please provide the following information or documents for our records:

- i. the Policy which informed the draft legislation;
- ii. any reports on the consultation process;
- iii. drafter's credentials to include:
  - i. resume
  - ii. a list of legislation drafted in the last 5 years including title, jurisdiction and a short description of the legislation (noteworthy legislation outside of this period may also be included);
  - iii. notarised copy of the data page of drafter's passport; and
  - iv. 2 professional references
  - v. any other information that you think would be useful in helping us to understand the Ministry's objectives

I look forward to hearing from you so that we can progress the passage of this legislation.

Dawn J. Smith  
Attorney General



## MEMORANDUM

**FROM:** Attorney General  
**TO:** Permanent Secretary, Deputy Governor's Office  
**DATE:** 15<sup>th</sup> June, 2020

**Re:** Integrity in Public Life Act, 2020

Reference is made to the subject at caption.

We were instructed to provide for the establishment of an Integrity Commission in the new draft whilst incorporating the Register of Interest as part of the legal framework of the draft Act. After careful review of section 112 of the Constitution, we wish to advise that the two proposals cannot be provided for in the same legislation. The Constitution requires a Registrar to maintain the Register of Interest as such the Integrity Commission cannot be responsible for the said Register without constitutional reform.

Section 112 (4) of the Constitution further empowers the legislature to make a law pursuant to section 112 which would apply to Members of the House of Assembly, as well as, to other holders of such other offices as may be prescribed.

Please find enclosed for your review and consideration the draft Integrity in Public Life Act, 2020.

Please be guided accordingly.

A handwritten signature in black ink, appearing to read 'Abina Solomon', written over a dotted line.

Abina Solomon  
Parliamentary Counsel  
For Attorney General

**CONFIDENTIAL**

**MEMORANDUM**

**FROM:** Hon. Premier  
**TO:** Attorney General  
**DATE:** 7 July, 2020  
**RE:** Urgent Pieces of Legislation

I write with regard to the above captioned subject.

On 12 June, 2020 the following pieces of legislation were sent to you:

**Virgin Islands Residency by Investment Regulations**

**Virgin Islands Residency by Investment Act 2020**

**Virgin Islands Contractor General Act 2020; and now**

**BVI Air and Sea Ports Authority Act 2020 on 6 July, 2020.**

Please note that I am requesting that all review /amendments be completed for submission to Cabinet by next Wednesday 15 July, the latest to allow for a timely and urgent transmission to the House of Assembly for passage before or by the end of July.

Your usual cooperation in facilitating the same is very much appreciated.



Andrew A. Fahie  
Premier and Minister of Finance.



# MEMORANDUM

**FROM:** Attorney General, Attorney General's Chambers  
**TO:** His Excellency the Governor, Office of the Governor  
**DATE:** 8<sup>th</sup> July, 2020

**RE:** Proceeds of Criminal Conduct (Amendment) Act, 2020

I have been directed by the Attorney General to forward to you a copy of the Proceeds of Criminal Conduct (Amendment) Act, 2020.

Please do not hesitate to contact the undersigned should any further information, clarification or assistance be required.

A handwritten signature in cursive script that reads 'Christine Bowen'.

Christine Bowen (Ms.)  
Parliamentary Counsel  
(for) Attorney General

Encl.

CB:lj

## Desary Cameron - McDowell

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**From:** Christine Bowen  
**Sent:** Sunday, May 30, 2021 12:24 PM  
**To:** Desary Cameron - McDowell  
**Subject:** Fw: Whistleblower Act, 2020  
**Attachments:** Whistleblower Act, 2020.docx

ANNEX 2- Email forwarded to Governor's office on the 13th July 2020 regarding the Whistleblower Act.

Regards,

**CHRISTINE BOWEN**  
*Chief Parliamentary Cou*



Attorne

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**From:** Christine Bowen <CBowen@gov.vg>  
**Sent:** Friday, May 28, 2021 7:45 PM  
**To:** Layla Jones <LJones@gov.vg>  
**Cc:** Abina Solomon <ASolomon@gov.vg>; Desary Cameron - McDowell <DCameron@gov.vg>  
**Subject:** Fw: Whistleblower Act, 2020

Mrs Jones,

Annex 2- email forwarded to the Governor on the 13th July 2020 on the Whistleblower Act.

Regards,

**CHRISTINE BOWEN**  
*Chief Parliamentary Cou*



Attorne

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**From:** Layla Jones <LJones@gov.vg>  
**Sent:** Monday, July 13, 2020 1:41 PM  
**To:** Governor Augustus Jaspert <AJaspert@gov.vg>  
**Cc:** Sadiqua Chinnery <SaChinnery@gov.vg>; Baba F. Aziz <BAziz@gov.vg>; Christine Bowen <CBowen@gov.vg>  
**Subject:** Whistleblower Act, 2020

Good afternoon Your Excellency, Governor,

I have been directed by the Hon. Attorney General to forward a copy of the Whistleblower Act, 2020 for your attention.

Please do not hesitate to contact our department should any further information, clarification, or assistance be required.

Regards,

Layla Jones





## MEMORANDUM

**FROM:** Attorney General  
**TO:** Permanent Secretary, Premier's Office  
**DATE:** 11<sup>th</sup> August, 2020

### Re: Contractor General Act, 2020

Reference is made to the matter at caption and to your request to review the Contractor General Bill, 2020.

Please be advised that our office has not received the requisite drafting or government policy instructions which would allow for a comprehensive review and drafting of the Bill. Accordingly, may we respectfully request as previously indicated with recent Bills that when a Bill is forwarded to Chambers for review, that the draft Bill be accompanied with the following:

1. A comprehensive policy informing the Act or a concept paper that outlines the objectives of the Ministry/ Department;
2. The Ministry's comments on substantive provisions of the legislation that could be identified on the face of the draft as being relevant/irrelevant to the Virgin Islands.

We wish to highlight as recommendations/ suggestions or for consideration the following matters (*electronic copies of the amended draft Bill with track changes as well as a clean copy of the draft Bill are attached hereto for ease of reference*):

1. Section 3(3) – Provision is made for the office of the Contractor General not to be deemed an office in the public service. We recommend that this provision be removed and that the office be deemed an office in the public service for the purposes of the Act.



The fact that section 10(1) makes provision for the Contractor General's emoluments to be charged on and paid out of the Consolidated Fund further suggests that the intention is to have this office created as a public office.

If it is accepted that the office is to be an office in the public service then Schedule 2 which provides for Pensionable emoluments of the Contractor General will not be necessary since the usual pension rules and legislation for public officers will apply.

Accordingly, please indicate whether or not the office of the Contractor General should be an office within the public service.

2. Section 4(1) we have sought to remove the part of the provision which states as follows: "no proceedings of the Contractor General shall be called in any court of law by way of certiorari or any other means".

This provision seems to indicate that no court can review any proceeding of the Contractor General. (*Certiorari - is a court process to seek judicial review of a decision of a lower court or government agency.*)

Review of any actions of the Contractor General should be allowed and not totally barred. To protect the Contractor General, we have sought to insert a new section 4(2) to provide for the immunity of the Contractor General or his or her employees, wherein no action should be brought against such persons for acts done in good faith in the discharge of their duties.

3. Please indicate whether or not there is a real need for a Tribunal to be established simply to investigate the matter of whether or not a Contractor General has to be removed from office.

Maybe another alternative would be most suitable to make such a decision. Grateful for an input on this matter.

4. Section 10(1) provides for the "*Contractor General to receive such emoluments and be subject to such terms and conditions as may from time to time be prescribed by or under any law or by resolution of the House of Assembly such emoluments being not less than the emoluments which may from time to time be payable to a judge of the Supreme Court or a Permanent Secretary*".

We have deleted this provision and instead provided for the emoluments and

terms and conditions to be determined by Cabinet.

5. Section 12(2) provides for the secondment of staff of the Contractor General. If it is agreed that the Contractor General shall be a public officer then there would be no need for secondment, since public officers may be transferred, appointed or contracted in such positions.

Accordingly, section 12(2) and (3) has been newly incorporated to provide for appointment of staff in accordance with the Service Commission Regulations, 2014 (S.I. No. 48 of 2014 ) or on contract, rather than what is currently provided.

Under section 12(3) the salaries, allowances and benefits payable to the staff shall be determined by the Governor upon the recommendation of Cabinet and shall be paid out of the Consolidated Fund.

Please indicate whether or not this is accepted as drafted.

6. Deletion of section 17(4) – this section provides for the Contractor General to pay any person appearing before him for any expenses incurred by that person, for the purpose of an investigation.

We suggest that this provision be deleted since this requirement may prove to be burdensome on the government's finances.

7. Under section 34 the Contractor General is required to declare his or her assets and income.

We suggest that this may be more suitably placed under the Integrity in Public Life Bill, which is envisaged to be brought before the House of Assembly in the near future, where persons in public life will be required to declare their assets, income, interests and liabilities.

8. **The following new provisions have been incorporated as follows:**

- Section 1(2) – Commencement clause.
- Section 4(2) – Immunity clause for the Contractor General and members of staff.
- Section 5(2) – Resignation of Contractor General.
- Redrafting of section 9(2) – where Contractor General is ill or absent from the

Territory.

- Section 13(2) and (3) - Oath of secrecy to be taken by specific persons and Contractor General to keep a record of Oaths.
- Schedule 1 - Composition of the Appeals Tribunal (\*Please note if an alternative to the Tribunal is recommended then this Schedule will be deleted.)
- Schedule 2 - Pension and Emoluments- (\*Please note if it is agreed that the office of the Contractor General is to be a public officer then this Schedule may not be necessary for the reasons provided in paragraph 1 of this memorandum.)

Once we receive instructions with regard to the issues raised our department would make the necessary amendments, revise and finalise the Bill accordingly.

Please do not hesitate to contact the undersigned should any further information, clarification or assistance be required.

Regards,



Christine Bowen  
Parliamentary Counsel  
For Attorney General

Encl.

CB; lj

## Chronology of Recent Public Procurement Reform in the BVI

<b>Timeframe</b>	<b>Action</b>	<b>Status</b>
September 2014	GoVI sought the assistance from the Caribbean Development Bank (CDB) to assess its procurement systems.	Completed
October 2014	CDB conducted an assessment of GoVI's procurement systems utilizing the Methodology for Assessing Procurement Systems (MAPS)	Completed
December 2014	Country Procurement Assessment Report prepared by CDB.	Completed
February 2015	The Ministry of Finance (MOF) engaged the consultancy services of Mr. Norman Cameron (formerly employed by CDB) to address the recommendations in the Report. The consultancy produced draft procurement legislation and a 3-volume handbook for adaptation in BVI procurement.	Completed
2016	Cabinet accepts Procurement Assessment Report and adoption of the recommendations.	Completed
July 2018	Cabinet decides for Attorney General to draft legislation and regulations in light of the draft documents prepared by the Consultant.	Completed
September 2018	An updated MAPS (using revised methodology) was conducted on the GoVI procurement systems.	Completed
December 2019	Cabinet decides on minor amendments to the draft Public Procurement Bill and that it should be forwarded to the House of Assembly.	Completed
March 2020	On the invitation of the MOF, CDB engaged Charles Kendall Group to review the draft Public Procurement Bill and to make recommendations for its finalization.	Completed
April 2020	Charles Kendall Group completed final draft of the Public Procurement Bill.	Under final stages of review by the AG
September 2020	Charles Kendall Group completed draft of the Public Procurement Regulations	Under final review by the MOF
May 2021	Series of reviews by MOF, CDB and Charles Kendall Group with final draft produced.	Cabinet Paper to be finalized by MOF

**Fw: BVI Air and Sea Ports Authority**

Christine Bowen <CBowen@gov.vg>

Fri 7/10/2020 1:56 PM

To: Layla Jones <LJones@gov.vg>

📎 5 attachments (574 KB)

Virgin Islands Residency by Investment Regulations 2020 (3).doc; BVI AIR AND SEA PORTS AUTHORITY ACT- March 1 (2).docx; Virgin Islands Contractor General Act 2020 April (1).doc; Virgin Islands Residency by Investment Act 2020 (3).doc; Letter - AG's Legislation.docx;

Jones grateful if you can format the BVI Air and Sea ports authority, when you get a chance to do so.

Many thanks.

Regards,

**Christine Bowen**

Parliamentary Counsel  
Attorney General's Chambers  
Road Town,  
Tortola,  
British Virgin Islands  
Tel 1-284-468-2960 ext 2969

----- Forwarded by Christine Bowen/government/VG on 07/10/2020 01:54 PM -----

From: Malcia Leonard/government/VG

To: Christine Bowen/government/VG@bvigov

Date: 07/09/2020 02:18 PM

Subject: BVI Air and Sea Ports Authority

Dear Ms. Bowen

Please see the email below.

I didn't realized that it was an email or that I was copied. My apologies for the inconvenience.

Please let me know if there is anything further you request.

**Kindest regards**

**Mrs. Malcia J. Leonard**

**Assistant Secretary/Law Office Manager &  
Personal Assistant to the Attorney General**

**Attorney General Chambers**

**Secretary, JLSC**

**Email: mleonard@gov.vg**

**Tel: (284) 468-2979**

**Fax: (284)468-2983**

----- Forwarded by Malcia Leonard/government/VG on 07/09/2020 02:16 PM -----

From: Eunice Crawford/government/VG

To: Baba Aziz/government/VG@bvigov, Carolyn O'Neal-Morton/government/VG@bvigov, Glenroy A Forbes/government/VG@bvigov

Cc: Malcia Leonard/government/VG@bvigov

Date: 07/07/2020 11:21 AM

Subject: Letter

Good Morning Hon. Attorney General

I have been directed by the Hon. Premier to forward the attached documentation for your kind attention.

Respectfully,

Eunice Crawford<< Virgin Islands Residency by Investment Regulations 2020 (3).doc >><< BVI AIR AND SEA PORTS AUTHORITY ACT- March 1 (2).docx >><< Virgin Islands Contractor General Act 2020 April (1).doc >><< Virgin Islands Residency by Investment Act 2020 (3).doc >><< Letter - AG's Legislation.docx >>



**Our Ref: OP/C4/001**

16<sup>th</sup> October, 2020

His Excellency the Governor  
Mr. Augustus J. U. Jaspert  
Governor of the Virgin Islands  
Office of the Governor  
Road Town  
Tortola VG1110  
British Virgin Islands

Dear Governor Jaspert:

**RE: Public Service Transformation**

Good day and God's blessings to you and your family.

Thank you for your similarly-captioned letter of 1<sup>st</sup> October, 2020, and the attachments, namely the Memorandum from the Deputy Governor dated 23<sup>rd</sup> September, 2020; the Public Service Transformation Framework; Overview of the Skills Profile 2019; and the results of the Civil Service People Survey 2018.

As I have intimated on diverse prior occasions, my Government remains in full commitment to the transformation of the Public Service into a modern, efficient, effective and accountable organization, which delivers high quality services to the citizens and residents of the Virgin Islands, while providing a hospitable and enabling work environment that fosters engagement among the staff.

I wish to clarify, first of all, that my Government's concerns with respect to the current proposed Public Service Transformation Programme (PSTP) as it relates to the Constitution are not, as purported in your letter and the Deputy Governor's Memorandum, solely on the basis of the impending Constitutional Review or the various areas where there is a divergence of views between the Governor's Group and the elected Government in how the provisions of the Virgin Islands Constitution Order 2007 are being interpreted and applied by you and by the Government of the United Kingdom whose interests you primarily represent.

Indeed, as we all agree, we must proceed with the guidance of the Constitution. Over time, a practice has developed that has lent to the usurping of Constitutional functions of the elected Government by the Governor's Group, and we must take steps to correct this anomalous practice as a matter of Good Governance. The Virgin Islands Constitution Order 2007 is clear that the powers of the Governor, some of which are assigned to the Deputy Governor, is limited only to the appointment of Public Officers in conjunction with the Public Service Commission and the terms and conditions of their engagement. Delivery of administrative services to the public is vested with the Ministries, with the Ministers in the lead.

While the human resource functions of the Governor's Group do form part of the Public Service transformation agenda, the vast majority of this exercise pertains to the reform of the practices, processes and procedures for enhancing the administrative functions within the various Ministries to improve the effectiveness of the delivery of services by the Ministries to their clients - the public – in accordance with the national vision. Ministers report to the Premier. The national vision is the remit of the elected Government, which is determined and executed by the Premier and his Ministers. This structure emanates from the Virgin Islands Constitution Order 2007 and hence, any programme for the execution of the Government's agenda and the related administration thereof lies clearly with the Premier as the Head of the elected Government.

Further, the Preamble to the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter, which informs the former, provide the contextual framework for the interpretation of the Constitution.

The United Kingdom, in the Virgin Islands Constitution Order 2007, has explicitly affirmed "that the people of the Virgin Islands have generally expressed their desire to become a self-governing people and to exercise the highest degree of control over the affairs of their country at this stage of its development." The UK Government has further attested that one of the pillars of the modern partnership with the Virgin Islands is the principle of self-determination.

Under Article 73 (b) of the United Nations Charter, the UK Government has "accept(ed) as a sacred trust the obligation to promote to the utmost... to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions..."

These are not new provisions or obligations, nor are they new to the relationship between the UK Government and the elected Government of the Virgin Islands, and all genuine effort must be made to ensure that all Constitutional actors perform their respective roles within these tenets. This framework establishes and entrenches administrative boundaries which the framers of the Constitution, in their wisdom, saw it necessary to protect, therefore they must be upheld.

In my previous correspondences, I pointed out that based on the current allocation of Ministerial responsibilities there are areas in the PSTP that are inadvertently listed for execution by the Governor's Group and which need to be restored under the Ministry where they substantively reside. These include matters pertaining to the BVI Tourist Board, which is a portfolio under the Premier's Office, and the Public Service Eyes Programme which is a Television Product established under the Premier's Office where GIS is a programme.



The Archives and Records Management Act is another area that is inadvertently being referred to as the responsibility of the Governor's Group, but which ought to properly reside with the Government Ministries, namely the Premier's Office. Archives and Records Management is indelibly linked to the cultural identity of the people of the Virgin Islands, which is the essence of the Virgin Islander. It encompasses the political advancement, economic empowerment, historical and economic connection to the British Virgin Islands and its people, not the Governor's Group. Certainly, Human Resources records should stay with Governor's Group, as this is not the remit of the Government of the Virgin Islands, but other records should be with the people's democratically elected Government. This too is recognized by both the Preamble of the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter which speak of the cultural identity of Virgin Islanders.

There are other tasks such as development of the Ministerial Code that do not belong in the PSTP since this is a function that should properly be with the House of Assembly (HOA) since Ministers are Constitutionally accountable to the HOA. Certain legislative functions are also listed in the PSTP under the Governor's Group, but legislative functions lie with the HOA, not the Governor's Group. Failure to correct these issues would run the risk of offending the HOA. These include legislation for putting institutions in place. The proper approach is for the Premier' Office to lead these items, collaborating with the HOA as appropriate.

While we are all keen for the transformation of the Public Service to be done, you would agree that we must strive to get it right and we must stay within the Constitutional roles. Given the UK Government's role and commitments as expressed in the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter, which is to support the democratically elected Government of the Virgin Islands and the people of the Territory in our journey of self-determination through self-government, it is important that the PSTP continues without the blurring or crossing of administrative boundaries.

In this instance, this requires the tasks within the PSTP to be led and coordinated by the respective branches that are responsible for them; which is for the Governor's Group to manage the aspects of the programme pertaining to terms and conditions of employment of Public Officers consistent with its Constitutional remit, and the Premier's Office leading and coordinating the Ministry projects aimed at achieving improved functionality, strategic structure and operational effectiveness and efficiency where the Premier is the leader of Government Business and ultimately responsible to the HOA.

Again, I reiterate my support for achieving a meaningful transformation of the Public Service in line with the National Vision of the Government and people of the Virgin Islands.

Do have a blessed day.

Respectfully,



Andrew A. Fahie  
Premier and Minister of Finance

cc: Baroness Elizabeth Sugg, Minister for the Overseas Territories  
Mr. Ben Merrick, Director of the UK Foreign and Commonwealth Office  
All Cabinet Members (and Cabinet Secretary)  
Junior Ministers  
Mr. David Archer Jr., Deputy Governor  
Mr. Glenroy A. Forbes, Financial Secretary  
Mrs. Carolyn O'Neal-Morton, Permanent Secretary, Premier's Office  
Mrs. Sharleen Dabreo-Lettsome, Permanent Secretary, Deputy Governor's Office



The rule of nonsense laws...



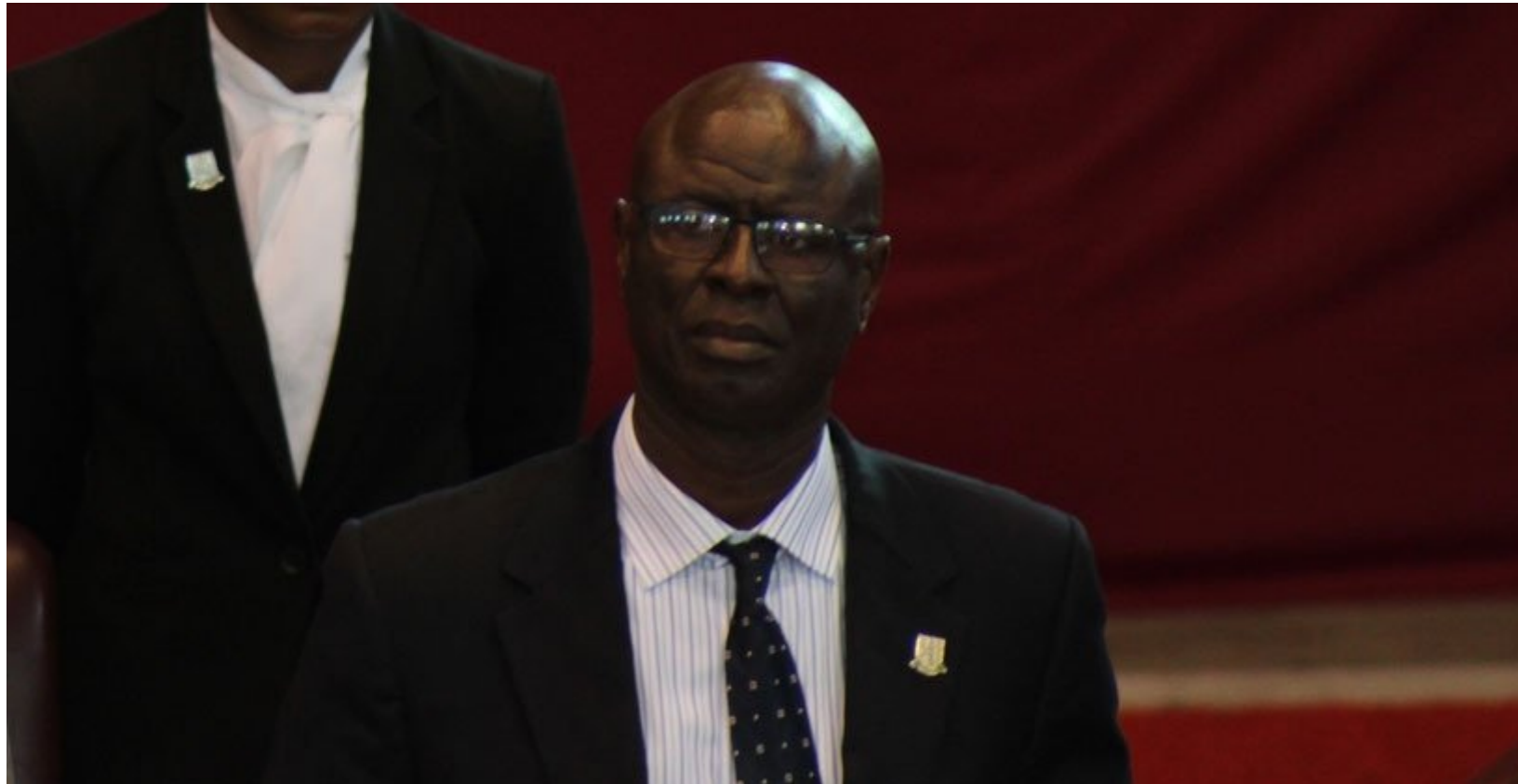
While you were locked in your seat belts: Ex-US airline pilot admits lewd act in cockpit



John Cena apologized in Chinese on Sina Weibo after calling Taiwan a country



Why are linked to Scientists



## Attorney General Hon. Baba Aziz fighting against corruption: asked To move forward with Whistleblower Legislation

Attorney General Hon. Baba Aziz has been asked to move forward with efforts to have a Whistleblower Bill for the Territory. This Whistleblower legislation was promised by Premier and Minister for Finance, Hon. Andrew Fahie multiple times before and after the February general elections, and in an update, the Premier mentioned that the legislation will be prepared.

Back in January, Hon. [Fahie](#) promised that once elected, his Government was going to move to have such a legislation in place. He noted at that time that the Whistleblower legislation is expected to protect public servants who report wrongdoing in Government.

Fast forward to this month, the Premier announced that Government is still keen on seeing a Whistleblower Bill and announced during the continuation of the House of Assembly sitting on September 2 that the Bill would be drafted.

Hon. [Fahie](#) told the House of Assembly, “Just this morning I have written to the Attorney General’s Chambers asking for the Whistle Blowing legislation, stating that it is needed now more than ever. The legislation must be Territory-wide as it is needed to guard employees against the elected members of Government, the Governor, the public service, the private sector.”

Former Governor of the Territory, John Duncan on February 13, 2017 had also called for the implementation of Whistleblower legislation in the Territory.

A number of countries around the world have Whistleblower legislation. The most popular is the United States of America’s federal law--the Whistleblower Protection Act of 1989. This legislation protects US federal whistleblowers who work for the Government and report the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety.

[#Fahie](#)



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## NEWSLETTER

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## QUOTE OF THE DAY

“ It’s always the ones with the dirty consultants that do the clean audits.

— Vincent Swift

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Just over halfway through its current four-year term in office, the Virgin Islands Party (VIP)’s has revealed that plans are underway to release an edited version of the party’s...



### Nichail Chambers' Death In Prison Stabbing Being Probed – Malone

Minister for Health and Social Development with responsibility for Prisons, Hon. Carvin Malone has revealed that Nichail Chambers was the inmate who succumbed to stab wounds las...



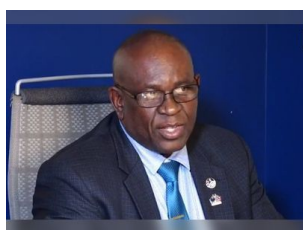
### National Security Meeting Called Over Fatal Stabbing At Prison

The National Security Council (NSC) is expected to meet sometime today to discuss the stabbing incident that occurred at Her Majesty’s Prison, which left Nichail Chambers dead a...



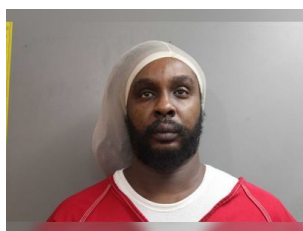
### Stimulus recipients urged to submit statements on use of funds

Beneficiaries of economic stimulus financing in the Virgin Islands (VI) are being asked to submit without delay statements on how the funding provided was utilised.



### 2 arrested in relation to fatal stabbing incident @ HMP

Two persons have been arrested in relation to the stabbing incident at Her Majesty’s Prison (HMP) that left one inmate dead and 3 injured on May 30, 2021.



### USVI man accused of brutalising stepson now facing rape charges

Kenyata Horsford, arrested in March 2021, for the alleged brutal beating of a boy who had to be airlifted for medical care, has been charged with rape and sexual assault for all...





### NSC meeting called over prisoner's death

Following the stabbing incident at Her Majesty's Prison (HMP) that left one dead and 3 injured on May 30, 2021, Governor John J. Rankin, CMG, has called a meeting of the Nationa...



### VI CoI called over Fahie's resistance to UK bullying- Ex FCO staff alleges

New inside information surrounding the hastily called Virgin Islands (VI) Commission of Inquiry (CoI) being executed by the United Kingdom (UK) Government has pointed to more co...



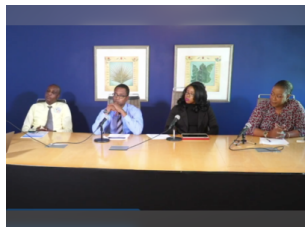
### New top cop tackles domestic violence! To seek help from UK

Newly-installed Police Commissioner, Mark Collins has taken an active interest in tackling domestic abuse — an offence believed to be somewhat prevalent in the British Virgin Is...



### More women taking up top roles in public service! Hodge joins ranks

Whether it's inside or outside of parliament, it is increasingly clear more local women are taking up senior and/or leadership roles in the BVI's public service.



### Blacks dying from COVID in higher numbers, health officials warn

National Epidemiologist, Harmony Massiah has raised concern at the stark disparity in COVID-19 death rates among minorities and Caucasians in the United States (US).



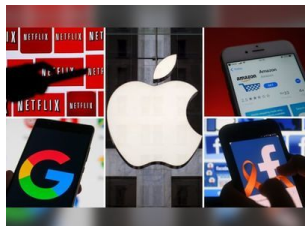
### Irregularities discovered in Skelton Cline's contract with gov't

A cloud of mystery continues to enshroud details of the contract between the Virgin Islands Party government and Claude Skelton Cline's company, Grace Consulting.



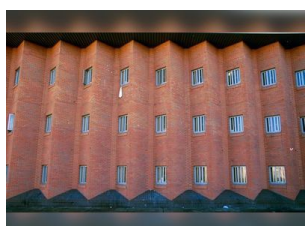
### Deeply concerned! Governor calls NSC meeting about prison stabbing

In light of yesterday's prison fallout that resulted in the death of one inmate and the injury of others, Governor John Rankin has called a meeting of the National Security Coun...



### 'Silicon Six' tech giants accused of inflating tax payments by almost \$100bn

Study claims firms paid \$96bn less in tax between 2011 and 2020 than the notional figures cited in their annual reports



### Two deaths in English prisons make me wonder how civilised we are in 2021

When unlawful detention and failure to provide food and medication are implicated in inmates' deaths, this is a new low

### UK cannabis campaigners take note: in the US, change came from below

Sadiq Khan's decriminalisation commission could put pressure on the government to change its policy



### Bitcoin Bull Market Likely to Continue Q3 2021, According to Analyst

Crypto trader and analyst who correctly predicted Bitcoin's crash from \$60,000 is revealing to his twitter followers, when he calculates the BTC bull market to continue.



### Bitcoin Mining Booms in Argentina due to Low Energy Cost and Slowing Economy

Low energy costs due to government subsidies, high inflation and restrictive capital controls have pushed (enabled?) residents of Argentina to mine bitcoin in their homes.



### Here's What We Can Learn From Japanese Prefab Homes

Thanks to cutting-edge design, mass production, and customization, prefabricated housing is much more common in Japan.



### Jared Leto Unfolds the Romance with Gucci Guilty Fragrance

The award-winning actor and musician talks about the perfume, Alessandro Michele, and his new film projects.



### Gadgets have stopped working together, and it's becoming an issue

Our reliance on technology means ever more devices and apps and ever less interoperability – and the ubiquity of Apple hasn't helped



### UK growth forecast upgraded but pandemic economic 'scar' will be worst of all G7 nations, says OECD

The effect of Brexit is predicted to drag down the UK's recovery from the coronavirus pandemic.

## British Virgin Islands

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*PC 8810mm  
JA please  
FJB  
21/9/2020*

**Our Ref.:** 35A/1/187  
**FROM:** Permanent Secretary (Ag.)  
**TO:** Attorney General  
**DATE:** 18<sup>th</sup> September, 2020  
**SUBJECT:** Feedback on the Integrity in Public Life Bill

*11:12:25 AM*  
**RECEIVED**  
SEP 21 2020  
11:15 AM  
ATTORNEY GENERAL'S CHAMBERS  
ROAD TOWN, TORTOLA  
*Ryden Carnes*

Reference is made to your memo dated 31<sup>st</sup> July, 2020 regarding the captioned subject and the subsequent meeting held today, 18<sup>th</sup> September, 2020, via Cisco Webex.

After your helpful discussions this morning, it was decided that the way forward is two-fold:

- i. amend the Register of Interests Act by strengthening the Act to put stronger enforcement and accountability sanctions in place, along with extending its reach to other officers in public life; and
- ii. amend the draft Integrity in Public Life Bill to incorporate a monitoring component through the establishment of an Integrity Commission for the reasons outlined below:
  - o to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;
  - o to monitor standards of ethical conduct of public authorities and public officers;
  - o to investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of the Integrity in Public Life Act;
  - o to examine the practices and procedures of public bodies and make recommendations, in relation to the revision of those practices and procedures;
  - o to receive, inquire into and investigate any complaint or report of an alleged conduct of senior public officers and elected officials;

Thank you for your usual support.

*Sharleen DaBreo-Lettsome*

**Sharleen DaBreo-Lettsome**  
Permanent Secretary (Ag.)

:ah

**RECEIVED**  
SEP 22 2020  
Chief Parliamentary Counsel  
Attorney General's Chambers



Ministerial Code of Conduct Working Group Committee  
Tortola, British Virgin Islands  
[ronnieskelton@gmail.com](mailto:ronnieskelton@gmail.com)  
Tel: 284-494-6023

**HAND DELIVER**

22 September, 2020

Honourable Andrew A. Fahie  
Premier and Minister of Finance  
Government of the Virgin Islands  
Cutlass Tower  
British Virgin Islands VG1110

Dear Honourable Premier

**Re: Ministerial Code of Conduct**

One behalf of the Ministerial code of Conduct Working Group Committee, we thank you for the confidence placed in us to serve the territory in this capacity.

We recognize that the Ministerial Code will be a document to guide Ministers of Government in carrying out their responsibilities at a high ethical standard.

We are mindful that the Committee is expected to submit our report to you within three months of activation and I am pleased to advise that we convened our first meeting on 1<sup>st</sup> July, 2020, with subsequent meetings thereafter.

We continue to meet to deliberate the Code clause-by-clause and we were hoping to have the review to you within three months of our first meeting. However, there have been some interruptions beyond our control, as a result of the new realities caused by COVID-19 and our respective responsibilities as business professionals.

As a result, we are hereby requesting an extension of time from 1<sup>st</sup> of October to 30<sup>th</sup> of November 2020 for the submission of the report, which will allow the committee sufficient time to adequately review the final document.

We appreciate your understanding on this matter and look forward to your favourable response.

Yours faithfully



Ronnie W. Skelton



# Ministerial Code of Conduct - Extension of Time for Submission of Recommendations for Amendments to Draft Code

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Signed

· 27 September 2020 · PO · File: PO/C6/045 · Mrs. Elvia Smith-Maduro  
· Memo No. 453/2020

---

## Background Information

1) Cabinet on 9th April 2020 approved the establishment of a Ministerial Code of Conduct Working Group to review the draft Ministerial Code of Conduct with a view to making recommendations for amendments before it is presented to the Cabinet for approval via Cabinet Memo 111/2020. The composition of the Ministerial Code of Conduct Working Group are as follows:

1. Mr. Ronnie Skelton - Chairman
2. Mrs. Irene Penn-O'Neal
3. Mrs. Dancia Penn-Sallah
4. Mr. Lloyd Black
5. Hon. Carvin Malone
6. Hon. Mark Vanterpool
7. Hon. Ralph Gonsalves
8. Mr. Rueben Meade
9. Mrs. Josephine Callwood

10. Mrs. Arliene T. Penn - Recording Secretary

2) A copy of Cabinet Memo No. 111/2020 is attached as **Appendix A** for members perusal.

3) In the aforementioned memo, Cabinet also mandated that the working group submit their report to the Premier within three (3) months for onward submission to the Cabinet for further consideration. The Working Group convened its first meeting on 1st July 2020 and has had several subsequent meetings since then. However, the working group has encountered delays in completing their review and recommendations for amendments due to the COVID-19 pandemic.

4) On 22nd September the Chairman of the Working Group Mr. Ronnie Skelton submitted a letter to the Premier requesting an extension of time to complete the review and submit the Working Group's report with recommendations, from 1st October to 30th November 2020. A copy of the Chairman's letter requesting the extension of time is attached as **Appendix B**.

## **Purpose**

5) To receive and approve the request for extension of time to the Ministerial Code of Conduct Working Group to complete their review and submission of its report to the Premier as detailed in the Chairman's letter attached at **Appendix B**.

## **Cross-Ministry Consultation**

6) No cross ministry consultation required for the decision sought.

## **Financial Implications**

7) There are no foreseen adverse financial implications for the convening of said committee and producing its report. Being that the initiative is a demonstration of supporting the legislative agenda of good governance, accountability and transparency. The Ministry of Finance supports the time extension requested due to the challenges described.

## **Legal Implications**

8) We have reviewed the draft Paper and have discerned no adverse legal implications which would arise for Government if Cabinet is minded to decide in accordance with the decision sought.

## **Budget**

9) No budgetary implications associated with the decision sought.

## **Communication Strategy**

10) The normal Cabinet communication machinery.

## **Conclusion**

11) Cabinet is invited to concur with the decision sought.

## **Decision Sought**

Cabinet is invited to:

- a. receive and approve the request of Chairman of the Ministerial Code of Conduct for an extension of time as detailed in his letter attached as **Appendix B**; and

b. decide that an expedited extract be issued so that the decision of Cabinet can be implemented before the confirmation of the Minutes.

---

*Recipients: Financial Secretary, MOF; Attorney General, AGC;*

---

Hon. Andrew A. Fahie  
Premier  
01 December 2020



## MEMORANDUM

FROM: Attorney General  
TO: Permanent Secretary, Deputy Governor's Office  
DATE: 4<sup>th</sup> November, 2020

Re: Integrity in Public Life Act, 2020 and Register of Interests (Amendment) Act, 2020


Reference is made to the subject at caption and to your memorandum dated 18 September 2020.

Please find attached for your review and consideration the abovementioned Bills.

With respect to the Register of Interest Act, we note that you requested that the Act be strengthened with respect to "enforcement and accountability sanctions" kindly indicate what measures are being proposed. In addition, we have attempted to amend the form in Schedule 1 to include the other persons in public life, kindly review same and forward your final version.

With respect to the Integrity in Public Life Bill, you may wish to consider increasing the membership of the Commission and the quorum for meetings to an odd number of persons. Currently, the draft provides for "not less than two or more than four members", further it provides for a quorum of two members.

Please be guided accordingly.

  
.....  
Abina Solomon  
Parliamentary Counsel  
For Attorney General



# Speech From The Throne - Driving BVI Innovation Through Legislation

## Statement

Premier's Office

Office of the Governor

House of Assembly

Topics: [Coordination of Government Policy](#), [House of Assembly](#)

Release Date:

Thursday, 5 November 2020 - 1:45pm

**SPEECH FROM THE THRONE DELIVERED BY  
HIS EXCELLENCY THE GOVERNOR MR. AUGUSTUS J.U JASPERT  
First Sitting of the Third Session of the Fourth House of Assembly**

**Save the Seed Complex**

**Thursday, 5 November, 2020  
10:00 a.m.**

### **DRIVING BVI INNOVATION THROUGH LEGISLATION**

Mr. Speaker, Honourable Members of the House of Assembly, invited guests, those viewing online and listening via radio, good morning.

I stand in this Honourable House to present the second Speech from the Throne during this Administration.

I count it an honour and privilege as Governor of the Virgin Islands to deliver the Speech from the Throne on behalf of



Her Majesty Queen Elizabeth II.

As is the tradition, and is the case in most Commonwealth countries and British Overseas Territories, the Speech from the Throne outlines the elected Government's Legislative Agenda to pursue in the Third Session of the Fourth House of Assembly.

The Speech from the Throne is prepared within the Premier's Office in consultation with Ministries. The Speech is then deliberated and approved by the elected Government of the Virgin Islands.

In this speech, I will refer to Her Majesty's Government as 'Our Government'.

During this Session, our Government will focus on introducing and amending different pieces of legislation under the theme: *Driving British Virgin Islands Innovation Through Legislation*.

Our Government will deliberate each piece of legislation within the context of *building a stable, diverse and competitive economy through trade, industries and the people of the Virgin Islands*.

*The vision of our Government is to transform the Virgin Islands into a leading regional economy through innovation, entrepreneurship and local and foreign investment by 2025.*

### **I will first share about those pieces of legislation focused on: A COMPETITIVE ECONOMY**

Modern digital technology provides the opportunity to improve convenience and access to Government services and enhance the efficiency of the delivery of many Government services to the citizenry.

In this regard, our Government will bring forward a longstanding suite of electronic legislation to support the comprehensive digital transformation of the Public Service and improve e-payments for customers. The Bills include ***Data Protection, Electronic Filing, Electronic Funds Transfer, and Electronic Transactions***.

Following a review of the Virgin Islands ***Correctional Facilities Act*** that was passed in 2018, it was determined that individual sections were inconsistent with the provisions of the Virgin Islands Constitution Order 2007. Hence the Act has not been assented to.

The legislation will therefore be revised to align its provisions with the Virgin Islands Constitution while maintaining its original objectives to repeal and replace the ***Prison Ordinance (CAP.166)*** and

modernise the Territory's legal framework with respect to the management and security of prisons, and the safe custody and rehabilitation of inmates.

The **Emergency Call Handling Bill** is needed at this time. Our Government has established a Next Generation 911 Emergency Call Handling Centre for the Territory of the Virgin Islands, which is designed to enable the sharing of valuable lifesaving emergency response and law enforcement information through the use of smart mobile and fixed communications.

A critical element to the full functioning of this Centre is the enactment of supporting legislation. Hence, 911 Emergency Call Handling Bill will be introduced to meet the aims and purposes of the Call Handling Centre.

The **Disaster Management Bill** provides for the more effective organisation of the efforts related to the mitigation of, preparedness for, and recovery from hazards affecting the Virgin Islands and other matters associated therewith. Additionally, it seeks repeal the current legal framework related to disaster management in the Virgin Islands and provides a comprehensive mechanism for disaster management in the Virgin Islands, and the rights and obligations of the Virgin Islands under the Agreement establishing the Caribbean Disaster Management Agency.

The **Architects and Engineers Registration Bill** remains in draft form and still to be approved by Cabinet for further processing. The proposed legislation will focus on the protection of health, safety and welfare of building occupants, guarantee safety, and all the while help to protect the integrity of the professions.

## **I will now turn to those pieces of legislation focused on BUILDING THE PEOPLE OF THE VIRGIN ISLANDS**

Education and higher education drives innovation and creativity. This is important to improve the training of our people. Our Government will continue to invest in its people.

Our Government is committed to educational development and is cognisant that in this era of the "New Regular," the education system must become more technology-driven and coherent with the established protocols. That is why there will be a focus on the **Education Act (2004)**, as amended, to bring this legislation in line with the technological requirements for learning, as well as the new physical standards for schools and classrooms, the placement of students and the establishment of stricter disciplinary and academic protocols.

Our Government remains committed to ensuring that students receive the best possible instruction and are also trained to become functional citizens within this Territory, despite the new challenges that are being faced. To realise this, our Government will aim to finalise the recently drafted **Discipline Policy** and the revised **Student Code of Conduct**.

For any developing country to rightfully take its place and remain on the global stage, its human resources must be adequately trained with the knowledge and skills necessary to move the country forward. Our Government remains committed to ensuring that educational opportunities are continuously available to the people of this Territory. As such, the **Virgin Islands Scholarship Programme Policy (2014)** will be revised to ensure that this programme remains sustainable and adequately supports the training and workforce needs of the Territory.



With respect to the H. Lavity Stoutt Community College, our Government wishes to put forth amendments to the **College Act of 1990** to bring this legislation up to date with contemporary norms for the governance of accredited tertiary institutions.

This year, our Government set out to revisit the **Virgin Islands National Youth Policy and Strategic Objectives (2014-2019)** in an effort to update the policy with the status quo of its young people. However, due to the COVID-19 pandemic related economic strain placed on this Territory, this project was not realised. We will bring this policy back into focus.

In recent years, local sportsmen and sportswomen have been performing remarkably well on the international stage, raising the profile of the Territory and inspiring us with their achievements. Our Government recognises that our current and aspiring athletes deserve support and an enabling environment to help them realise their potential. The introduction of the **Virgin Islands National Sports Council Bill** to provide for the establishment of a National Sports Council is in the early stages of stakeholder consultation. It is anticipated that a draft Bill will be before this Honourable House during the latter part of 2021.

Our Government will create **Children (Care and Adoption) Bill** so that it is in line with the **Organisation of Eastern Caribbean States Model Children (Care and Adoption) Bill** would serve to modernise and strengthen the laws to aid in the proper care and management of children in the Virgin Islands.

More specifically, the Bill provides a more comprehensive way to address matters relating to child abuse, neglect, exploitation, and other forms of violence against children. Its express intent is to ensure the safety, welfare, and well-being of the child and that any decisions taken are made in the child's best interest. The Bill would also modernise the laws relating to foster care and adoption procedures and the child's overall welfare.

The **Registration of Births and Deaths Bill 2020** will be repealed and will replace the **Registration of Births and Deaths Ordinance (CAP.276)** which has been in existence for over fifty-six years. It also seeks to modernise the Territory's procedures with respect to the registration of births and deaths, and enable computerisation of the notification and registration process.

The archives and records of the Territory are very important to the history and identity of its people. The **Archives and Records Management Act 2010** is being amended to establish the Archives and Records Management Department and to provide for the preservation of public archives and records from an electronic perspective.

Following a 2017 consultancy through the United Kingdom's Foreign and Commonwealth Office to assess the **Labour Code 2010**, work now needs to be done to bring about a full revision of the legislation.

The overall purpose of the exercise is to establish a framework to enhance the effectiveness of employment laws and standards in place in the Territory.

The process for improving the effectiveness of our local labour law aims to reassert citizens' fundamental rights and align effectively with local standards and international norms and best practices.

The 2018 consultant's report outlines the way forward. Additional work will be done to ensure that the

requisite measures are taken to establish the Labour Policy and amend the Labour Code, where applicable.

There will also be amendments to the **Social Security Board Act** seeking to bring the legislation in line with international best practice and ensure that the best decisions are taken regarding the benefits to be received by the people of the Virgin Islands. This also includes amendments to the National Health Insurance processes.

Our Government will seek to amend the **Immigration and Passport Act (CAP. 130)** to ensure that the Immigration Department as a frontline border agency has the requisite power to charge compound fees on persons who enter the country illegally without having to take them to court. This frees up the court system from dealing with smaller cases and allows the Immigration Department to expedite issues while sending a strong message to those attempting to enter illegally.

A general revision of the **Immigration and Passport Act (CAP. 130)** is also needed to bring it in line with international best practice and ensure that the legislation is in keeping with the transformation plan for that department.

The new border management system is to be enforced shortly and ensures that a number of systems become online systems to make the department more efficient and effective.

In addition, amendments to the **Immigration and Passport Act (CAP. 130)** will help to facilitate adjustments to the immigration policy to allow longer stay for investors in an effort to attract more business to the British Virgin Islands.

In order to bring greater awareness to the roles of Honourable Members as Legislators, their privileges and Powers as we keep on the path of institutional building **Legislative Council (Privilege, Immunities and Powers) Act**.

Government intends to stay current with modernising the House of Assembly, as such; the **Standing Orders** will be further updated, to keep the House of Assembly in line with ever-changing regional and international parliamentary best practice.

Our Government values public input and debate on Bills and will endeavour to increase public consultations on all legislation coming to and presented in this Honourable House.

In the last Session, our Government was hoping to have at least one Sitting per year on a few Sister Islands, so that members of the public can get further experience and exposure to the proceedings and to be a part of monitoring the progress of our Government's Legislative Agenda. However, due to the challenges with COVID 19 plans were changed to ensure that everyone remains safe.

Our Government during this First Sitting of the Third Session of the Fourth House of Assembly will be swiftly moving forward with some of the legislation mentioned in this Speech from the Throne.

In closing, our Government's Legislative Agenda has been laid out for this Session, and it will be monitored by the Premier's Office to ensure that it moves forward with fortitude and determination.

Notwithstanding, as the need arise, other pieces of legislation not mentioned will be considered from

time to time.

Finally, as Governor, Honourable Speaker and Honourable Members of this House, visitors in the gallery, members of the public, I thank you.

The proposed **Sexual Offences Act** would provide a gender-sensitive legal framework relating to a broad range of sexual crimes, offer adequate measures to minimise secondary traumatisation, and monitor and track sex offenders following their release into the community.

The **Jury Act (CAP.36)** will be addressed to seek to examine the powers of a Judge as it relates to jury trials. The review will explore the question as to whether some trials can be heard by a Judge without a Jury to allow the expediency of Justice in the Territory. The review will also be conducted to streamline and enhance the selection of Jurors and to establish a jury register.

The **Audio Visual Link 2017** will be amended to strengthen the legislation to ensure the effective continuity of the Courts, particularly as it relates to the social distancing guidelines that were implemented to suppress or prevent the spread of COVID-19 in the Territory. Additionally, the legislation will be strengthened to look at non-arrest matters.

The **Flexible Working Arrangements Bill**, supported by a policy will outline the criteria and process for undertaking a flexible working arrangement. The implementation of this policy will come at a time where officers and employees continue to manoeuvre through their personal hurricane recovery efforts and the challenges caused as a result of COVID-19.

Consistent with the national vision, our Government will mobilise and attract foreign and domestic investment to enhance economic development, reduce unemployment, grow entrepreneurship, accelerate growth, and diversify the economy through the proposed **BVI Investment Bill**.

Additionally, the **Incentive Legislation Bill** will be introduced to ensure the empowerment of local investors and local businesses in all sectors of the economy, inclusive of all, but not limited to tourism, health, entrepreneurship, agriculture and fisheries.

Our Government also proposes to revise the **Non Profit Organisations Act 2012**. In July 2016, the Financial Action Task Force (FATF) revised its recommendations on the supervision and monitoring of Non-Profit Organisations (NPOs). It was felt that the previous language led to overregulation and inappropriate restrictions on NPOs hampering their legitimate and essential work around the world.

The new FATF recommendation acknowledges that not all NPOs are at risk and directs countries to undertake a risk-based approach when considering terrorist financing measures. A new Non-Profit Organisations Act has therefore been drafted to engender a more targeted and risk-based approach to the regulation of NPOs, which would reduce the burden of compliance presently placed on those community groups that are not at high risk for abuse by terrorist organisations.

This new approach takes into account the differing types of NPOs that exist, the environment in which they operate, and the level of risk they are exposed to.

**I will now turn to those pieces of legislation focused on: A STABLE AND DIVERSE ECONOMY**

*A number of pieces of legislation that are geared toward creating a more a stable and diverse economy will be brought forward in the upcoming year.*

As our Government looks towards creating a more stable and diverse economy, food security is a priority area that also provides economic opportunities for the people of the Virgin Islands. The agriculture and fisheries sectors remain a part of the historical, economic and cultural identity of Virgin Islanders and will remain key elements of our Territory's increased emphasis on food security.

This is why ***The Virgin Islands Agriculture and Fisheries Marketing Authority Bill*** is being proposed, following a series of stakeholder contributions. This Bill will seek to establish a statutory authority to serve as the primary vehicle to coordinate the Territory's focus on food security, and is expected to be realised in early 2021.

Amendments will be made to the ***Customs Management and Duties Act*** encourage investments in Green SMART products like green energy, as well as export tax, among many other areas to stimulate the economy of the Virgin Islands and to increase revenues. Other amendments to this Act also include measures that will increase and reposition the Territory as the sailing capital of the world.

The ***Tobacco Products Control Act 2006 (No. 18 of 2006)*** will be amended to address various deficiencies and bring the legislation in line with international standards, more specifically to meet the basic provisions outlined in the World Health Organization (WHO) Framework Convention for Tobacco Control (FCTC). The FCTC aims to combat the global tobacco epidemic and protect present and future generations from the devastating health, social, environmental, and economic consequences of tobacco consumption and tobacco smoke exposure.

Our Government will introduce the ***Environmental Management & Climate Resilience Act*** to establish the legal mechanisms for the improved management of the environment and the conservation of biodiversity. It aims to provide for the sound and sustainable management of natural resources while establishing the institutional framework to manage the causes of and impacts from climate change.

The ***Liquor Licence Act (CAP.106)*** will be modernised in consideration of the changes in the industry so that legislation is aligned with modern day practices.

The introduction of a ***Waste Management Bill*** is essential to being a competitive economy, especially when we consider the role that the environment plays in the Territory's economy.

The team is finalising a comprehensive ***Waste Management Strategy*** and is proposing new legislation to reform the law regulating waste management, in accordance with the waste hierarchy.

A ***Waste Management Act*** will strengthen the legal framework for sustainable management of household waste, industrial waste, construction and demolition waste, and hazardous waste in order to protect health and the environment, while improving the aesthetics of the Territory.

We will move forward with the ***Plastic Litter Reduction and Container Deposit Bill***. The primary objectives of the proposed legislation are to reduce beverage container litter along roadsides, ghuts, coastal and marine areas, and on other public or private properties; and encourage recycling.

The ***Water Supply and Sewerage Bill*** remains in draft form and still to be approved by Cabinet for

further processing. The proposed legislation will seek to expand on the **Water Supply Ordinance (CAP.153)** by encompassing the management of the public water supply, sewage collection, treatment and disposal, and the control of disposing of fats, oils and grease. The **Water Supply Ordinance (CAP.153)** would be repealed for a more modern and comprehensive legislation.

There will also be an amendment to the **BVI Health Services Authority Act (No. 14 of 2004)**. The proposed changes to the principal legislation aim to address the operations of the BVI Health Services Authority as it relates to effective governance and management of the Authority's mandate.

Strengthening Governance is important for having a stable economy. The **Integrity in Public Life Bill** will promote and enhance ethical conduct standards by consolidating laws relating to the prevention of corruption and the award, monitoring, and investigating government contracts and prescribed licences.

Additionally, it will establish a single body responsible for supporting the establishment and enforcement of integrity standards that will promote and strengthen measures for preventing, detecting, investigating, judging, sanctioning, and prosecuting acts of corruption, linking with law enforcement as appropriate.

Public safety and justice are essential for maintaining the stability of our economy and our society. The **Police Act (CAP.165)** will bring together an updated legislative basis for policing in the Territory and provides a strong constitutional and professional base for a modernised Police Force. It provides a real opportunity for the Royal Virgin Islands Police Force to emerge as a leading police force in the Caribbean.

Our Government will introduce the **Road Traffic Act (CAP.218) (Amendment)**. The amendment will seek to modernise the suite of traffic offences and fines intended to regulate and control road traffic more efficiently. Further, it is envisioned to reduce the number of traffic offences and accidents and act as a deterrent, thus improving compliance and public trust of the motoring public with the law, and overall road safety as better policing of the road traffic would be achievable.

Amendment to Section 2 of the **Explosives Act (CAP.124)** is being proposed to widen the use of the word explosives to include articles consisting of a cartridge case and various cartridges. The amendment will allow law enforcement to properly deal with serious criminal offenders and ensure the safety of citizens, residents and visitors.

1. the Proceeds of Criminal Conduct Act, 1997, to make provisions for unexplained wealth orders.



Contact Us



Our Ref.: 35A/1/187

FROM: Permanent Secretary (Ag.)

TO: Attorney General

DATE: 3<sup>rd</sup> December, 2020

**SUBJECT: Feedback on the Integrity in Public Life and Register of Interests Bills**

Reference is made to your memo dated 4<sup>th</sup> November, 2020 regarding the captioned subject and the subsequent meeting held with Parliamentary Counsel, Ms. Abina Solomon and the Registrar of Interests, Mrs. Victoreen Romney-Varlack on Tuesday, 1<sup>st</sup> December, 2020.

It was agreed that the Register of Interests Act should be repealed and replaced with a new Act that will enable the Register of Interests to have enforcement powers. Additionally, the Integrity Commission will serve as an advisory body for the Registrar of Interests while the Registrar will serve as the decision making body.

Outlined below are additional changes that should be incorporated into both pieces of legislation.

**Register of Interests (Amendment) Act, 2020**

- o All officers in public life should be required to make declarations
- o Declarations should be made public
- o Prison, Customs, Immigration and Fire Officers should be clearly listed in Schedule 4
- o Replace the Select Committee with the Integrity Commission
- o Under Schedule 4, the section regarding Members of Boards should be made clear to include employees of Statutory Agencies, Commissions, etc.
- o There should be one legislation to address Members of the House of Assembly and Public Officers
- o Declarations should be made when officers are employed and annually at a fixed date, preferable January; therefore, any reference to 30 days should be removed from the legislation
- o Clearly define the sanctions with a range
- o Under Schedule 1 (2), the information referenced in the note should be removed
- o Sections 8, 9, 10, 11 and 14 should be removed

The draft pieces of legislation were shared with stakeholders and attached are comments from the Director of Public Prosecutions and the Director of Human Resources for inclusion in the revisions. Also attached are copies of the Cabinet Paper and extract referenced by the Registrar of Interests.

Thank you for your usual support.

Sharleen DaBreo-Lettsome  
Permanent Secretary (Ag.)

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Attachments (5)





## MEMORANDUM

**FROM:** Director of Human Resources  
**TO:** Permanent Secretary, DGO  
**DATE:** 12<sup>th</sup> November, 2020  
**SUBJECT:** Comments -Integrity in Public Life

Reference is made to the above captioned subject and your 6<sup>th</sup> November, 2020 email requesting comments on the Bill. This office fully supports the Bill and recognises its importance for reinforcing the principles of good governance and embedding accountability in Government.

The following comments on the Integrity in Public Life Bill are provided below.

- |    |  |  |
|----|--|--|
| 1. | Section 2<br>"public body"                                       | The definition of "public body" seems to imply that corporations, other than those specified in sub paragraph (c), may be deemed a public body and be subject to this Act. This may be inferred based on section 3 of the Amendment Bill which states, " <i>This Act applies to every person in public life, unless a contrary intention appears.</i> " To provide additional clarity and for the avoidance of doubt, the following text is suggested.<br><br>Suggested Text: Remove the current (c), change (d) to (c) and reword it as follows,<br><br><i>"(c) any board, authority, commission, committee, council, trust, corporation, any subsidiary company of a corporation or other like body established for a public purpose."</i> |
| 2. | Section 5(5)(g)<br><br>Constitution of the Commission            | In this section, it states that a person is disqualified from being appointed as a Commissioner if that person has been certified by a medical practitioner to be of unsound mind but does not speak to one's physical abilities to perform the role. However, in section 9(4) a Commissioner may be removed from office from 'infirmary of body or mind or any other cause.' In that instances, if one can be removed from office for infirmity of body that one's physical ability should be a criteria for appointment. Consideration should be given towards including physical capabilities as a criterion for appointment as Commissioner, which is more easily evidenced by the standard medical examination.                         |
| 3. | Section 20(2)(b)<br><br>Use of office and conflicts of interests | In this subsection the 's' in the word 'conflicts' should be removed. The following text is suggested.<br><br>Suggested Text: " <i>accept any position or have any commercial or other interest that is in conflict with his or her office, function and duty...</i> ".  |
| 4. | Section 20(2)<br>Use of office and conflicts of interests        | In this subsection it lists a number of actions that are prohibited in the performance of his/her duties that may give rise to a conflict of interest whether actual or perceived. In the draft Public Service Management Bill, we expanded this section to prohibit certain decisions to be taken by an officer that may affect his/her financial or other interests. This provision prohibits officers from taken part in decision-making that includes, (a) <i>his or her</i>   |

spouse,

(b) legal persons with whom he/she has a formal or business contact,

(c) persons who have financed his/her election campaign within the past 5 years,

(d) companies, or other legal persons which the officer intends to seek employment,

(e) associations where he/she holds an administrative/managerial post or membership on the board of directors;

(f) an individual for which the officer is an official representative, legal representative or trustee.

Similar text of this nature is suggested towards strengthening this provision.

- |    |  |   |
|----|--|---|
| 5. | 23(3)<br>Gifts   | <p>In this section it states, that a person in public life shall report the acceptance of an 'official gift' to the Commission and the Deputy Governor. As defined in the proposed Bill, the person in public life not only includes public officers but also, members of the House of Assembly, members of boards and other public bodies. Due to the diversity of the group, and in accordance with the functions of the Register of Interests, it may be more appropriate to have these disclosures made to the Registrar of Interests in the prescribed manner. For greater alignment with existing legislation and administrative function, the following text is suggested.</p> <p style="text-align: center;">Suggested text: "(3) Where a person in public life accepts a gift in the circumstances referred to in subsection (2)(b), the person shall make a report to the Registrar of Interests in the prescribed manner and within such period as may be prescribed."</p> |
| 6. | 25(1)<br><br>Complaints to<br>the Commission                           | <p>In this section, it states that a person may make a complaint to the Commission in writing. However, in section 25(3), it states that a complaint may be made in writing to the Commission or orally before a member of the staff. For consistency, an adjustment to section 25(1) is suggested by removing 'in writing' in the sentence.</p> <p style="text-align: center;">Suggested text: "may make a complaint to the Commission."</p>   |
| 7. | 27(1)<br><br>Appointment of<br>investigators.                          | <p>In this section, it states that the Commission may appoint fit and proper persons as investigators. For the avoidance of doubt, it is recommended that persons appointed under this section are to be subject to sections 28 and 29 of the Bill, and be required to take an oath of office and the maintain the confidentiality of information.</p>  |
| 8. | 31(1)<br><br>Disclosure of<br>interests in<br>debates and<br>questions | <p>In this section, it speaks to the responsibility of a Member of the House of Assembly to disclose his/her interest while performing his/her duties. This principle should be adopted for other persons in public life. This goes to the point that was made in item 4 of this memorandum, in the day to day performance of a person in public life he/she should be required to disclose his/her interest to that organisation which he/she is employed, his/her line manager or whomever he/she is responsible to in the performance of his/her functions and be prohibited from taking part in any decision making that may affect his/her financial or other interests.</p>   |



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9. 34(1) Appointment of advisers to the Commission. In this section, it states that the Commission may appoint professional or technical advisers. For the avoidance of doubt, it is recommended that persons appointed under this section are to be subject to sections 28 and 29 of the Bill, and be required to take an oath of office and the maintain the confidentiality of information.

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10. 37(1) Forfeiture of property benefit unlawfully acquired or In this section, it refers to a person being convicted of an act of corruption **under this Act**. This language seems inconsistent with the provisions set out in this Bill. The Commission is an investigative and reporting body that is required to submit reports to the relevant bodies responsible for meting out charges and penalties to a person in public life, such as the Police, Director of Public Prosecutions, a relevant Commission or the Governor. With that in mind, it would be inconsistent for a reference to a person being convicted of an act of corruption under this Act. This point is supported by section 17 of the Bill, which preserves the powers to the appropriate disciplinary authority. Therefore, it is recommended that the language be adjusted, in line with the following text.

Suggested text: *"Where a person is found to have committed an act of corruption under this Act..."*

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11. 39(2)

Regulations

It is recommended that this section is amended changing the word 'inconsistent to read in the affirmative as follow:  
The Governor may make Regulations consistent with this Act,...

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It is presumed that accompanying regulations will operationally outline the handling of matters Involving Public Offices and how and when such matters/reports are to be submitted to the relevant commission

Thank you for providing the opportunity to offer comments on this Bill. Should you have any questions or concerns regarding the contents of this correspondence, please contact me at x 3118 or the Deputy Director, Shavon Henley Hodge at ext. 2105.

  
Michelle Donovan Stevens  
Director of Human Resources



# MEMORANDUM

**To:** Permanent Secretary (Ag), Deputy Governor's Office

**BY EMAIL**

**From:** Director of Public Prosecutions

**Date:** 11<sup>th</sup> November, 2020

**Re:** **Comments on the Integrity in Public Life Bill 2020**

Reference is made to the captioned matter.

My comments are as follows:

1. Corruption needs to be specifically defined in the interpretation section and must coincide with the Criminal Code Amendment No. 8 of 2006.
2. The Section of Corruption (Part III) needs to be cross referenced to the Criminal Code 1997 as amended. Specifically Sections 79 – 89 which deal with bribery, breach of trust by public officers and officials.
3. Section 18 of the Bill needs to include a provision that specifically addresses the unauthorized disclosure of information to any unauthorized person (within or outside the Public Service). This will address the violations of the Oath of Confidentiality and hopefully curb the instances of leaks from the Public Service.
4. The provisions of subjecting the Director of Public Prosecutions to a Code of Conduct, opens the post holder to have their decisions on prosecution to be open to review and scrutiny which contravenes Section 59 of the Virgin Islands Constitution Order 2007. Part IV of the Bill needs to clearly specify that despite the Conduct Provisions, the Director's mandate to commence, take over and discontinue proceeds shall not be subject to review.
5. The Powers of Investigation also need to be streamlined to ensure that the proposed Commission cannot investigate or interfere with any Criminal Investigation or Prosecution.
6. What makes a fit and proper investigation as stated in Section 27 (1) of the Bill. This needs to be clearly defined.
7. Section 37 (1) needs to be amended, by replacing forfeiture with confiscation. The two terms are not interchangeable. Confiscation is when the Court orders the benefit gained to be paid and is a part of the sentence. Forfeiture just removes an item such as money from a person's possession.
8. Schedule 1 – all Public Officers are persons in public life, persons under the rank of Senior Administrative Officer should not be excluded it is the respectful view of the undersigned

**MEMORANDUM**

**To:** Permanent Secretary (Ag), Deputy Governor's Office

**From:** Director of Public Prosecutions

**Date:** 11<sup>th</sup> November, 2020

**Re:** Comments on the Integrity in Public Life Bill 2020

that if any class of public officers are excluded it may result in some of those persons believing they can act contrary to the purpose of the proposed legislation.

9. Reference is made to a Code of Conduct, but there is no document that speaks to same. Who will be drafting the document, and will that document be presented for documentation?

10. Public body should clearly include all statutory bodies.

It is trusted that these comments are of assistance.

The undersigned remains available to provide any additional assistance if required.

Respectfully,



Tiffany R. Scatliffe Esprit, LL.M.  
Director of Public Prosecutions





Our Ref.: 35A/1/187

FROM: Permanent Secretary (Ag.)

TO: Attorney General

DATE: 3<sup>rd</sup> December, 2020

**SUBJECT: Feedback on the Integrity in Public Life and Register of Interests Bills**

Reference is made to your memo dated 4<sup>th</sup> November, 2020 regarding the captioned subject and the subsequent meeting held with Parliamentary Counsel, Ms. Abina Solomon and the Registrar of Interests, Mrs. Victoreen Romney-Varlack on Tuesday, 1<sup>st</sup> December, 2020.

It was agreed that the Register of Interests Act should be repealed and replaced with a new Act that will enable the Register of Interests to have enforcement powers. Additionally, the Integrity Commission will serve as an advisory body for the Registrar of Interests while the Registrar will serve as the decision making body.

Outlined below are additional changes that should be incorporated into both pieces of legislation.

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The draft pieces of legislation were shared with stakeholders and attached are comments from the Director of Public Prosecutions and the Director of Human Resources for inclusion in the revisions. Also attached are copies of the Cabinet Paper and extract referenced by the Registrar of Interests.

Thank you for your usual support.

Sharleen DaBreo-Lettsome  
Permanent Secretary (Ag.)

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Attachments (5)

**EXPEDITED EXTRACT**

**Ref:** CO/C/070/2

**FROM:** Cabinet Secretary

**TO:** The Premier

**CC:** Financial Secretary  
Permanent Secretary, Premier's Office

**DATE:** 2nd December, 2020

**Ministerial Code of Conduct - Extension of Time for Submission of  
Recommendations for Amendments to Draft Code  
Memo No. 453/2020 (/memorandums/804)**

Further to the decision made by the Cabinet on 2nd December, 2020, below is the amended decision taken by the Cabinet in respect of the captioned matter:

Cabinet:

- a. received and approved the request of Chairman of the Ministerial Code of Conduct Working Group for an extension of time as detailed in his letter attached as **Appendix Band** decided to grant a further extension to 5th January, 2021; and
- b. decided that an expedited extract be issued so that the decision of Cabinet can be acted upon before the confirmation of the Minutes.

Please be guided accordingly.

Ms. Sandra Ward  
2nd December, 2020



# Opening Remarks by His Excellency The Governor at Governor's Catch-up With the Media on December 3, 2020

## Statement

Office of the Governor

Topics: Internal Security (Police) (/tags/internal-security-police), Novel Coronavirus (/tags/novel-coronavirus), The Public Service (/tags/public-service)

Release Date:

Thursday, 3 December 2020 - 1:44pm



**OPENING REMARKS BY HIS EXCELLENCY THE  
GOVERNOR  
AUGUSTUS JASPERT  
AT GOVERNOR'S CATCH-UP WITH THE MEDIA  
DECEMBER 3, 2020**

Good morning. Thank you to members of the media for attending my regular press catch-up this morning – it is good to see you all. Good morning also to the Deputy

Governor who joins us here this morning.

I would like to start out by paying tribute to our Public Officers. As you know, it has just been Public Service Week – the theme of which was 'Twenty Years of Resilience, Hope and Celebration.' I was thrilled to take part in some of the week's celebrations and visit a number of offices throughout to personally thank our public officers. I have also taken part in a number of award ceremonies these past weeks and am looking forward to shortly launching a Governor's award titled the Medal of Meritorious Service, which will be for law enforcement and national security officers. COVID-19 has brought unprecedented challenges to our public service, the way we work and the jobs we do. I feel incredibly proud of our dedicated public officers rising to that challenge and exhibiting the highest standards of integrity, fairness and BVI Love – qualities I see every single day across business people, faith and community figures and BVI as a whole.

This week also marks the end of the 2020 Atlantic Hurricane Season. We have been fortunate this year not to experience any major landfalls, but unfortunately, the same cannot be said for our neighbours in the region – particularly Central America. We know the pain that those people affected are facing right now and our thoughts and prayers stay with them. I would like to take a moment to acknowledge

the extensive preparations that took place across the Territory to help us 'Be Ready.' Amidst all the other requirements brought on by COVID-19, it took even more effort this season and I am very grateful to DDM, essential workers, volunteers and community organisations for their work in this area.

On the subject of COVID-19, I trust that many individuals across the Territory will have been closely following work to develop a vaccine. It is great to see the UK pioneering this work and to have assurances from the UK Government that BVI will receive any COVID-19 vaccine procured by the United Kingdom – it will be the same vaccine as that used in the UK and will be distributed on a completely voluntary basis, overseen by the BVI Government. I believe this gives us cause for hope that things may be different in 2021. Another cause for hope is the reopening of the Territory's borders to tourists. I was delighted to attend the heavily anticipated opening ceremony at the airport on Monday. I know that the Territory stands with open arms (albeit socially distanced) ready to welcome our visitors with BVI Love.

With all of the successes and great things we are achieving as a Territory, it is important that we also address any areas that could hold us back. I would like to spend some time talking about the governance of the Territory. During my time here, I have sought to make BVI as successful as it possibly can be, with equal opportunities and a high standard of governance for all. At many of our press briefings before, we have discussed the things we need to put in place to achieve this – from more transparent practices, to laws which protect against corruption.

I have heard time and time again that people want these reforms and more. The people of BVI are our greatest asset. During my time here, I have had the honour to get to know some of the most talented individuals I have ever worked with. The vast, vast majority of them and the community more broadly want BVI to be governed with integrity, openness and fairness. Likewise, the public service is overwhelmingly filled by officers committed to achieving good governance. These individuals represent the true values and character of BVI.

Therefore, when I talk about improving governance – despite what some may say – I do not do so as a criticism of BVI, but based on what I believe the people of BVI want. I, like the majority of people here, want BVI to be as successful and self-determining as it can be.

Recently, I have had a number of concerns and allegations put to me by the community. I will not go into the specific details of these as they are purely allegations, but I will broadly speak to the areas they touch on. I do so – after much deliberation - because I want to be transparent and open about these things and to find out more about what we may be facing.

First, many people are concerned about transparency when it comes to public projects and funds. The Auditor General has written numerous reports detailing the common problems in this area - tender waivers, interference, contract-splitting and inflated prices being a few examples. As you know, investigations are underway on some matters which I cannot comment on. The recommendations from those audit reports have not always been actioned and this raises concerns that our systems remain vulnerable. I know that many people are troubled by this, particularly in relation to Government contracts and the recent stimulus funds. These concerns are exacerbated by the fact that details of Government spending are not always readily available to the public and our institutions of good governance. Many have asked whether the Territory's governance is operating with the level of integrity and fairness that it should and this question warrants some consideration.

In response, the Deputy Governor and I continue to speak with our local institutions about how we can address these challenges. The Auditor General, the Commissioner of the Police, the Complaints Commissioner, the Financial Investigations Agency and the Registrar of Interests have already been doing important work into specific areas of concern and we are discussing what more can be done. One thing we can be sure of is that robust, holistic and impartial investigation is required to reassure the people of BVI. Regrettably, our local institutions have told us that they may be hindered in carrying this out, without the legislation and frameworks in place to give them the mandate to do so. We will continue to assess what needs to be done as we find out more.



Second, many are concerned about the number of drugs and cash seizures and gun violence recently taking place in this Territory. These make it very clear that the Territory is vulnerable to drug trafficking, serious organised crime and all that comes with it. Criminal investigations are underway, so I will not comment on specific investigations, but we cannot ignore the fact that there is a problem here. Drugs and smugglers are able to enter the Territory's closed borders and our people are getting killed. The risks for the Territory are significant and we must not let this crime continue to infiltrate our society, our businesses and our way of life and we must not let the profits of crime risk corrupting our institutions.

In response to these concerns, we are taking immediate steps to bolster our security and law enforcement agencies. With the support of NSC, I have invited UK Police officers to provide extra support to the Joint Task Force. Whilst here, they will deliver a programme of training and mentoring – to help upskill our people and support BVI to do more for itself to secure the Territory. Linked to this and in the spirit of building BVI's capability for the long-term, the UK Government is injecting new funding into BVI's security and institutions. For example, we have provided just under half a million dollars to help BVI rebuild its Marine Base in partnership with the BVI Government, we have provided funds to repair RVIPF ships and infrastructure so they have the latest tools and equipment to do their job effectively. These measures will help the Territory do more to tackle the threat of serious organised crime. We are also putting forward legislation to help our agencies investigate unexplained wealth, which I hope that the Cabinet and in due course, the House, will support.

Third, I have heard the community raise concerns relating to intimidation and victimisation in the Territory. These have been put to me by a number of individuals in senior positions across the public service, even the media, industry and our community. I will not go into specific details as they were shared in confidence, but some have described a growing culture of fear – strong allegations which we cannot brush aside.

I want to be clear that no one in this Territory should be afraid to raise a concern. It is a Constitutional right to have freedom of speech and everyone should be able to do their job without fear or favour. My Office and the Deputy Governor's Office are always open to any individual seeking to raise a concern or ask for help. We will put in place a process for these to be shared in confidence. We will also bring forward measures to strengthen our institutions in response to these concerns. The Deputy Governor and I will shortly be bringing forward the Integrity in Public Life Act which will bolster the ability of our institutions to ensure accountability.

Finally, as you all know, as I previously stated, I was due to leave here at the end of this year. However, I will now be staying on into January until the new Governor, Mr. John Rankin, is sworn in. This will allow me to continue to support the Public Service and the Deputy Governor who are doing tremendous work to support the Territory at this time. It will allow a smooth handover to my successor, in case of any disruptions caused by travel and quarantine. And it will allow me to consider the concerns put to me, in consultation with BVI institutions.

We hope that during this period, we can have open and honest conversations about what we need to do to build better governance in BVI. The vast, vast majority of people in BVI are honest and want the best for this Territory. I hope that all voices will be heard and respected.

We have a huge amount to be proud of in BVI, but it is not a bad thing to say, 'there are things we need to improve on here in BVI.' An individual who does so is not against BVI – quite the opposite, it shows that you care about making BVI a better, a more democratic and a more transparent place.

This is exactly what our Constitution demands. The Constitution states that this Territory is built on "honesty, integrity, mutual respect, self-reliance" and that the "Virgin Islands should be governed on adherence to well-established democratic principles and institutions." It also states that "the people of the Virgin Islands have generally expressed a desire to become a self-governing people." All those in public office, including me, as your Governor and your Deputy Governor, are duty bound to uphold the Constitution and the rights of people in this Territory. So if the people of BVI have concerns, they are right to raise them and I, as your Governor, and the Deputy Governor are here to support you.

I have been inspired by the number of individuals who have come to me with a genuine desire to improve this Territory. This speaks to how much the people of BVI truly want to see change and to advance. 70 years on from the restoration of the legislature in BVI, the commitment to BVI's democratic values stays strong. Any democracy needs the people to be empowered with accountability and transparency.

BVI has the potential to be a model for the region. Now let us work together to help BVI to achieve its full potential and be held in the highest regard for its honest governance and values. This takes hard work. It also takes courage, the courage to look at ourselves in the mirror and say, 'we can aim higher.'

We know that the key to BVI's success lies in the hands of the people. This is one of the safest places in the Caribbean, underpinned by an effective public service, strong rule of law and internationally successful industries. The people of BVI have proven their strength time and time again, in building this Territory and sustaining it through floods, hurricanes and now COVID-19. It has been an inspiration to see and an honour to be a part of. Now as we head into the new year, we will stay true to our values and we will champion the BVI that we know and love.



([https://bvi.gov.vg/sites/default/files/field/image/559\\_-\\_governors\\_catch-up\\_dec\\_3\\_2020\\_opening\\_remarks.jpg](https://bvi.gov.vg/sites/default/files/field/image/559_-_governors_catch-up_dec_3_2020_opening_remarks.jpg))

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# Bill entitled, Integrity in Public Life Act, 2020

• **Signed** 13 December 2020 PO File: PO/M3/007 Mrs. Elvia Smith-Maduro

Memo No. 505/2020

## Background Information

1)The people of the British Virgin Islands have historically subscribed to the Good Governance principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership in the conduct of public affairs. These principles are reflected in the preamble to their Constitution, the Virgin Islands Constitution Order 2007, which acknowledges that the society of the Virgin Islands is based upon certain moral, and spiritual and democratic values, and that Virgin Islanders have developed themselves and their country based on qualities of honesty, integrity, mutual respect, among other noble principles.

2)The Constitution also affirms that the people of the Virgin Islands have generally expressed their desire to become a self-governing people and to exercise the highest degree of control over the affairs of their country at this stage of its development; which requires them to play an active and proactive role in the development and shaping of their institutions.

3)Attempts have been made since the 1990s to introduce Public Service Integrity Legislation in the Virgin Islands. Prior Virgin Islands Governments have recognised the need for a framework to guide, support and assure that the conduct of public affairs by public officials conforms with the internationally accepted standards of integrity. In 2003, a draft of an Integrity in Public Life Bill, 2003, was prepared and subject to various forums for consultation. However, for various reasons, this draft did not advance beyond this consultative stage. Major sections in the draft with the Registrar of Interests, Declaration of Interests, Assets, Income and Liabilities, and the Register of Interests. The Register of Interests Act was subsequently passed in the Legislative Council (now House of Assembly) on 2nd May, 2006.

4)On 11th January, 2018, Cabinet considered the paper titled "Status Report – Strategic Direction for an Improved Public Service". Cabinet approved the Good Governance strategy and requested full development and implementation of the following within the first Quarter of 2018:

- i. Public Service Management Act;
- ii. Integrity Commission; and

iii. Ministerial Code of Conduct, to be drafted for Cabinet.

5) To date, the Public Service Management Bill has been drafted and underwent extensive public consultation process. The feedback from the consultation has been incorporated into the draft and the Bill is on its final round of review and updates. Cabinet on 9th April, 2020 via Cabinet Memo No. 111/2020, approved the establishment of a Working Group to review the draft Ministerial Code of Conduct and make recommendations for amendments to the draft for Cabinet's approval. Due to the COVID-19 global pandemic, which resulted in imposition of many curfew orders, the Working Group was unable to complete their work within the original time frame of 1st October, 2020.

6) The Chairman of the Ministerial Code of Conduct Working Group has requested an extension of time from 1st October, 2020 to 30th November, 2020, to complete the review and submit recommendations for Cabinet's approval. Cabinet on 2nd December, 2020 approved an extension to 5th January, 2021, via Cabinet Memo No. 453/2020.

7) On 12th February, 2020, Cabinet noted via Memo No. 55/2020 the Premier's update on progress made to ensure Good Governance in public affairs in the first eleven (11) months of his government's administration and noted that the Integrity in Public Life will be among several pieces of good governance legislation that will come to Cabinet during the course of 2020. A copy of Cabinet Memo No. 55/2020 is attached for members ease of reference as **Appendix I**.

8) The need for Integrity legislation was championed by the current Premier and Minister of Finance. It is noted that when he was the appointed Leader of the Opposition that he also championed this cause. During his speech at the 30th June, 2017 Territory Day ceremony, he told the gathering, "The implementation of such legislation will create a victorious BVI because it would promote transparency." Now as the leader of this current Administration, the Premier is committed to bring forward this important piece of legislation, as his Government, pledged to place the people of the Virgin Islands first as well as its full commitment to integrity, the rule of law, transparency, accountability, stability, democratic principles, prosperity for the Virgin Islands, and to safeguard the rights of all who call the Virgin Islands home and ensure that those rights are fully respected and protected.

9) The Government also committed to put measures in place whereby elected members uphold our cherished institutions to the highest level and restrain from abusing their powers. This commitment was reinforced in the Speech from the Throne that was read in the House of Assembly on 14th November, 2019, by His Excellency The Governor, indicating that Integrity in Public Life legislation and other anti-corruption initiatives were on the 2020 Legislative Agenda.

10) Due to the emergence of the COVID-19 global pandemic in March 2020, Government's priorities were forced to be shifted towards mitigating the spread of the disease in the Territory and managing the social and economic impacts on the population. Circumstances hindered the legislature's ability to have regular sessions and thus impacted the implementation of the legislative agenda.

11)At the 2020 Speech from the Throne delivered by the Governor before the House of Assembly on 5th November, 2020, it was reiterated that the Government recognises that strengthening Governance remains important for having a stable economy. It was indicated that the Integrity in Public Life Bill remains a priority on the legislative agenda and that this legislation would promote and enhance ethical conduct standards by consolidating laws relating to the prevention of corruption and the award, monitoring, and investigating government contracts and prescribed licences.

12)Additionally, it was stated that the legislation would establish a single body responsible for supporting the establishment and enforcement of integrity standards that will promote and strengthen measures for preventing, detecting, investigating, judging, sanctioning, and prosecuting acts of corruption, linking with law enforcement as appropriate. To this end, the Integrity in Public Life Act, 2020 (**see Appendix II**) ("the Bill"), has been prepared and is now presented to Cabinet for consideration.

13)The Bill makes provision for a Code of Conduct and declarations of interest for public officials; for the offences of abuse of office, misconduct and neglect of duty; and in that connection to make provision for the establishment of Integrity Commission, its powers and functions; and to provide for related incidental matters.

14)Public officers and Persons in Public Life, listed in the First Schedule, would be required to sign the Code of Conduct set out in the Second Schedule of the Bill and observe, abide and conduct themselves in accordance with it. Public officers and Persons in Public Life would be required to complete and file, on the prescribed form, a declaration with the Commission of his or her income, assets, liabilities, private interests, and gifts in cash or kind that are received by himself or herself, his or her spouse or his or her dependent children. Thereafter, the public officer shall in each succeeding year that he or she continues to be a public officer, file further declarations of his or her income, assets, liabilities, and private interests. Assets may be placed in a blind trust. A copy of the trust deed shall also be filed with the Commission.

15)The Minister may, by regulations made under this Act, prescribe persons who occupy specific posts in the public service to complete and file declarations pursuant to the provisions of this Act.

16)Members of the Integrity Commission shall be appointed to hold office for a period not exceeding five (5) years and shall be eligible for re-appointment.

17)The Commission shall consist of:

- i. a chairman, who shall be a retired judge or an attorney at law of at least fifteen (15) years standing, appointed by the Governor in acting in his or her on deliberate judgment;
- ii. two (2) members appointed by the Governor on the advice of the Premier;
- iii. one (1) member appointed by the Governor on the advice of the Leader of Opposition; and

iv. one (1) member appointed on the advice of Christian Council.

18) All meetings of the Commission will require a quorum of three (3) members present at meetings.

19) A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling his or her duties pursuant to the provisions of this Act.

20) The following persons are disqualified from being appointed a member of the Integrity Commission:

- i. a person in public life or is otherwise exercising a public function;
- ii. a person who has, at any time during the three (3) years preceding the date of appointment, been a person in public life or public servant;
- iii. a person who has, at any time during the five (5) years immediately preceding the date of appointment, held office in a political party; or
- iv. a person who would otherwise be disqualified, in accordance with the Constitution, to be a member of the House of Assembly.

21) The Act provides for vacancy in the membership of the Commission:

- i. where a Member is absent from three (3) consecutive meetings without the approval of the Chairman,
- ii. on the expiration of five (5) years from the Member's date of appointment,
- iii. on the death, resignation or revocation of the appointment of the Member,
- iv. if the Member is appointed as a Public Servant,
- v. if the Member is nominated as a candidate for election as a representative in the House of Assembly or is appointed the Speaker of the House of Assembly, and
- vi. if the Member otherwise becomes a public official.

22) The functions of the Integrity Commission shall be to receive, examine, and retain all declarations filed pursuant to the provisions of this Act; make such inquiries as it considers necessary in order to verify or determine the accuracy of any declaration filed pursuant to the Act; without prejudice to the provisions of any other enactment, conduct an investigation into any allegation of bribery or act of corruption under this Act referred to it by any person; and perform such other functions as may be required pursuant to the provisions of the Act or any other enactment.

23) The Commission shall not, in the exercise of its functions under this Act, be subject to the control or direction of any person or authority.

24)The Act makes provisions for removal of a Commissioner from office by the Governor based on the recommendation of a Disciplinary Tribunal that the Commissioner ought to be removed for inability or unwillingness to discharge the functions of his or her office or for misbehavior or other good cause.

25)Where the question of removing a Member of the Commission ought to be investigated, the Governor shall appoint a Disciplinary Tribunal consisting of one (1) person being either a Judge of the High Court or an attorney at law of fifteen (15) years standing, to inquire into and report on the facts thereof, and recommend to the Governor whether the Member should be removed from office.

26)The Act provides for the appointment of a Secretary to the Commission and appropriate staff, including qualified staff for conducting investigations.

27)In the performance of its investigative functions regarding complaints, the Commission shall have the powers, rights and privileges of the High Court at a trial as these relate to summoning witnesses to be examined under oath, affirmation or otherwise; and compelling the production of documents.

28)An inquiry shall not be commenced after five (5) years from the date when the person in respect of whose declaration the inquiry is being conducted, ceased to be a public official. In the course of investigations, the Commission may require, by notice in writing, any person to supply information to it or produce a document or thing.

29)An investigator may, upon production of his or her Official Identification Card if so required, enter premises occupied or used by a public authority for the purposes of searching for documents kept on the premises; inspecting documents or other things kept on the premises; and taking copies of relevant documents found on the premises.

30)The public authority concerned shall make available to the investigator any facilities necessary to enable the investigator to exercise his or her powers under subsection (2).

31)In the case of private premises where the investigator reasonably suspects that it is necessary to in furtherance of the investigation, the investigator may seek a warrant for the purpose of entering private premises to search for an inspect documents and other evidence.

32)The Act makes provisions for treating with the following offences:

- i. Abuse of Office (Clause 28) is committed if a public official:
  1. seeks or accepts personal or private benefit for himself or herself or a member of his or her family or person associated with him or her, whether or not the benefit places him or her under an obligation to the person given or offering the benefit;



2. uses public funds or resources for private purposes, including party political purposes;
  3. fails to act impartially, or gives undue preferential treatment to a person or group of persons;
  4. misuses information acquired in the course of his or her duties;
  5. acts in a way that allows or might reasonably be thought to allow, a conflict of interest to arise between the public duties and the private interests of the public official;
  6. interferes in, or seeks to influence, otherwise than as part of his or her duty, the appointment, promotion, suspension, demotion or dismissal of a public official or other persons; and
  7. induces or encourages another official to act contrary to the relevant Code of Conduct.
- ii. Misconduct and Neglect of Duty (Clause 29) is committed where a public officer misconducts himself or herself or neglects to perform his or her duties to such a degree as to amount to an abuse of public trust in the office holder;
  - iii. Obstruction and Providing False or Misleading Information (Clause 30); where any person obstructs or fails to assist an investigator in carrying out his investigative functions as set out in the Act, or where the individual gives false or misleading information to the investigator or the Commission;
  - iv. Failure to Furnish Information (Clause 31); an offence is committed where a person fails, without reasonable cause, to furnish to the Commission a declaration of further particulars thereof which he or she is required to furnish in accordance with the provisions of this Act, or where a person aids, abets, or facilitates another person in withholding information from the Commission.
  - v. Knowingly and mischievously makes or causes to be made a false report to the Commission or misleads the Commission by giving false information or by making false statements or accusations (Clause 27(2)).

33) In the case of the above-mentioned offences, the following penalties are prescribed under the Act, upon conviction of the individual:

- i. Abuse of Office – a fine not exceeding thirty thousand dollars (\$30,000) or imprisonment for a term not exceeding five (5) years. (Clause 28);

- ii. Misconduct and Neglect of Duty – a fine not exceeding twenty thousand dollars (\$20,000) or imprisonment for a term not exceeding two (2) years. (Clause 29);
- iii. Obstruction and Providing False or Misleading Information – a fine not exceeding \$15,000 or imprisonment for a term not exceeding two (2) years. (Clause 30);
- iv. Failure to Furnish Information – a fine not exceeding thirty thousand dollars (\$30,000) or imprisonment for a term not exceeding five (5) years. Where the non-disclosure applies to property acquired by the public official while he or she was still a public official, the court may impose an additional penalty of forfeiture of the property to the Territory in the case of local property, or ordered that an amount equivalent to the value of property, be paid by the person in public life to the Territory where the undisclosed property is situated outside of the Virgin Islands. (Clause 31);
- v. Knowingly and mischievously makes or causes to be made a false report to the Commission or misleads the Commission by giving false information or by making false statements or accusations – a fine not exceeding twenty thousand dollars (\$20,000) or imprisonment for a term not exceeding three (3) years, or both (Clause 27(2)).

34) Where the Commission is satisfied on the basis of its inquiry that a breach of any provision of the Act has been committed, it shall take any action as it deems fit. However, where it is satisfied that an offence has been committed, the Commission shall forthwith refer the matter to the Director of Public Prosecutions together with a certified copy of the declaration in question and a report of its findings; and forward to the Governor a report of its findings.

35) Where the Commission determines that the subject matter of an inquiry is under investigation by the police or the subject of any proceedings in a court of law, the Commission shall hold its own enquiry in abeyance, pending the final disposition of that investigation and the court proceedings.

36) Members of the Integrity Commission and its staff shall treat all declarations or information related to such declarations as secret and confidential and shall not disclose or communicate to any unauthorised person or allow any such person to have access to any such declaration or information. Breach of this confidentiality shall result, on summary conviction, in a fine of ten thousand dollars (\$10,000) or to a term of imprisonment not exceeding one (1) year or both.

37) The detailed Code of Conduct is contained in the Second Schedule and addresses General Principles, Conflict of Interest, Incompatible Outside Interest, Political or Public Activity, Reaction to Improper Offers, Susceptibility to Influence by Others and Confidentiality of Information Held by Public Authorities.

38) The Third Schedule of the Bill contains the form to be used for summoning witnesses before the Commission.

39)The Fourth Schedule contains the form for filing declarations of assets and interests under the Act.

## **Purpose**

40)The purpose of the Cabinet Paper is for Cabinet to review and note the draft Integrity in Public Life Act (2020) and approve that Premier's Office instruct the Attorney General Chambers to vet and finalise the draft Bill to be resubmitted for Cabinet's approval and subsequent submission to the House of Assembly.

## **Cross-Ministry Consultation**

41)None required at this time. The final draft Bill to be completed by the Attorney General's Chambers will be circulated to all Permanent Secretaries before it comes back to Cabinet for approval.

## **Financial Implications**

42)The presentation of this Bill is vital to protecting the public purse from actual losses of funds or property, or to prohibit or minimise the prospects of not receiving best value for money on sales or purchases within programmes and projects due to the offences listed in Part V of the Bill. This Bill is also a mitigating measure to protecting the image and reputation of the Government of the Virgin Islands, both locally and internationally, which also have a value, particularly to the twin pillars of the BVI economy - Tourism and Financial Services; and to those investors, suppliers or vendors, and other clients including taxpayers who otherwise would not be willing to transact business with the government or even within the Territory. A tarnished image or an unsavory reputation of the Government can have disastrous effects on BVI's position as the premier jurisdiction for financial services and which provides sixty percent (60%) of Central Government's revenue; however, it is hoped that the penalties therein are significant enough to encourage compliance.

## **Legal Implications**

43)There are no adverse legal implications, which would arise if Cabinet is minded to consider and approve the latest draft Bill entitled Integrity in Public Life Act, 2020.

44)Taking into consideration that the Premier's Office would have to instruct the Attorney General Chambers to vet and finalise the draft bill, (presumably with additional comments and amendments) and thereafter submit same to Cabinet for approval, Chambers would also be minded to provide the relevant legal comments on the final draft Bill.

## **Budget**

45)No budgetary implications to the decision sought.

## **Communication Strategy**

46)The normal Cabinet process.

## **Conclusion**

47)Cabinet is invited to consider and concur with the decision sought.

## **Decision Sought**

Cabinet is invited to:

- a. review and note the Bill entitled, Integrity In Public Life Act 2020 (the "Bill") (attached at **Appendix II**), which seeks to make provision for Code of Conduct and declarations of interest for public officers;
- b. decide that the Premier's Office instruct the Attorney General's Chambers to vet and finalise the draft bill to be resubmitted to Cabinet for approval; and
- c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

*Recipients: Financial Secretary, MOF; Attorney General, AGC;*

Hon. Andrew A. Fahie  
Premier

16 December 2020

**EXPEDITED EXTRACT**

**Ref:** CO/C/070/2

**FROM:** Cabinet Secretary

**TO:** The Premier

**CC:** Financial Secretary  
Permanent Secretary, Premier's Office

**DATE:** 18th December, 2020

**Bill entitled, Integrity in Public Life Act, 2020**  
**Memo No. 505/2020 (/memorandums/931)**

Further to the decision made by the Cabinet on 16th December, 2020, below is the amended decision taken by the Cabinet in respect of the captioned matter:

Cabinet:

- a. reviewed and noted the Bill entitled, Integrity In Public Life Act 2020 (the "Bill") (attached at **Appendix II**), which seeks to make provision for Code of Conduct and declarations of interest for public officers;
- b. decided that Cabinet rescind the decision taken in Cabinet Memo No. 378/2019 at the meeting of 9th November, 2019, where the Deputy Governor was deemed to be given the sole lead on this matter;

- c. approved that the Deputy Governor and the Premier's Office work in collaboration on this matter with the Premier's Office as the lead seeing that the scope is wider than Public Officers;
- d. approved that all stakeholders must be consulted prior to the conclusion of this exercise;
- e. decided that the Premier's Office instruct the Attorney General's Chambers to vet and finalise the Bill noting items (c) and (d), prior to the Bill being resubmitted to Cabinet for approval; and
- f. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Please be guided accordingly.

Ms. Sandra Ward

18th December, 2020



Office of the Governor  
Government House  
P. O. Box 702  
Road Town, Tortola  
Virgin Islands

Telephone: (284) 468-3512

18<sup>th</sup> December, 2020

Mr. David D. Archer, Jr  
Deputy Governor  
Office of the Governor  
Road Town, Tortola

Ms. Dawn Smith  
Attorney General  
Attorney General Chambers  
Road Town, Tortola

Dear Deputy Governor and Attorney General:

### **Integrity in Public Life Bill**

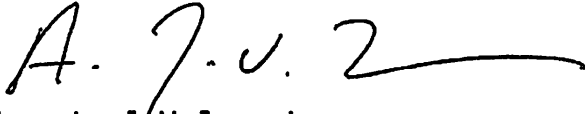
I am grateful for the work you and your offices, and colleagues across Government, have done to date on the Integrity in Public Life bill. It is a positive demonstration of cross-Ministry collaboration and I fully support the intent behind the bill, which is to improve good governance and transparency in BVI.

As you know, Cabinet Memo 378/2019 set out that Cabinet had agreed the Deputy Governor would work up a policy, and liaise with the Attorney General's Chambers to take this forward. At this week's meeting of Cabinet on December 16<sup>th</sup>, outside of that decision, the Premier presented his own paper and a separate Integrity in Public Life bill (the 'Premier's bill'). As I set out in Cabinet I believe this is inconsistent with Section 60 of the Constitution, which clearly sets out that terms and conditions of service of persons holding or acting in public offices are a responsibility of the Governor.

Accordingly, pursuant to Section 40(3) of the Constitution, I am requesting that you and your offices continue and complete the work underway on the Integrity in Public Life bill, being cognisant of the Premier's Bill to ensure that the final bill reflects all Ministries of Government and most importantly, delivers good governance and integrity for the people of BVI.

I look forward to seeing a final draft of the Integrity in Public Life bill early in the New Year, in order that I can take a paper to Cabinet early in the New Year.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'A. J. U. Jaspert', followed by a long horizontal flourish.

**Augustus J. U. Jaspert**  
**HM Governor**

Cc: Premier  
PS, Premier's Office  
Cabinet Secretary



# Statement by Premier Fahie on the Integrity in Public Life Act 2020

## Statement

Premier's Office

Topics: [House of Assembly \(/tags/house-assembly/\)](/tags/house-assembly/), [The Public Service \(/tags/public-service/\)](/tags/public-service/)

Release Date:

Tuesday, 22 December 2020 - 10:06am



### **STATEMENT BY PREMIER AND MINISTER OF FINANCE HONOURABLE ANDREW A. FAHIE ON THE INTEGRITY IN PUBLIC LIFE ACT 2020**

**22<sup>ND</sup> DECEMBER, 2020**

My dear Virgin Islands people. Good day and God's Blessings to you and your family in this Holy Christmas Season.

Your elected Virgin Islands Government continues to take initiative and exercise leadership in putting measures in place to strengthen the good governance framework of our Territory.

During my time in Opposition and during the campaign leading up to the February 2019 General Election, I trumpeted the need for long-outstanding legislation to strengthen the accountability of public officials and to guard against misconduct and abuse of office.

My team and I pledged that if given the opportunity, we would ensure that this legislation go from being a discussion to being a reality.

Once such step is the passage of the Integrity In Public Life Act 2020, which is currently a Bill, and recently came before Cabinet for recommendations on 18 December, 2020.

This draft legislation was prepared and submitted to Cabinet on the initiative of the Premier's Office. May I say that it is important to note the role that the Premier's Office and your elected BVI Government is playing in driving the process for our Territory to have this legislation.

This initiative of the Premier's Office is important for two reasons:

One, it represents our continued maturity as a people who have long been in control of our affairs.

Two, it represents our commitment to strengthening governance, which remains important for having a stable economy.

The Integrity in Public Life Bill maintains priority on your Government's Legislative Agenda. In fact, by the First Quarter of 2021 this Bill will be back before Cabinet for final consideration, then before the House of Assembly and then wait for the Assent by the Governor.

Your elected Government believes in promoting and enhancing ethical conduct standards and that is why we are walking the talk and we are driving the initiative to consolidate laws relating to the prevention of corruption and the award, monitoring, and investigating government contracts and prescribed licences.

Your elected BVI Government will continue to put measures in place that will keep us on the path to prosperity and success.

Additionally, the Bill seeks to make provision for a Code of Conduct and declarations of interest for public officers. And may I say that both the Integrity In Public Life Bill and the Code of Conduct are reflective of the best regional and international practices and standards for such legislation.

Cabinet has approved that the Premier's Office will work in collaboration with the Deputy Governor on this particular matter. The Premier's Office is the lead Department on the work to finalise the Integrity In Public Life Act because the scope of the legislation is wider than Public Officers.

The people of the Virgin Islands have historically subscribed to the Good Governance principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership in the conduct of public affairs.

These principles are reflected in the preamble to our Constitution, the Virgin Islands Constitution Order 2007, which acknowledges that the society of the Virgin Islands is based upon certain moral, and spiritual and democratic values, and that Virgin Islanders have developed themselves and their country based on qualities of honesty, integrity, mutual respect, among other noble principles.

The Constitution also affirms that we, the people of the Virgin Islands, have generally expressed our desire to become a self-governing people and to exercise the highest degree of control over the affairs of our country at this stage of its development. This, according to the Constitution and the United Nations Charter as it relates to decolonisation, requires that we the people of the Virgin Islands must play an active and proactive role in the development and shaping of our institutions.

In the past, attempts have been made since the 1990s to introduce Public Service Integrity Legislation in the Virgin Islands. Prior Virgin Islands Governments have recognised the need for a framework to guide, support and assure that the conduct of public affairs by public officials conforms with the internationally accepted standards of integrity.

We are pushing the Good Governance standards forward. Your elected Government is serious about ensuring that we have the Integrity In Public Life Act and the Code of Conduct in place, and we have taken the initiative to make sure this happens.

The Premier's Office will continue to champion the Integrity In Public Life Act 2020 because the implementation of such legislation will create a victorious Virgin Islands because it will promote transparency.

I have even said this when I was sitting on the Opposition.

Now as the Leader of this current Administration, I am committed to bring forward this important piece of legislation and ensuring that it gets onto the law books.

By taking this leadership role we are signaling to the world that the people of the Virgin Islands are committed to the highest standards of conduct in public affairs. Virgin Islanders are not afraid of accountability and transparency, but, to the contrary, we embrace these principles, as we have for generations.

Your Government will be engaging stakeholders so that people are consulted prior to the conclusion of this exercise.

I renew my pledge, and that of your Government, to place the people of the Virgin Islands first at all times, as well as the full commitment of my Administration, to integrity, the rule of law, transparency, accountability, stability, democratic principles, prosperity for the Virgin Islands, and to safeguard the rights of all who call the Virgin Islands home and ensure that those rights are fully respected and protected.

May God continue to guide and protect the people of the Virgin Islands always.

I thank you.



([https://bvi.gov.vg/sites/default/files/field/image/1\\_-\\_honourable\\_andrew\\_a\\_fahie\\_-\\_premier\\_and\\_minister\\_of\\_finance\\_135.jpg](https://bvi.gov.vg/sites/default/files/field/image/1_-_honourable_andrew_a_fahie_-_premier_and_minister_of_finance_135.jpg))

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# Bill entitled, Whistleblowers Act, 2021

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Signed

· 25 January 2021 · PO · File: PO/L2/081 · Mrs. Elvia Smith-Maduro  
· Memo No. 47/2021 · Extract No. REx/47/2021 (/decisions/490)

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## Background Information

1) On 12th February, 2020, Cabinet noted via Memo No. 55/2020 the Premier's update on progress made to ensure Good Governance in public affairs in the first eleven (11) months of his government's administration and noted that the Whistleblower Legislation will be among several pieces of good governance legislation that will come to Cabinet during the course of 2020. A copy of Cabinet Memo No. 55/2020 is attached for Members' ease of reference as **Appendix I**.

2) Due to the emergence of the COVID-19 global pandemic in March 2020, Government's priorities were forced to be shifted towards mitigating the spread of the disease in the Territory and managing the social and economic impacts on the population. Circumstances hindered the legislature's ability to have regular sessions and thus impacted the implementation of the legislative agenda. Nonetheless, the importance of having such legislation passed and enacted cannot be over emphasised. The Government is committed to keeping it's promise of ensuring more accountability and transparency and this draft Whistleblower legislation is another step in the right direction.

3) The Whistleblower Act, 2021 is an Act to provide for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; to provide for a Fund to reward individuals who make the disclosures; and to provide for related matters.

4) The Act sets out the protocol for disclosure of information as follows:

5) A person may make a disclosure of information where he or she has reasonable cause to believe that the information tends to show that:

- i. a crime has been committed, is about to be committed or is likely to be committed;
- ii. another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;
- iii. a miscarriage of justice has occurred, is occurring or is likely to occur;
- iv. in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;
- v. the environment has been degraded, is being degraded or is likely to be degraded; or
- vi. the health or safety of an individual or a community is endangered, has been endangered or is likely to be endangered.

6) Person who qualifies to make disclosure of impropriety include the following:

- i. an employee in respect of an employer;
- ii. an employee in respect of another employee; or
- iii. a person in respect of another person, or an institution.

7) Person to whom or institution to which disclosure of impropriety may be made include:

- i. an employer of the whistleblower;
- ii. the Governor;

- iii. the Premier;
- iv. the Attorney General;
- v. the Director of Public Prosecutions;
- vi. the Auditor General;
- vii. a member of the House of Assembly;
- viii. the Complaints Commissioner; and
- ix. a Cabinet Minister or Junior Minister.

8) The Act also makes provisions for the format by which information can be disclosed and include the following:

- i. A disclosure may be made in writing or orally;
- ii. The disclosure shall contain as far as practicable;
  - 1. the full name, address and occupation of the whistleblower;
  - 2. the nature of the impropriety in respect of which the disclosure is made;
  - 3. the person alleged to have committed, who is committing or is about to commit the impropriety;
  - 4. the time and place where the alleged impropriety is taking place, took place or is likely to take place;
  - 5. the full name, address and description of a person who witnessed the commission of the impropriety, if there is such a person;

6. whether the whistleblower has made a disclosure of the same or of some other impropriety on a previous occasion and if so, about whom and to whom the disclosure was made; and

7. if the person is an employee making a disclosure about that person's employer or fellow employee, whether the whistleblower remains in the same employment.

9) The Act also contains provisions for the protection of Whistle blowers. It states that a whistleblower shall not be victimised by the employer of the whistleblower or by a fellow employee or by another person because a disclosure has been made.

10) A whistleblower shall be considered as been subjected to victimisation if because of making the disclosure, the whistleblower as an employee is:

i. dismissed;

ii. suspended;

iii. declared redundant;

iv. denied promotion;

v. transferred against the whistleblower's will;

vi. harassed;

vii. intimidated;

viii. threatened with any of the matters set out in subparagraphs (i) to (vii); or



ix. subjected to a discriminatory or other adverse measure by the employer or a fellow employee; or

x. if the whistleblower is not an employee, the whistleblower is subjected to discrimination, intimidation or harassment by a person or an institution.

11) The final section of the draft Act addresses the establishment of a whistleblower fund and sets out the parameters for making disbursements from the fund. The full details of the provisions of the draft Whistleblower Act, 2021 is attached as **Appendix II** for members perusal.

## **Purpose**

12) The purpose of the Cabinet Paper is for Cabinet to review and note the draft Whistleblower Act (2021) and approve that Premier's Office instruct the Attorney General Chambers to vet and finalise the draft Act to be resubmitted for Cabinet's approval and subsequent submission to the House of Assembly.

## **Cross-Ministry Consultation**

13) None required at this time. The final draft Bill to be completed by the Attorney General's Chambers will be circulated to all Permanent Secretaries before it comes back to Cabinet for approval.

## **Financial Implications**

14) The Ministry of Finance has reviewed the Cabinet Paper and associated appendices. At this stage of the process, there are no financial implications, as the matters relating to the decision sought would be conducted by the Attorney General. The introduction of the Whistleblowing Legislation is a necessary component of the Government's agenda in combatting corruption and ensuring

a culture of ethical conduct. The foreseeable financial implications associated with the implementation of the administrative structures and measures are minimal (staffing and administrative costs). Moreover, budgetary provisions would be necessary to facilitate the whistleblowing process by the various Governmental agencies with responsibilities under the Act.

15) The special fund to be established in accordance with **Part V “Whistleblower Reward Fund”** of the Whistleblowers Act, 2021 will be implemented in accordance with the Section 11 of the Public Finance Management Act, 2004 as amended. Further, this special fund is to be administered in accordance with such instructions as the Financial Secretary may issue as per Section 12 of the Public Finance Management Act, 2004, as amended. Consequently, the Ministry is in support of the decision being sought.

## **Legal Implications**

16) Chambers holds the view that there are no adverse legal implications which would arise if Cabinet is minded to review and note the Bill entitled Whistleblower Act, 2021 and thereafter forward the Bill to Chambers to be adequately reviewed and finalised, before it is forwarded to the House of Assembly. The current draft Bill as attached in Appendix II would have been drafted in Chambers.

## **Budget**

17) No budgetary implications to the decision sought.

## **Communication Strategy**

18) The normal Cabinet process.

## Conclusion

19) Cabinet is invited to consider and concur with the decision sought.

## Decision Sought

Cabinet is invited to:

- a. review and note the Bill entitled, Whistleblower Act, 2021 (the “Bill”) **(attached at Appendix II)**, which seeks to make provision for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; and to provide for a Fund to reward individuals who make the disclosures;
- b. decide that the Premier's Office instruct the Attorney General's Chambers to vet and finalise the Bill to be resubmitted to Cabinet for approval; and
- c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

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*Recipients: Attorney General, AGC; Financial Secretary, MOF;*

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Hon. Andrew A. Fahie  
Premier

27 January 2021

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
3rd February, 2021

TO: Minister of Finance

CC: Acting Financial Secretary

DATE: 17th February, 2021

Paper No.	<u>Memo No. 51/2021</u> <u>(/memorandums/957)</u>
Date Arrived in the Cabinet Office:	<u>1st February, 2021</u>
Date Approved by the Cabinet Steering Group:	<u>2nd February, 2021</u>
Date Sent to Cabinet:	<u>3rd February, 2021</u>
Cabinet Confirmation Date:	<u>17th February, 2021</u>
Expedited Extract Issued:	<u>3rd February, 2021</u> <u>(/expedited_extracts/682)</u>

Cabinet Extract:

Bill entitled, Proceeds of Criminal Conduct (Amendment) Act,  
2021  
Memo No. 51/2021

Cabinet:

- a. considered the Bill entitled, Criminal Justice (International Cooperation) (Amendment) Act, 2021 (hereinafter, "the Bill"),

which seeks to solidify the jurisdiction's compliance with the requirements of Recommendation 2 of the Recommendations on National Cooperation and Coordination and address an erroneous amendment made in the 2013 revision of the Act;

b. decided that the Bill be introduced for its first reading in the House of Assembly at its next convenient Sitting; and

c. decided that an expedited extract be issued to allow for the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Ms. Sandra Ward

18th February, 2021

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
3rd February, 2021

TO: The Premier

CC: Acting Financial Secretary  
Permanent Secretary, Premier's Office

DATE: 17th February, 2021

Paper No.	<u>Memo No. 47/2021</u> <u>(/memorandums/1002)</u>
Date Arrived in the Cabinet Office:	<u>27th January, 2021</u>
Date Approved by the Cabinet Steering Group:	<u>2nd February, 2021</u>
Date Sent to Cabinet:	<u>3rd February, 2021</u>
Cabinet Confirmation Date:	<u>17th February, 2021</u>
Expedited Extract Issued:	<u>3rd February, 2021</u> <u>(/expedited_extracts/679)</u>

Cabinet Extract:

Bill entitled, Whistleblowers Act, 2021  
Memo No. 47/2021

Cabinet:

- a. reviewed and noted the Bill entitled, Whistleblower Act, 2021 (the "Bill"), which seeks:

- i. to make provisions for the manner in which individuals, may in the public interest, disclose information that relates to unlawful or other illegal conduct or corrupt practices of others;
  - ii. to provide for the protection against victimisation of persons who make these disclosures; and
  - iii. to provide for a Fund to reward individuals who make the disclosures.
- b. decided that the Premier's Office instruct the Attorney General's Chambers to vet and finalise the Bill to be resubmitted to Cabinet for approval before being introduced in the House of Assembly; and
- c. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Ms. Sandra Ward  
18th February, 2021



# Bill entitled, Contractor General Act, 2021

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Signed

· 24 February 2021 · PO · File: PO/L2/080 · Mrs. Elvia Smith-Maduro  
· Memo No. 99/2021 · Extract No. REx/99/2021 (/decisions/554)

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## Background Information

1) The principles of Good Governance are selflessness, integrity, objectivity, accountability, openness, honesty and leadership in the conduct of public affairs, by The people of the British Virgin Islands. These principles are reflected in the preamble to their Constitution, the Virgin Islands Constitution Order 2007, which acknowledges that the society of the Virgin Islands is based upon certain moral, and spiritual and democratic values, and that Virgin Islanders have developed themselves and their country based on qualities of honesty, integrity, mutual respect, among other noble principles.

2) In a speech delivered in the House of Assembly on 25th February, 2020 by the Premier entitled - "New Era of Accountability and Prosperity through Good Governance", the Premier said, "The commitment publicly expressed in the 2020 Budget Address, which I delivered in the House of Assembly on 19th November, 2020, that public procurement will be strengthened by the introduction of the Contractor General legislation, is the initiative of your Government. These were policies that your present Government campaigned on in the run-up to the 2019 General Elections. They featured prominently in our campaign advertisements. They are therefore embedded in our social contract with the BVI population."

3) On 12th February, 2020, the Cabinet noted via Memo No. 55/2020, the Premier's update on progress made to ensure Good Governance in public affairs in the first eleven (11) months of his government's administration and noted several pieces of good governance legislation that will come to Cabinet during the course of 2020, namely the following:

- i. the Public Service Management Bill;
- ii. Integrity in Public Life legislation;
- iii. Whistleblower legislation;
- iv. Contractor General legislation;
- v. Code of Ethics;
- vi. New Procurement legislation; and
- vii. Asset Seizure legislation.

4) To date, the Integrity in Public Life legislation has been drafted and have been reviewed and noted by Cabinet via Memo No. 505/2020. Instructions have been sent to the Attorney General's Chambers to vet and finalise the draft Integrity in Public Life legislation, for submission to the Cabinet for approval before being introduced in the House of Assembly.

5) This Decision Paper seeks to get Members' approval on the Bill entitled, Contractor General Act, 2021. The objective of the Contractor General Act is to promote and enhance standards of ethical conduct by consolidating laws relating to the prevention of corruption and the award, monitoring and investigating of government contracts and prescribed licences. Additionally, it will provide for the establishment of a single body, which will be responsible for supporting the establishment and enforcement of standards of awarding government contracts that will promote and strengthen measures for the preventing, detecting, investigating, judging, sanctioning and prosecuting of acts of corruption.

6) This Act seeks to establish an office to be known as the Office of the Contractor General whose role will be to:

- i. monitor and, where necessary, investigate the award of contracts with a view to ensuring that they are awarded impartially and without impropriety or irregularity, and are implemented as specified in the award; and
- ii. report the findings of any such investigation to the House of Assembly.

7) This Act applies to Contractors, Consultants, All Public Officers, Government Statutory Bodies and the Recovery Development Agency. In addition, it applies to all holding 'Public Office including members of the House of Assembly, members of commissions/boards and those which are often referred to as 'Constitutionally established posts' up to and including the Governor's Office.

8) The functions of the Contractor General are to monitor the award and the implementation of government contracts with a view to ensuring that:

- i. contracts are awarded impartially and on merit;
- ii. the circumstances in which each contract is awarded or terminated, do not involve any impropriety or irregularity;
- iii. the implementation of each such contract conforms to the terms thereof;
- iv. there is no fraud, corruption, mismanagement, waste or abuse in the awarding of contracts by a public body;
- v. investigate any such fraud, mismanagement, waste or abuse under (iv);
- vi. monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof; and

vii. develop policy guidelines, evaluate programme performance and monitor actions taken by a public body with respect to the award, execution and termination of contracts.

9) The Contractor-General shall be entitled:

- i. to be advised of the award and, where applicable, the variation of any public contract by the public body responsible for such contract;
- ii. to have access to all books, records, documents, stores or other property belonging to a public body, any officer of a public body or a contractor or any other person;
- iii. to have access to any premises or location where work on a public contract has been, or is to be carried out;
- iv. to have access to all books, records, documents or other property used in connection with the grant, issue, suspension or revocation of any licence whether in the possession of any public officer or any other person;
- v. to have access to any premises or location where he has reason to believe that any such books, records, documents or other property or any property which is the subject of a licence, may be found;
- vi. to enter any premises occupied by any person in order to make enquiries or to inspect document, record or property as he considers necessary to any matter being investigated by him; and
- vii. to retain any document, record or other property referred to in item (vi) above.

10) The Act also details the ways in which persons may commit an offence under the Act and makes recommendations for fines or imprisonment or both. Finally the Act makes provision for the establishment of an Appeals Tribunal consist of at least five (5) members appointed by the Cabinet. The function of the Appeals Tribunal is to hear appeals against decisions made by the Contractor General not in favor of the person or entity being investigated. The Appeal Tribunal determines whether, on the merits, the correct decision has been made by a classification committee. The Appeals Tribunal will be independent and carry out its functions without any bias.

11) The full details regarding the proposed Contractor General Act is attached at **Appendix I.**

## **Purpose**

12) For Cabinet to review and approve the draft Bill entitled, Contractor General Act, 2021 and for the Bill to be submitted to the House of Assembly for final approval.

## **Cross-Ministry Consultation**

13) Cross Ministry Consultation sought.

### **Permanent Secretary, Deputy Governor's Office stated:**

14) Ensuring that legislation is in place to ensure Good Governance in the Territory is a step in the right direction. Given the significance of the legislation, Heads, Governor's Group were asked to provide comments, a compilation of those comments is attached are attached as Appendix J.

### **Permanent Secretary, Transportation, Works and Utilities stated:**

15) This draft bill will assist us as a territory in our overall governance and highlight any impropriety in this area of operation. The New Procurement Legislation will work in harmony with this Act and further enhance the construction space. We may need to properly differentiate the functions of this office from that of the Auditor General since the Auditor General, I believe, has a duty to investigate similar matters. That said, this is a much needed piece of legislation and as the territory seeks to strengthen its governing capacity. Therefore, the Ministry of Transportation, Works and Utilities concurs with the decision sought.

**Permanent Secretary, Natural Resources, Labour and Immigration stated:**

16) The Contractor General Legislation in conjunction with the suite of other legislations aims to strengthen good governance in the Territory and is laudable and supported by the Ministry of Natural Resources, Labour and Immigration. The Ministry is grateful for the opportunity to make some comments on this paper and wishes to highlight the following which may serve to further strengthen the legislation:

- The aim of this particular legislation is to “consolidate laws relating to the prevention of corruption and the award, monitoring and investigating of government contracts and prescribes licences” – it would be good to highlight which laws are to be consolidated.

17) In addition the office of the Contractor General will establish and enforce standards of awarding government contracts. There are some areas that will need further clarity:

- Notwithstanding Section 23 (1) and (2) which speaks to the relationship between this office and that of the Auditor General and the Complaints Commissioner, there appears to be some overlap and therefore it may be necessary to ensure wide consultation for a fuller understanding of the role of this office.

- It is important to understand how it interfaces with the office of the Auditor General, Complaints Commissioner, the Procurement Unit of the Ministry of Finance, the Standing Committee of the House of Assembly among others or whether some of these offices will no longer exist or no longer undertake certain functions. This is important to ensure no duplication or conflict arising.
- Is this a constitutionally established office and if not, is it then a Commission?
- Clause 19 – Is it a part of the Judiciary Arm? Will this then be written into the Constitution?
- If the Contractor General is to be given a pension at the end of a 5-year contract, will this be a contributory pension scheme? How will this interface with other areas where pensions are paid?
- It may be prudent to state a time frame for giving notice of resignation to the Minister.

**Permanent Secretary, Education, Culture, Youth Affairs, Fisheries and Agriculture stated:**

18) The Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture supports the need to support good governance measures for the Territory. In reviewing the role of the Contractor General, there appear to be similar functions to that of the Auditor General. Notwithstanding that Section 23 states that the Contractor General should avoid duplication of functions with the Complaints Commissioner and the Auditor General, there appears to be a need for greater clarity to ensure there is no duplication with these other posts which are constitutionally established. The establishment of the office of the Contractor General is yet another move to establish a statutory body which requires additional staffing and more resources that the House of Assembly needs to allocate. In light of the current fiscal climate, consideration must be given to a Secretariat to support the work of these good governance bodies as it will not be

feasible to hire separate staff for each of these bodies. No financial analysis is included of the cost of implementing this legislation. Section 6(1)(b) lists misbehaviour as one of the grounds for which the Contractor General may be removed from office. This appears to be the need for further definition of "misbehaviour" similar to what is done for section 6(1)(c). In the limited time available to review such a significant good governance legislation, it has also been noted that the appointment process for the Contractor General is not consistent with the appointment of other officers in the area of good governance.

**Acting Permanent Secretary, Ministry of Health and Social Development stated:**

19) The Ministry of Health & Social Development gives its' support to the draft Contractor General Act 2021 and concur with the decision sought. This very important piece of legislation will help ensure good governance and transparency when executing government contracts.

## **Financial Implications**

20) The Bill, Contractor General Act, 2021 establishes the Contractor General Office as a corporate entity with specific responsibilities. Such are intended to strength good governance in the Territory as it relates to contractual agreements. The Bill is weighty and would require additional research and consultation at various stages of the approval process. Further review perhaps would determine how the proposed Bill would interface with existing legislation such as the Public Finance Management Act, 2004, Public Finance Management Regulations, 2005 and other statues that promote good governance. In addition, the Bill must take into consideration the draft Procurement Bill and a new Public Finance Legislation that are in advance stages of being completed. There is a prevailing view noted amongst top senior officers that there may be some duplication of responsibilities with the Contractor General Office and other agencies namely, the Internal Audit Department, Audit Department, Complaints



Commissioner Officer and the Public Accounts Committee. Therefore, careful review of this Bill would be required by clearly defining the responsibilities of the Contractor General Office that would aid in the effective management of the territory's financial resources.

21) At first glance, the financial implications will relate to the establishment of the Contractor General Office inclusive of remuneration and office accommodation for the Contractor General and the supporting staff. The proposed Bill also made reference to a pension for the Contractor General that appears to be outside a normal pension plan offered to employees contractual or otherwise. These and other areas would be flushed out in due course.

## **Legal Implications**

22) Chambers holds the view that there are no adverse legal implications which would arise if Cabinet is minded to review and approve the Bill entitled, Contractor General Act, 2021 and thereafter submit same to the House of Assembly for approval at its next convenient sitting.

23) The Bill was adequately reviewed and revised by Chambers, taking into consideration the suggestions and recommendations of the instructing Ministry.

## **Budget**

24) There are no budgetary implications regarding the decision sought.

## **Communication Strategy**

25) The normal Cabinet process.

## **Conclusion**

26) Members are invited to consider and concur with the decision sought.

## Decision Sought

Cabinet is invited to:

- a. review and consider the Bill entitled, Contractor General Act, 2021 (the “Bill”) which seeks to monitor and, where necessary, investigate the award of contracts with a view to ensuring that they are awarded impartially and without impropriety or irregularity and are implemented as specified in the award; and report the findings of any such investigation to the House of Assembly as detailed attached at **Appendix I**;
- b. decide that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting; and
- c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

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*Recipients: Permanent Secretary, ODG; Attorney General, AGC; Financial Secretary, MOF; Permanent Secretary, MECAFSYA; Permanent Secretary, MNRLI; Permanent Secretary, MTWU; Deputy Secretary, MHSD;*

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Hon. Andrew A. Fahie  
Premier  
02 March 2021





**REF:** PO/L2/080

**FROM:** Permanent Secretary, Premier's Office

**TO:** Attorney General

**DATE:** 24<sup>th</sup> February, 2021

**SUBJECT:** Contractor General Act, 2021

Reference is made to your memorandum dated 11<sup>th</sup> August 2020 regarding the draft Contractor General Act, 2020.

The recommendations/suggestions for consideration in your above mentioned memorandum have been reviewed and we would like to submit the following responses:

***Your item (1) recommendations/suggestions states; Section 3(3) – Provision is made for the office of the Contractor General not to be deemed an office in the public service. We recommend that this provision be removed and that the office be deemed an office in the public service for the purposes of the Act.***

Please note the intention is that the Contractor General Office is intended to be a statutory agency of Government. This gives it the level of independence that is required for the effective functioning of the office.

***Item 1(2) recommendations/suggestions states; which provides for Pensionable emoluments of the Contractor General will not be necessary since the usual pension rules and legislation for public officers will apply. Accordingly, please indicate whether or not the office of the Contractor General should be an office within the public service.***

As indicated above the intention is for the Contractor General Office to be of a statutory nature. As such pensionable emoluments should be handled in a similar manner as other statutory agencies of Government.

***Item (2) recommendations/suggestions states; Section 4(1) we have sought to remove the part of the provision which states as follows: "no proceedings of the Contractor General shall be called in any court of law by way of certiorari or any other means". This provision seems to indicate that no court can review any proceeding of the Contractor General. (Certiorari - is a court process to seek judicial review of a decision of a lower court or government agency.)***





We have reviewed your item (2) recommendations/suggestion and agree that it should be removed as recommended.

*Your recommendations/suggestions for review of any actions of the Contractor General should be allowed and not totally barred. To protect the Contractor General, we have sought to insert a new section 4(2) to provide for the immunity of the Contractor General or his or her employees, wherein no action should be brought against such persons for acts done in good faith in the discharge of their duties.*

We have reviewed the above recommendation and agree with your recommended insertion.

*Regarding your enquiry on whether or not there is a real need for a Tribunal to be established simply to investigate the matter of whether or not a Contractor General has to be removed from office.*

The intention regarding the above is to establish a Tribunal to address any grievance persons may have if they are not satisfied or happy with decisions taken by the Contractor General not in their favour.

*Your recommendation in item (4) states; Section 10(1) provides for the "Contractor General to receive such emoluments and be subject to such terms and conditions as may from time to time be prescribed by or under any law or by resolution of the House of Assembly such emoluments being not less than the emoluments which may from time to time be payable to a judge of the Supreme Court or a Permanent Secretary". We have deleted this provision and instead provided for the emoluments and 3 terms and conditions to be determined by Cabinet.*

We agree with your recommendation to delete this section and provisions be made for personal emoluments to be determined by Cabinet.

*Your recommendation in item (5) states; Section 12(2) provides for the secondment of staff of the Contractor General. If it is agreed that the Contractor General shall be a public officer then there would be no need for secondment, since public officers may be transferred, appointed or contracted in such positions. Accordingly, section 12(2) and (3) has been newly incorporated to provide for appointment of staff in accordance with the Service Commission Regulations, 2014 (S.I. No. 48 of 2014) or on contract, rather than what is currently provided.*





# MEMORANDUM

Regarding the above, the Contractor General will not be a public officer however, it should be possible for other support staff to be seconded from the public service to provide support for the Office of the Contractor General. In this case it is expected that any secondment from the public service will be effected in the manner that currently obtains.

*typed  
left as  
secondment*

***Your enquiry regarding salaries states; Under section 12(3) the salaries, allowances and benefits payable to the staff shall be determined by the Governor upon the recommendation of Cabinet and shall be paid out of the Consolidated Fund. Please indicate whether or not this is accepted as drafted.***

Regarding the above, as stated previously the Contractor General Office is intended to function in a similar manner to other statutory agency of Government. As such it is expected that a salary scale will be developed with the appropriate salary ranges for each assigned post. The salary scale will need to be approved by Cabinet before it can be implemented.

***Your recommendation to delete section 17(4) states; this section provides for the Contractor General to pay any person appearing before him for any expenses incurred by that person, for the purpose of an investigation. We suggest that this provision be deleted since this requirement may prove to be burdensome on the government's finances.***

We agree with your recommendation to delete this section.

***Item (7) recommendations/suggestions states; Under section 34 the Contractor General is required to declare his or her assets and income. We suggest that this may be more suitably placed under the Integrity in Public Life Bill, which is envisaged to be brought before the House of Assembly in the near future, where persons in public life will be required to declare their assets, income, interests and liabilities.***

We agree with your recommendation regarding this section. ✓

Please find attached a scanned copy with marked up changes also for considered amendments to the document. If you require any clarification regarding the above or the requested changes contained in the scanned copy please feel free to contact Deputy Secretary, Elvia Smith-Maduro at extension 2706.



# MEMORANDUM

Kindly note that the Premier has indicated that he wants to take this paper to Cabinet next week Wednesday. Your most urgent assistance is therefore requested in providing us with a final draft for Cabinet.

Thank you in advance for your usual assistance in this regard.

  
PREMIER'S OFFICE  
Carolyn O'Neal-Morton, PhD.  
Permanent Secretary  
FEB 24 2021  
Attachment(s)  
Virgin Islands

## Fw: Contractor General Legislation

Christine Bowen <CBowen@gov.vg>

Wed 2/24/2021 3:12 PM

To: Layla Jones <LJones@gov.vg>

📎 2 attachments (2 MB)

Memo - Attorney General- Contractor General Act 2021.pdf; Draft Contractor General Act 2021 - Commented EJM.pdf;

Ms. Jones,

please print the attached documents for me for the file, so that I can review and revise the draft Bill tomorrow.

Regards,

**CHRISTINE BOWEN**

*Chief Parliamentary Counsel*



**Attorney General's Chambers**

111 Building, Wickhams Cay I

Road Town, Tortola VG1110

Tel: (284) 468-[ext]/2960

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**From:** Elvia Smith <ESmith@gov.vg>

**Sent:** Wednesday, February 24, 2021 2:55 PM

**To:** Christine Bowen <CBowen@gov.vg>

**Cc:** Dr. Carolyn O'Neal-Morton <CONeal-Morton@gov.vg>; Hon. Dawn J. Smith <DawnJSmith@gov.vg>; Attorney General Chambers <agc@gov.vg>

**Subject:** Contractor General Legislation

Dear Ms. Bowen

Please see attached our formal response to the areas you sought clarification regarding the draft Contractor General Act, 2021.

Kind regards

Elvia Smith-Maduro

Deputy Secretary

Premier's Office

Tel: 284-468-2152 ext. 2706

Mob: 284-468-9629

Email: esmith@gov.vg



## **Fw: Contractor General Legislation**

Elvia Smith <ESmith@gov.vg>

Wed 2/24/2021 5:31 PM

To: Christine Bowen <CBowen@gov.vg>

Cc: Dr. Carolyn O'Neal-Morton <CONeal-Morton@gov.vg>; Hon. Dawn J. Smith <DawnJSmith@gov.vg>; Attorney General Chambers <agc@gov.vg>

 2 attachments (2 MB)

Memo - Attorney General- Contractor General Act 2021.pdf; Draft Contractor General Act 2021 - Commented EJM.pdf;

Dear Ms. Bowen

In addition to the points raised in my email below, I wish to further request that provisions be made in the final version of the draft bill to address the function of the Appeals Tribunal.

The idea behind the Appeals Tribunal is as follows;

The function of the Appeals Tribunal is to hear appeals against decisions made by the Contractor General not in favor of the person or entity being investigated. The Appeal Tribunal determines whether, on the merits, the correct decision has been made by a classification committee. The Appeals Tribunal will be independent and carry out its functions without any bias.

The current draft speaks to the composition of the Tribunal and how they are appointed and removed however, it does not address what the actual function of the Tribunal.

Grateful if language can be incorporated to address the function of the Tribunal.

Kind regards

Elvia Smith-Maduro

Deputy Secretary

Premier's Office

Tel: 284-468-2152 ext. 2706

Mob: 284-468-9629

Email: esmith@gov.vg

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**From:** Elvia Smith

**Sent:** Wednesday, February 24, 2021 2:55 PM

**To:** Christine Bowen <CBowen@gov.vg>

**Cc:** Dr. Carolyn O'Neal-Morton <CONeal-Morton@gov.vg>; Hon. Dawn J. Smith <DawnJSmith@gov.vg>; Attorney General Chambers <agc@gov.vg>

**Subject:** Contractor General Legislation

Dear Ms. Bowen

Please see attached our formal response to the areas you sought clarification regarding the draft Contractor General Act, 2021.

Kind regards

Elvia Smith-Maduro  
Deputy Secretary  
Premier's Office  
Tel: 284-468-2152 ext. 2706  
Mob: 284-468-9629  
Email: [esmith@gov.vg](mailto:esmith@gov.vg)

# Bill Entitled, Register of Interests (Amendment) Act, 2021

Signed

· 01 March 2021 · AGC · File: AGC G 12/2/1/2 · Hon. Dawn J. Smith  
· Memo No. 114/2021 · Extract No. REx/114/2021 (/decisions/569)

## Background Information

1) As Cabinet is aware, on 19th January, 2021, the former Governor Augustus Jaspert (the "**former Governor**") appointed the Rt Hon Sir Gary Hickinbottom (the "**Commissioner**") to hold an inquiry into whether corruption, abuse of office or other serious dishonesty in relation to officials – elected, statutory or public – "... may have taken place in recent years" (the "**Commission**" or "**Inquiry**").

2) On 19th February, 2021, Mr Steven Chandler, the Secretary to the Commission (the "**Secretary**"), issued letters (the "**Requests**") to Members of the House of Assembly of the Virgin Islands (the "**HOA**") requesting certain disclosures which attract the provisions of the Register of Interests Act, 2005 (the "**Act**")

### The Register of Interests Act, 2005

3) The question of disclosure of the Register of Interests and the information contained in it is governed by the Act (**see Appendix II**).

4) Under section 4(1) of the Act, "the Registrar shall maintain and keep the Register in accordance with this Act."

5) Pursuant to section 9(1) of the Act:

6) "The Register shall not be open for inspection except:

7) (a) for the purposes of a criminal investigation;

- 8) (b) on an order of a court in any legal proceedings; or
- 9) (c) on the written request of a Member in the form prescribed in Schedule 2 upon the payment of the prescribed fee."
- 10) Section 13(1) further provides:
- 11) "The Registrar and any person appointed or designated to assist the Registrar in the performance of his duties under this Act
- 12) (a) shall, before assuming office, subscribe to the oath of confidentiality referred to in Schedule 3;
- 13) (b) shall not, save in accordance with the provisions of this Act or otherwise in relation to any court order, disclose information:
  - 14) (i) relating to any declaration or matter in the Register; or
  - 15) (ii) that he has acquired in the course of or in relation to his duties or in the exercise of any powers or performance of duties under this Act."

Issues which arise under the Act in relation to Inquiry requests

- 16) In the Requests, the Secretary has requested both:
  - i. copies of the pages of the Register of Interests that register the Member's Declarations of Interests; and
  - ii. information and documents in relation to the Member's Declarations of Interests.
- 17) However, it is not clear whether, under the Act in its present form:
  - i. the Registrar of Interests may, even with the consent of Members, provide the Commissioner with a copy of the pages of the Register that register Members'

Declarations of Interests; and

- ii. Members of the HoA may provide information contained in the Register of Interests to the Commissioner.

#### Disclosing the Register of Interests to the Commissioner

18) According to the current provisions of the Act, the Registrar may only disclose the Register, other than to the relevant disciplinary Committee of the House, in the circumstances set out in section 9. However, these circumstances do not expressly include the situation where:

- i. consent for such disclosure has been provided by the Registrar or a Member of the HOA; or
- ii. a request has been made pursuant to a Commission of Inquiry for access to the Register.

19) Section 10 of the Commissions of Inquiry Act 1880 (Cap. 237)(the "**COIA**") (see **Appendix III**) provides for the Commissioner to have the powers of a High Court Judge of the Virgin Islands in relation to certain matters, such as the summoning of witnesses and the calling for production of documents, and Section 11 of the COIA provides the Commissioner with the same protection and immunity as a High Court Judge. However, at present, the Commissioner has not issued any such summons.

20) Even if the Commissioner were to issue a summons, there is authority suggesting that the Commission is not a court for the purposes of section 9(1)(b) of the Act: see *Badry v DPP* (1983) 2 AC 297 (Privy Council, on appeal from the Supreme Court of Mauritius). This uncertainty may lead to inconsistent interpretations of the Act amongst Members.

21) Furthermore, it is the Government's policy that cooperation with the Commissioner of Inquiry should be facilitated.

Disclosing information in the Register of Interests to the Commissioner

22) The Commissioner also requests that the Members of the HOA disclose information relating to their Declarations of Interests.

23) The Act establishes a scheme of registration that is intended to be controlled and sanctioned by the HOA itself. It expressly confines the accessibility of the Register to the limited exceptions provided for in Section 9 of the Act, and it is clear that the Register is not intended to be a public register. Moreover, the Act reserves matters pertaining to the Members' entries in the Register exclusively to the judgment of the relevant Committee of the House: see sections 7, 8 and 10 of the Act.

24) Schedule 1 of the Act provides in relevant part that:

- i. "[t]he main purpose of the Register of Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council, or actions taken in his or her capacity as a Member."

25) Therefore, there may be some uncertainty as to whether the Commissioner's Requests for information contained in the Register of Interests, presumably for the purposes of reaching conclusions as to their adequacy, are compatible with the statutory scheme of the Act as a whole. It is not clear whether Members can properly comply with all or some of the Requests without infringing the principle that such matters are to be within the exclusive cognizance of the HOA, which the Act seems intended to assert, and thus breaching the law.

The proposed amendments to the Act

26) In order to remove any concern that there is a statutory prohibition on Members complying with the Requests, it is proposed that the Act be amended so as to provide an express statutory provision allowing the Register to be open to inspection on the written request of a Commissioner of Inquiry.

27) A copy of the draft Bill is set out in **Appendix I**. The amendment would also enable the Registrar to provide relevant copies or extracts of the Register. This is subject to the safeguard that the Registrar is only to provide those parts of the Register that in his or her opinion are strictly necessary to fulfil requests and upon such conditions as to the preservation of their confidentiality after their purpose has been exhausted as the Registrar shall deem appropriate.

28) The aim of the proposed amendments is to facilitate compliance with the Requests, in line with the Government's policy of appropriate and timely cooperation with the Commission of Inquiry, by removing legal uncertainty as to the duties of Members of the HOA vis-à-vis the Register of Interests and the information contained therein.

29) The proposed Bill also has the benefit of allowing future inquiries to request inspection of the Register, whilst ordinarily maintaining the statutory scheme set out in the Act (including the constitutional right of the House of Assembly to regulate its own proceedings).

## **Purpose**

30) To allow the Register of Interests to be open to inspection on the written request of a Commissioner of Inquiry to remove any concern that there is a statutory prohibition on Members complying with requests.

## **Cross-Ministry Consultation**

31) The nature of the Paper does not necessitate cross ministry consultation.

## Financial Implications

32) There are no adverse financial implications observed from the decision sought that request an amendment to the Bill entitled, Register of Interests (Amendment) Act, 2021. All cost associated with the amendment would be meet from the relevant agencies existing budgets.

## Legal Implications

33) This paper was drafted by the Attorney General.

## Communication Strategy

34) Cabinet's decision will be communicated as directed.

## Conclusion

35) Members are asked to concur with the Decision Sought.

## Decision Sought

Cabinet is invited to:

- a. review and consider the Bill entitled, Register of Interests (Amendment) Act, 2021 (the "Bill") **(attached at Appendix I)**;
  - b. decide that the Bill be introduced for its first reading in the House of Assembly at its next convenient Sitting; and
  - c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.
-



*Recipients: Financial Secretary, MOF;*

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Hon. Dawn J. Smith  
Hon. Attorney General  
02 March 2021

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
3rd March, 2021

TO: Attorney General

CC: The Premier  
Acting Financial Secretary

DATE: 17th March, 2021

Paper No.	<u>Memo No. 114/2021</u> <u>(/memorandums/1045)</u>
Date Arrived in the Cabinet Office:	<u>2nd March, 2021</u>
Date Approved by the Cabinet Steering	<u>2nd March, 2021</u>
Group:	
Date Sent to Cabinet:	<u>3rd March, 2021</u>
Cabinet Confirmation Date:	<u>17th March, 2021</u>
Expedited Extract Issued:	<u>3rd March, 2021</u> <u>(/expedited_extracts/738)</u>
Cabinet Extract:	

Bill Entitled, Register of Interests (Amendment) Act, 2021  
Memo No. 114/2021

Cabinet:

- a. reviewed and considered the Bill entitled, Register of Interests (Amendment) Act, 2021 (the "Bill");

- b. decided that the Bill be introduced for its first reading in the House of Assembly at its next convenient Sitting; and
- c. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Mrs. Vicki Samuel-  
Lettsome  
Deputy Cabinet Secretary  
for Cabinet Secretary  
18th March, 2021

No. of 2021

**VIRGIN ISLANDS**  
**REGISTER OF INTERESTS ACT, 2021**  
**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title and commencement.
2. Interpretation.
3. Application.
4. Declaration of interests.
5. Register of interests.
6. Duties of the Registrar.
7. Information.
8. Failure of a Member to comply with this Act.
9. Disqualification from holding public office.
10. Relationship with Integrity Commission
11. Computer records.
12. Oath of office and confidentiality.
13. Amendment of Schedules.
14. Regulations.

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

**I Assent**

**Governor.**

**VIRGIN ISLANDS**

**No. of 2021**

An Act to repeal and replace the Register of Interest Act, 2006 and to give effect to section 112 of the Virgin Islands Constitution Order 2007 (U.K.S.I. 2007 No. 1678) and for matters connected therewith.

[Gazetted , 2021]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement.

**1.** (1) This Act may be cited as the Register of Interests Act, 2021

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Interpretation.

**2.** In this Act, unless the context otherwise requires,

“assets” means all property, including any rights or interests held in beneficial ownership, whether in or outside the Territory;

“child”, in relation to a person in public life, means a person who has not attained the age of eighteen years and who is dependent on the person in public life and includes a child born out of wedlock, an adopted child, a step-child or a child of the family;

“child of the family”, in relation to a person in public life, means any child, who has been accepted and treated by both the person in public life and his or her spouse as a child of their family;

Cap 237

“Commissioner of Inquiry” means a Commissioner of Inquiry appointed in accordance with section 2 of the Commissions of Inquiry Act;

“declaration” means a declaration of interests under section 4;

“income” includes

- (a) money or money's worth derived from whatever source or acquired, in or outside of the Territory;
- (b) all receipts by way of salary, fees, wages, perquisites, profits, gain, emoluments, rents, interest, commission, bonus, pension, annuity or benefit;

“Integrity Commission” means the Commission established pursuant to the Integrity in Public Life Act 2021;

“interest” includes any assets, income and liabilities;

“liabilities” includes any obligation to pay money, whether in or outside the Territory;

“Member” means the Speaker, the Attorney General or an elected member of the House of Assembly and includes a person appointed to act as Attorney General;

“person in public life” means a person specified in Schedule 1;

Schedule 1

“prescribed” means prescribed by Regulations;

“public body” includes

- (a) the House of Assembly and Cabinet;
- (b) Ministries and Departments of Government;
- (c) a corporation established by an Act for a public purpose or any subsidiary company of that corporation;
- (d) a bank, corporation or company which the Government owns or in which the Government has controlling interest;
- (e) any board, authority, commission, committee, council, trust or other like body established by or under an enactment;

“public officer” has the meaning given to it in section 2 of the Constitution;

U.K.S.I. 2007  
No.1678

“public official” means a person who is a member of a public body or a public officer;”

“records” includes any documents in whatever form they are held;

“Register” means the Register of Interests established under section 112(1) of the Virgin Islands Constitution Order 2007;

“Registrar” means the person appointed by the Governor under section 112(1) of the Virgin Islands Constitution Order 2007, to hold or act in the office of Registrar;

“spouse”, in relation to a person in public life and for the purposes of a declaration, means the husband or wife of the person in public life or a person of the opposite sex who is living with the person in public life in the circumstances of husband and wife on the date on which the duty to make the declaration arose, but does not include a husband or wife

- (a) who is living separate and apart from the person in public life; and
- (b) who is a party to proceedings for divorce or judicial separation which were instituted at any time before the date on which the duty to make the declaration arose.

**3.** This Act applies to every person in public life.

Application.

Declaration of interests.  
Schedule 2

**4.** (1) A person in public life shall make a declaration in the form set out in Schedule 2

- (a) on the date on which he or she assumes the functions of his or her office, and
- (b) in each subsequent year, on or before the 30<sup>th</sup> day of January.

(2) A declaration of interests under this section

- (a) shall be made in respect of interests held on the date on which the duty to make the declaration arose; and
- (b) shall, where required by the registration form, include a declaration in respect of the interests held on that date by a child or spouse of the person in public life.

Register of interests.

**5.** (1) The Registrar shall maintain and keep the Register in accordance with this Act and in such format as may be prescribed.

(2) The Register shall contain

- (a) the names, offices and addresses of the persons in public life, and
- (b) the details of declarations made in accordance with this Act,

(3) The Registrar shall permit inspection of the Register, at the request of any member of the public, during normal working hours.

**6.** (1) Subject to subsections (2) to (4), the Registrar shall enter in the Register, the interests declared in each declaration.

Duties of the Registrar.

(2) Before entering in the Register the interests declared by a person in public life, the Registrar shall, for the purpose of satisfying himself or herself that a full and accurate declaration has been prepared,

- (a) examine each declaration and ensure that the declaration has been made in the form set out in Schedule 1; and
- (b) obtain from the person in public life such information as in the opinion of the Registrar, would assist him or her in examining a declaration furnished pursuant to this Act.

Schedule 1

(3) Where the Registrar is satisfied that an entry in the Register has been made as a result of a fraudulent or materially misleading declaration by a person in public life,

- (a) the Registrar shall
  - (i) mark the entry as cancelled; and
  - (ii) by notice, require the person in public life to make a new declaration in respect of the interests held at the date the fraudulent or materially misleading declaration was made; and
- (b) the person in public life shall be required to make the new declaration within twenty-eight days from the date of the notice.

(4) The Registrar shall mark as cancelled any entry which has been incorrectly made.

**7.** (1) The Registrar may, by notice, require a person to

Information.



- (a) supply to him or her such information, and
- (b) produce to him or her such records,

as may be specified in the notice, being information and records the supply and production of which the Registrar considers necessary or desirable for the purpose of enabling the Registrar to carry out his or her functions under this Act.

(2) A notice under subsection (1) shall require the information to be supplied and the records to be produced within such period as may be specified in the notice being not less than fourteen days from the date of the notice.

(3) Where the Registrar gives a notice under subsection (1) to a person for the purposes of examining the declaration of that person, the Registrar shall not register the declaration of the person unless

- (a) the person complies with the notice; or
- (b) before the end of the period allowed for compliance, the person shows to the satisfaction of the Registrar that he or she has reasonable grounds for not complying with it.

(4) A person whose declaration is being examined, who fails without reasonable excuse to comply with a notice under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(5) A person whose declaration is being examined, who in purported compliance with a notice under subsection (1) knowingly or recklessly supplies information which is false or misleading in a material particular, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

Failure of a Member to comply with this Act.

**8.** Where a Member is in breach of this Act, and the Registrar shall, within fourteen days of the knowledge of such breach, refer the contravention or alleged contravention to the House of Assembly, and the House may resolve to refer the matter to a Committee of the House of Assembly which shall meet to consider the report within twenty-one days of its submission.

Disqualification from holding public office.

**9.** A member of the House of Assembly who is convicted of an offence under this Act is liable, in addition to any other penalty prescribed by law, to be disqualified from holding any public office for such period as the court considers appropriate, **not exceeding ..... years** from the date of conviction for the offence.

10. The Registrar may refer any matter related to integrity to the Commission for advice. Relationship with Integrity Commission.

11. Where any records are held or kept in electronic form, the power of the Registrar to require the supply of information and production of records shall include powers Computer records.

- (a) to require any person having charge of, or otherwise concerned with the operation of a computer or associated apparatus which is or has been in use in connection with such information or records, to afford to the Registrar such assistance as he or she may reasonably require; and
- (b) to require the records to be produced or copied in any form which he or she may reasonably request.

12. (1) The Registrar and any person appointed or designated to assist the Registrar in the performance of his or her duties under this Act Oath of office and confidentiality.

- (a) shall, before assuming office, subscribe to the oath of confidentiality referred to in Schedule 3; Schedule 3
- (b) shall not, save in accordance with this Act or otherwise in relation to any court order or a written request from a Commissioner of Inquiry or the Integrity Commission disclose information
  - (i) relating to any declaration or matter in the Register; or
  - (ii) that he or she has acquired in the course of or in relation to his or her duties or in the exercise of any powers or performance of duties under this Act.

(2) Where a request for information is made to the Registrar pursuant to subsection (1)(b), the Registrar may provide information that in his or her opinion is strictly necessary to fulfil the request and upon such conditions as to the preservation of confidentiality after the purpose for same has been exhausted as the Registrar deems appropriate.

(3) The oath of confidentiality referred to in subsection (1)(a) shall be taken before a Magistrate or the Registrar of the High Court.

(4) Where the Registrar or any other person appointed or designated to assist him or her contravenes subsection (1)(b), he or she commits an offence and

is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or both.

Amendment of Schedules.

**13.** The Governor may amend the Schedules by Order published in the *Gazette*.

Regulations.

**14.** (1) The Governor may make Regulations not inconsistent with this Act, for giving effect to the provisions of this Act.

(2) Without limiting the generality of subsection (1), Regulations may provide for the following matters:

- (a) the format of the Register of Interest; and
- (b) prescribe anything that is required to be prescribed by this Act.

(3) Regulations made under this Act shall be subject to an affirmative resolution of the House of Assembly.

## **SCHEDULE 1**

[Section 2]

### **PERSONS IN PUBLIC LIFE**

1. Members of the House of Assembly
2. Members of the board or other governing body of a public body and other officers (by whatever name called)
3. All Public Officers

## SCHEDULE 2

[Section 4(1)]

### REGISTRATION FORM FOR DECLARATION OF INTERESTS

#### REGISTRATION OF FINANCIAL INTERESTS

##### REGISTRATION FORM

The main purpose of the Register of Interests is to provide information of any pecuniary interest or other material benefit which a Member or other person in public life receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the House of Assembly, or actions taken in his or her capacity as a Member or a person in public life. For the details of the information which is required to be registered, please refer first to the explanatory notes in each section of the Form.

If there is not enough space in any section of this Form for the information required, additional sheets may be attached to it; but each such sheet should carry the declarant's signature.

Subsequent changes or additions to your entry should be notified to the Registrar within one month of any changes occurring.

NAME (Block capitals, please):

CONSTITUENCY:

##### 1. DIRECTORSHIPS

Do you have any remunerated or unremunerated directorships in any company?

YES/NO (Please delete as appropriate)

If yes, please list the names of the companies, briefly stating the nature of the business of the company in each case.

*Notes: (i) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.*

*(ii) In this category and category 2, "remunerated" should be read as including allowances or benefits.*

##### 2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.

Do you have any employment, office, trade, profession or vocation (apart from being a person in public life) for which you are remunerated or in which you have any pecuniary interest?

YES/NO (Please delete as appropriate)

If yes, please set out the details. Actual amounts of remuneration need not be stated. When registering employment with a company or firm, please briefly indicate the nature of its business.

### 3. CLIENTS

Does any of the paid employment registered in categories 1 or 2 entail the provision to clients of services which depend essentially upon or arise out of your position as a Member of the House of Assembly or a person in public life (see Note (i) below)?

YES/NO (Please delete as appropriate)

If yes, please list all clients to whom you personally provide such services. Please also state in each case the nature of the client's business.

*Notes: (i) The services covered by this category include action connected with any parliamentary proceeding, sponsoring meetings or functions in the House of Assembly's building or offices, making representations to Ministers, fellow Members or public officials, accompanying delegations to Ministers, and the provision of advice on parliamentary or public affairs.*

*(ii) Where you receive remuneration from a company or partnership engaged in consultancy business which itself has clients, you should list any of those clients to whom you personally provide such services or advice, directly or indirectly.*

### 4. SPONSORSHIP

(a) In the case of a Member of the House of Assembly, did you benefit from any sponsorship before your election, where to your knowledge, the financial support in any case exceeded in aggregate \$2,500.00?

YES/NO (Please delete as appropriate)

If yes, please list your sponsor(s). Where a company is named as sponsor, please indicate briefly the nature of its business, and if known, its directors and shareholders.

(b) Do you benefit from any other form of sponsorship or financial or material support as a Member of the House of Assembly?

YES/NO (Please delete as appropriate)

If yes, please give details, including the name of the person, organisation or company providing the support. Where a company is named, please indicate briefly the nature of the business, and if known, its directors and shareholders.

(c) Do the arrangements registered under category 4(b) involve any payment to you or any material benefit or advantage which you personally receive?

YES/NO (Please delete as appropriate)

*Notes: (i) You should register under this section any financial or material benefit, direct or indirect; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.*

*(ii) You should register money given to you by your election campaign committee and money spent by your election campaign committee in connection with your election with your written permission.*

*(iii) The answer to question 4(a) need not contain information in respect of elections which took place prior to the enactment of the Register of Interests Act, 2006.*

#### 5. GIFTS, BENEFITS AND HOSPITALITY (VIRGIN ISLANDS)

Have you, or your spouse to your knowledge, received any gift of a value greater than \$500.00, or any material advantage of a value greater than 1.5 percent of the current salary of an elected Member of the House of Assembly, from any company, organisation or person within the Virgin Islands which in any way relates to your membership of the House of Assembly or position as a public official?

YES/NO (Please delete as appropriate)

If yes, please give details.

*Notes: (i) You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public, except that where the advantage is known to be available to all Members of the House of Assembly, it need not be registered.*

*(ii) You should include not only gifts and material advantages received personally by you and your spouse, but also those received by any company or organisation in which you (or you and your spouse jointly) have a controlling interest.*

## 6. OVERSEAS VISITS

Have you or your spouse made any overseas visits relating to or in any way arising out of your membership of the House of Assembly where the cost of the visit was not wholly borne by yourself or by public funds?

YES/NO (Please delete as appropriate)

If yes, please list relevant visits in chronological order.

Countries visited	Dates of visit	Who paid?
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*Note: You are not required to register visits undertaken on behalf of the Commonwealth Parliamentary Association. Other categories of overseas visits which are exempt from the requirement to register are listed in the guidance pamphlet on Registration and Declaration of Interests.*

## 7. OVERSEAS BENEFITS AND GIFTS

Have you, or your spouse to your knowledge, received any gift of a value greater than \$500.00 or any material advantage of a value greater than 1.5 percent of the current salary of an elected Member of the House of Assembly, from or on behalf of any foreign Government, organisation or person which in any way relates to your membership of the House of Assembly or position as a public official?

YES/NO (Please delete as appropriate)

If yes, please give details.

*Note: Overseas hospitality and travel facilities should be entered under category 6. Otherwise the notes under category 5 apply here also.*

## 8. LAND

Do you have any land, other than any home used solely for the personal residential purposes of you or your family?

YES/NO (Please delete as appropriate)



If yes, please indicate below the nature of the land (e.g. Estate, Farm, Smallholding, Woodland, Residential rented/leasehold land, Commercial rented/leasehold land) and give the registration section, block and parcel number, and the street and number (if appropriate) of the land in each case.

Nature of Land

Location

.....

Registration Section No.:

Block No.:

Parcel No.:

Address:

.....

Registration Section No.:

Block No.:

Parcel No.:

Address:

.....

Registration Section No.:

Block No.:

Parcel No.:

Address:

#### 9. SHAREHOLDINGS

Do you have (either yourself or with or on behalf of your spouse or dependent children) interests in shareholdings in any company or other body which has a nominal value (a) greater than \$25,000.00, or (b) less than \$25,000.00 but greater than 1 percent of the issued shared capital of the company or body?

YES/NO (Please delete as appropriate)

If so, please list each company or body, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

#### 10. MISCELLANEOUS

If, bearing in mind the definition of purpose set out in the introduction to this Form, you have any relevant interests which you consider should be disclosed but which do not fall within the nine categories set out above, please list them:

**I declare that the information contained in this declaration is a complete and accurate description of all the interests that I am liable to declare under the Register of Interests Act, 2006.**

SIGNATURE:

DATE:

**SCHEDULE 3**

[Section 12(1)]

**OATH OF CONFIDENTIALITY**

**FORM OF OATH**

I, \_\_\_\_\_, being the Registrar of Interests/a person appointed/designated to assist the Registrar of Interests in the performance of his or her duties under the Register of Interests Act, 2021, solemnly swear/affirm that I shall keep confidential all declarations and other information in connection with or relative to a person in public life and the Register of Interests which has come to my knowledge in my capacity as Registrar of Interests/a person appointed/designated to assist the Registrar of Interests or in relation to such office that I hold and I shall not disclose such declaration or other information except as authorised by and in accordance with law.

So help me God (omit if affirming)

Sworn/Affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

.....  
(Name of person swearing/affirming)(Magistrate/High Court Registrar)

Passed by the House of Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Speaker.

\_\_\_\_\_  
Clerk of the House of Assembly.

## OBJECTS AND REASONS

This Bill seeks to repeal and replace the Register of Interests Act, 2006 (No. 5 of 2006). It also seeks to provide for all persons in public life to make a declaration of their interests in the form prescribed.

Clause 1 sets out the short title and commencement of the Act.

Clause 2 would define certain terms used throughout the Act.

Clause 3 would provide for the Act to apply to all persons in public life.

Clause 4 would provide for a person in public life shall make a declaration of their interests on the date on which he or she assumes the functions of his or her office, and on each subsequent year, on or before the 30<sup>th</sup> day of January.

Clause 5 would provide for the Register of Interest to be maintained and kept in accordance with the Act. The Register would contain the names, offices and addresses of the persons in public life, as well as the details of declarations made in accordance with the Act.

Clause 6 would provide for the duties of the Registrar which would include entering the interests declared in each declaration in the Register, examining each declaration to ensure that it complies with this Act, obtaining information from the person in public life to assist in examining a declaration furnished. It would also provide for the Registrar to cancel an entry in the Register where the entry has been made as a result of a fraudulent or materially misleading declaration and require the person in public life to make a new declaration.

Clause 7 would provide for the Registrar to give notice to a person in public life to supply the Registrar with such information, and produce such records as the Registrar may require for the purposes of examining the declaration of that person.

as may be specified in the notice, being information and records the supply and production of which the Registrar considers necessary or desirable for the purpose of enabling the Registrar to carry out his or her functions under this Act

Clause 8 would provide for the Registrar to refer to the House of Assembly a contravention or alleged contravention of this Act, by a Member. It would also provide for the House to refer the matter to a Committee of the House of Assembly to consider the report within twenty-one days of its submission.

Clause 9 would provide for a member to be disqualified from holding office for such period as the court considers appropriate, where that member is convicted of an offence under this Act. This penalty would be in addition to any other penalty prescribed by law.

Clause 10 would provide for the Registrar may refer any matter related to integrity to the Integrity Commission for advice.

Clause 11 would give the Registrar the power to request any information and records held or kept in electronic form to assist with the execution of his or her duties.

Clause 12 would provide for the Schedules to be amended, by Order.

Clause 13 would provide for the oath of office and confidentiality.

Clause 14 would provide for regulations.

Premier

CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
3rd March, 2021

TO: The Premier

CC: Acting Financial Secretary  
Permanent Secretary, Premier's Office

DATE: 17th March, 2021

Paper No.	<u>Memo No. 99/2021</u> <u>(/memorandums/1040)</u>
Date Arrived in the Cabinet Office:	<u>2nd March, 2021</u>
Date Approved by the Cabinet Steering	<u>2nd March, 2021</u>
Group:	
Date Sent to Cabinet:	<u>3rd March, 2021</u>
Cabinet Confirmation Date:	<u>17th March, 2021</u>
Expedited Extract Issued:	<u>3rd March, 2021</u> <u>(/expedited_extracts/725)</u>

Cabinet Extract:

Bill entitled, Contractor General Act, 2021  
Memo No. 99/2021

Cabinet:

- a. reviewed and considered the Bill entitled, Contractor General Act, 2021 (the "Bill"), which seeks to monitor and, where necessary, investigate

the award of contracts with a view to ensuring that they are awarded impartially and without impropriety or irregularity and are implemented as specified in the award, and report the findings of any such investigation to the House of Assembly as detailed attached at **Appendix I**;

- b. decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting; and
- c. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Mrs. Vicki Samuel-  
Lettsome  
Deputy Cabinet Secretary  
for Cabinet Secretary  
18th March, 2021



# THE VIRGIN ISLANDS Official Gazette

Published by Authority

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ROAD TOWN, TORTOLA

FRIDAY 12 MARCH 2021

## EXTRAORDINARY

# CONTENTS

### GOVERNMENT

Cabinet Decisions	None
Supplements	1141
Statutory Appointments	None
Court Notices	None
Public Service Notices	None
Departmental Notices	None
Corrections	None

### STATUTORY

Trade Mark	None
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Patent	None
Company	None
Other	None

### COMMERCIAL

Liquidation	
Appointment of Liquidator	None
Dissolution Notices	None
Other	None
Insurance	None
Other	None

## USING THE GAZETTE

The Virgin Islands Official Gazette is the official newspaper of the Government of the Virgin Islands. It is published weekly on Thursdays. Extraordinary editions are published as and when required.

Closing time for lodging notices is 3 p.m. on Monday in the week prior to publication. Early deadlines apply in cases of public holidays. Please refer to the schedule of deadlines at the back of the Gazette for specific deadlines. Late notices are accepted at the publisher's discretion only.

Notices must be accompanied by payment and written instructions. All dates, proper names, and signatures must be shown clearly, and contact details for the person responsible for the notice must be included.

Notices will be returned unpublished if not submitted in accordance with these requirements.

The *Official Gazette* reserves the right to apply its in-house style, and to reject notices which do not meet its requirements.

Kindly address notices and other correspondence to:

**The Virgin Islands Official Gazette  
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Elliott Hodge Building, Third Floor  
Road Town, Tortola VG1110  
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**Email:** [gazette@gov.vg](mailto:gazette@gov.vg)

**Twitter:** @VIGazette

**Website:** [eservices.gov.vg/gazette](http://eservices.gov.vg/gazette)

## GOVERNMENT

### Supplements

**6125** The following documents are being circulated with and form part of this issue of the Gazette.

#### BILLS, 2021

- ADMINISTRATION OF SMALL ESTATES (AMENDMENT) ACT, 2021
- BENEFICIAL OWNERSHIP SECURE SEARCH SYSTEM (AMENDMENT) ACT, 2021
- CONTRACTOR GENERAL ACT, 2021
- COUNTER-TERRORISM ACT, 2021
- CRIMINAL CODE (AMENDMENT) ACT, 2021
- CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) (AMENDMENT) ACT, 2021
- CUSTOMS MANAGEMENT AND DUTIES (AMENDMENT) ACT, 2021
- DRUG TRAFFICKING OFFENCES (AMENDMENT) ACT, 2021
- ECONOMIC SUBSTANCE (COMPANIES AND LIMITED PARTNERSHIPS) (AMENDMENT) ACT, 2021
- EXPLOSIVES (AMENDMENT) ACT, 2021
- FINANCIAL INVESTIGATION AGENCY (AMENDMENT) ACT, 2021
- FINANCIAL SERVICES COMMISSION (AMENDMENT) ACT, 2021
- FINANCING AND MONEY SERVICES (AMENDMENT) ACT, 2021
- PROBATES (RESEALING) ACT, 2021
- PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) ACT, 2021
- PROLIFERATION FINANCING (PROHIBITION) ACT, 2021
- PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2021
- REGISTRATION OF BIRTHS AND DEATHS ACT, 2021
- STAMPS (AMENDMENT) ACT, 2021
- SUPPLEMENTARY APPROPRIATION (2016) ACT, 2021
- TRUSTEE (AMENDMENT) ACT, 2021
- VIRGIN ISLANDS SPECIAL TRUSTS (AMENDMENT) ACT, 2021
- WHISTLEBLOWERS ACT, 2021

#### STATUTORY INSTRUMENT, 2021

**NO. 22 -- IMPOSITION OF A CURFEW (NO. 5) (AMENDMENT) ORDER, 2021**



**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Hon. Dawn J. Smith <DawnJSmith@gov.vg>  
**Sent:** Monday, March 8, 2021 4:44 PM  
**To:** Abina Solomon <ASolomon@gov.vg>  
**Cc:** Christine Bowen <CBowen@gov.vg>  
**Subject:** Integrity in Public Life Act

Dear Abina:

The Integrity in Public Life Bill is now internally controversial.

Please review the attached correspondence. We need to resolve the current conundrum where the Premier brought a version of the Bill after DGO had been working with Chambers to produce a draft.

Grateful for your thoughts on resolution. The Government would like for the Bill to be introduced into the House of Assembly later this month.

Kind regards

**Hon. Dawn J. Smith**  
*Attorney General*  
Attorney General's Chambers  
TTT Building, Wickhams Cay I  
Road Town, Tortola  
British Virgin Islands  
Tel: (284) 468-2960



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HOUSE OF ASSEMBLY OF THE VIRGIN ISLANDS  
OFFICE OF THE CLERK

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*Ref* LEG/LGN/13

**MEMORANDUM**

**TO:** HON. DAWN J. SMITH  
ATTORNEY GENERAL

**FROM:** CLERK, HOUSE OF ASSEMBLY

**DATE:** 8TH MARCH, 2021


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**RE: REGISTER OF INTERESTS (AMENDMENT) ACT, 2021**

I have enclosed the above captioned which had its First Reading on 4th March, 2021 and was passed by the House of Assembly of the Virgin Islands on 4th March, 2021.

I would appreciate if you could urgently process the amendments as shown and prepare four (4) copies together with the Legal Report. This Act is Act No. 2 of 2021.

Thank you in advance for your assistance in processing this matter.

  
.....  
Phyllis Evans  
Clerk, House of Assembly

cc: Ms. Christine Bowen  
Chief Parliamentary Counsel

PE/ki

Attachments

Richard C. Stout Building • P.O. Box 2390 • Road Town • Tortola • British Virgin Islands

Tel: (284) 468-6900

Email: [pevans@gov.vg](mailto:pevans@gov.vg)

Fw: URGENT!! Revised Public Service Management Code

Abina Solomon <ASolomon@gov.vg>

Wed 5/26/2021 12:22 PM

To: Christine Bowen <CBowen@gov.vg>

Cc: Layla Jones <LJones@gov.vg>

Regards,

**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Abina Solomon <ASolomon@gov.vg>

**Sent:** Sunday, April 18, 2021 3:00 PM

**To:** Jo-ann Roberts <JWilliams-Roberts@gov.vg>

**Cc:** Hon. Dawn J. Smith <DawnJSmith@gov.vg>; Christine Bowen <CBowen@gov.vg>

**Subject:** Fw: URGENT!! Revised Public Service Management Code

Good Day SG,

Please see the below email which was sent to the Director Human Resources.

Regards,

**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Abina Solomon <ASolomon@gov.vg>

**Sent:** Sunday, April 18, 2021 2:58 PM

**To:** Hon. Dawn J. Smith <DawnJSmith@gov.vg>

**Subject:** Fw: URGENT!! Revised Public Service Management Code

Hi AG,

I sent a response to the Human resources Director on 12 April 2021 with respect the abovementioned matter.

Please see my email below. I should have copied you in the said email.

Regards,

**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Abina Solomon <ASolomon@gov.vg>  
**Sent:** Tuesday, April 13, 2021 12:27 PM  
**To:** Michelle Stevens <MDonovan-Stevens@gov.vg>  
**Subject:** Re: URGENT!! Revised Public Service Management Code

Good Day Madam Director,

I am currently finalising some Bills that were sent to Chambers prior to the Public Service Management Code, including the Integrity in Public Life Bill and the Register of Interest Bill which we have been advised are currently a priority. I have had a cursory glance of the code and note that the provisions are still in the form of a Bill in that it provides for the continuation of the service, the establishment of offices, the making of regulations pursuant to the Code etc. It therefore means that we will have to redraft or remove some of the provisions.

Please note that we only have two drafters and an ambitious legislative agenda, but rest assured that as soon as I have reviewed the draft Code I will forward same to you.

Regards,

**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Michelle Stevens <MDonovan-Stevens@gov.vg>  
**Sent:** Monday, April 12, 2021 11:19 AM  
**To:** Abina Solomon <ASolomon@gov.vg>  
**Subject:** Re: URGENT!! Revised Public Service Management Code

Good Day Madam PC,



I trust this email meets you well and that you had a restful break earlier this year.

Further to our communication in December of last year requesting the review of the amended draft Public Service Management Code please advise on the progress and when it may expect to receive the Code for presentation to the Deputy Governor and Governor.

Sincere regards,

Michelle Donovan Stevens  
Director of Human Resources  
Department of Human Resources  
Simms Building 2nd Floor  
Road Town, Tortola  
British Virgin Islands, VG1110  
Office Tele: 284 468-3701 ext. 2055 or 3118  
HR Email: [hrrdbvi@gov.vg](mailto:hrrdbvi@gov.vg)  
Website: [www.bvi.gov.vg](http://www.bvi.gov.vg)

---

**From:** Abina Solomon <[ASolomon@gov.vg](mailto:ASolomon@gov.vg)>  
**Sent:** Monday, March 15, 2021 1:47 PM  
**To:** Layla Jones <[LJones@gov.vg](mailto:LJones@gov.vg)>; Ziina Hanley <[ZmHanley@gov.vg](mailto:ZmHanley@gov.vg)>  
**Cc:** Michelle Stevens <[MDonovan-Stevens@gov.vg](mailto:MDonovan-Stevens@gov.vg)>  
**Subject:** Re: URGENT!! Revised Public Service Management Code

Received with thanks.

Regards,

**Abina Solomon**  
*Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-2960

---

**From:** Layla Jones <[LJones@gov.vg](mailto:LJones@gov.vg)>  
**Sent:** Monday, March 15, 2021 10:44 AM  
**To:** Ziina Hanley <[ZmHanley@gov.vg](mailto:ZmHanley@gov.vg)>; Abina Solomon <[ASolomon@gov.vg](mailto:ASolomon@gov.vg)>  
**Cc:** Michelle Stevens <[MDonovan-Stevens@gov.vg](mailto:MDonovan-Stevens@gov.vg)>  
**Subject:** Re: URGENT!! Revised Public Service Management Code

Dear Ms. Hanley,

Documents were received with thanks.

Regards,

LAYLA JONES

Senior Administrative Officer



Attorney General's Chambers

TTT Building, Wickhams Cay I

Road Town, Tortola VG1110

Tel: (284) 468-[ext]/2960

---

**From:** Ziina Hanley <ZmHanley@gov.vg>  
**Sent:** Monday, March 15, 2021 10:41 AM  
**To:** Abina Solomon <ASolomon@gov.vg>  
**Cc:** Layla Jones <LJones@gov.vg>; Michelle Stevens <MDonovan-Stevens@gov.vg>  
**Subject:** Fw: URGENT!! Revised Public Service Management Code

Dear Ms. Solomon,

As requested by Ms. Jones, I am forwarding this email and accompanying attachments for your attention and action.

Kind Regards,

Ziina M. Hanley (Ms.)

Senior Assistant Human Resources Manager | Professional Assistant to the Director  
Department of Human Resources  
Simms Building | Road Town, Tortola | British Virgin Islands  
Tel: (284)468-2055 | E-mail: zmhanley@gov.vg

"Change is inevitable. Growth is optional." John Maxwell

---

**From:** Ziina Hanley  
**Sent:** 09 December 2020 2:08 PM  
**To:** Hon. Dawn J. Smith <DawnJSmith@gov.vg>  
**Cc:** Sharleen Dabreo <SDabreo@gov.vg>; Deputy Governor, David D. Archer Jr. <DArcher@gov.vg>; Desary Cameron - McDowell <DCameron@gov.vg>; Shavon Henley-Hodge <SHenley-Hodge@gov.vg>  
**Subject:** URGENT!! Revised Public Service Management Code

Dear Honourable Smith,

I write to you as directed by the Director of Human Resources regarding the captioned subject.

The attached memorandum and code are for your urgent attention and review.

Kind Regards,

Ziina M. Hanley (Ms.)

Senior Assistant Human Resources Manager | Professional Assistant to the Director  
Department of Human Resources  
Simms Building | Road Town, Tortola | British Virgin Islands  
Tel: (284)468-2055 | E-mail: zmhanley@gov.vg

"Change is inevitable. Growth is optional." John Maxwell

# Bill Entitled, Integrity in Public Life Act, 2021

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Signed

· 16 March 2021 · PO · File: PO/L2/036 · Mrs. Elvia Smith-Maduro

· Memo No. 173/2021 · Extract No. REx/173/2021 (/decisions/641)

---

## Background Information

1) The need for Integrity legislation was championed by the current Premier and Minister of Finance. It is noted that when he was the appointed Leader of the Opposition that he also championed this cause. During his speech at the 30th June, 2017 Territory Day ceremony, he told the gathering, "The implementation of such legislation will create a victorious BVI because it would promote transparency." Now as the leader of this current Administration, the Premier is committed to bring forward this important piece of legislation, as his Government, pledged to place the people of the Virgin Islands first as well as its full commitment to integrity, the rule of law, transparency, accountability, stability, democratic principles, prosperity for the Virgin Islands, and to safeguard the rights of all who call the Virgin Islands home and ensure that those rights are fully respected and protected.

2) The Government also committed to put measures in place whereby elected members uphold our cherished institutions to the highest level and restrain from abusing their powers. This commitment was reinforced in the Speech from the Throne that was read in the House of Assembly on 14th November, 2019, by His Excellency The Governor, indicating that Integrity in Public Life legislation and other anti-corruption initiatives were on the 2020 Legislative Agenda.

3) Due to the emergence of the COVID-19 global pandemic in March 2020, Government's priorities were forced to be shifted towards mitigating the spread of the disease in the Territory and managing the social and economic impacts on the population. Circumstances hindered the legislature's ability to have regular sessions and thus impacted the implementation of the legislative agenda.



4) At the 2020 Speech from the Throne delivered by the Governor before the House of Assembly on 5th November, 2020, it was reiterated that the Government recognises that strengthening Governance remains important for having a stable economy. It was indicated that the Integrity in Public Life Bill remains a priority on the legislative agenda and that this legislation would promote and enhance ethical conduct standards by consolidating laws relating to the prevention of corruption and the award, monitoring, and investigating government contracts and prescribed licences.

5) On 13th December, 2020, Cabinet reviewed and noted the first draft Integrity in Public Life Act, 2020 via Cabinet Memo 505/2020, a copy of the Cabinet Memo is attached as **Appendix I**. As per items C and D, the draft Act was circulated to the Deputy Governor via email dated 19th January, 2021, and by email to various other stakeholders dated 19th January, 2021. A copy of the responses received are attached as **Appendix II** for members perusal.

6) The Integrity in Public Life Act seeks to establish an Integrity Commission which would assist in achieving the Government's objectives to promote good governance, to enhance ethical conduct of public officials and to strengthen the prevention and detection of corrupt acts by persons in public life.

7) The Bill consists of seven (7) parts. Part I (clauses 1 - 3) provides for preliminary matters. The preliminary provisions provide for the short title and commencement of the Act, as well as define various terms used throughout the Act. It also provide for the Act to apply to every person in public life.

8) Part II (clauses 4 - 13) provides for the establishment of the Integrity Commission. It provides for the functions of the Commission and the appointment of the members, their term of appointment and removal from office. This part also provides for the Governor to remove a member after consultation with the Premier and the Leader of the Opposition and on the recommendation of the Disciplinary Tribunal.

9) Members of the Integrity Commission shall be appointed to hold office for a period not exceeding five (5) years and shall be eligible for re-appointment.

10) The Commission shall comprise of five (5) persons as follows:

- i. a Chairperson who is a retired judge or an attorney at law of at least 15 years standing, and who has practiced in the Virgin Islands or within the jurisdiction of the Organisation of the Eastern Caribbean States;
- ii. two (2) persons nominated by the Premier;
- iii. one (1) person nominated by the Leader of Opposition; and
- iv. one (1) person nominated by Christian Council.

11) The appointment of the members of the Commission shall be made by the Governor. The Chairperson shall be appointed by the Governor after consultation with the Premier and the Leader of the Opposition. A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling his or her duties pursuant to the Act.

12) The following persons are disqualified from being appointed a member of the Integrity Commission:

- i. is a person in public life or is otherwise exercising a public function;
- ii. has, at any time during the three (3) years preceding the date of appointment, been a person in public life or otherwise exercised a public function;
- iii. has, at any time during the five (5) years immediately preceding the date of appointment, held office in a political party; or

- iv. would otherwise be disqualified, in accordance with the Constitution, to be a member of the House of Assembly;
- v. has been convicted of an offence within or outside the Virgin Islands;
- vi. is an undischarged bankrupt or has compounded with his or her creditors;
- vii. is not a Belonger; or
- viii. has been certified by a medical practitioner to be of unsound mind.

13) The functions of the Integrity Commission shall be:

- i. to receive and investigate complaints regarding any breaches or non-compliance with the provisions of this Act;
- ii. without prejudice to the provisions of any other enactment, conduct an investigation into any act of corruption under this Act referred to it by any person;
- iii. to make recommendations and to advise public bodies of any changes in practices and procedures which, in the opinion of the Commission, will reduce the likelihood or the occurrence of acts of corruption;
- iv. to conduct educational programmes and training relating to the role of the Commission in promoting ethical conduct; and
- v. to perform such other functions or exercise such powers as may be conferred, on it under this Act or any other enactment.

14) Part III (clauses 14 - 20) provides for powers of investigation. The Commission would have the power to inquire into complaints that a person in public life may have breached the Act including committing an act of corruption.

The Commission would be empowered to enter premises occupied or used by a public authority, and search for documents, inspect documents and take copies of documents. In the performance of its function to inquire into complaints, the Commission would have the power to summons and examine witnesses, administer oaths and affidavits, compel the production of documents etc. Where the Commission finds that there is a breach of a provision of this Act, the Commission would be required to refer the matter to the DPP and forward a report of its findings to the Governor. This part would also prohibit a person who is not suspected of committing an offence from objecting to the supply of information and documents on the grounds that it might tend to incriminate him or her. It would be an offence to obstruct an investigation under this Act.

15) Part IV (clauses 21 - 25) provide for conduct in public life. It provides for a person in public life to observe the code of conduct specified in Schedule 3 and for the Governor to prescribe a code of conduct with respect to public officers. This part also requires persons in public life to be fair and impartial, to maintain public confidence in their integrity, to avoid conflicts of interest, to refrain from using their office and information obtained by virtue of their office for private gain, and to refuse gifts that are connected with the performance of their duties.

16) Part V (clauses 26 - 28) provides for the acts which would constitute Acts of corruption under the Act, including:

- soliciting or accepting, whether directly or indirectly, any article or money or other benefit, or advantage for doing any act or omitting to do any act in the performance of his or her functions as a public official;
- offering directly or indirectly, to a public official any article, money or other benefit or advantage for doing any act or omitting to do any act in the performance of the public official's duties; and
- knowingly or recklessly allowing one's private interest to conflict with his or her public duties or improperly influencing his or her conduct in the

performance of his or her duties as a public official.

17) This Part would be in addition to the existing laws and without prejudice to the powers conferred upon a relevant disciplinary authority under the Constitution.

18) Part VI (clauses 29 - 32) would provide for financial provisions. This part would provide for the funds of the Commission and for proper accounts and other records of all income and expenditure of the Commission to be kept. The Commission would be required to submit to the Minister of Finance an annual report on its activities for each year, and a copy of the report together with the Auditor's Report shall be laid before the House of Assembly.

19) Part VII (clauses 28 - 39) provides for miscellaneous matters. A member of the House of Assembly would be required to disclose any interest in debates and questions that the Member may have in relation to any matter being debated or any question the Member intends to ask at a sitting of the House of Assembly. It would also provide for protection of witnesses, granting immunity from suit for actions done in good faith in the execution of duties, the forfeiture of property unlawfully acquired by a person in public life, and for the making of regulations which would be subject to a negative resolution of the House of Assembly.

20) The full details of the draft Act are contained in the Integrity in Public Life Act, 2021 attached as **Appendix III**.

## **Purpose**

21) The purpose of the Cabinet Paper is for Cabinet to review and approve the Integrity in Public Life Act (2021) and decide that the Bill be submitted to the House of Assembly for approval at its next convenient Sitting.

## **Cross-Ministry Consultation**

22) The paper was circulated for cross-ministry consultation. Members are to also note comments of the Director of Human Resources at **Appendix IV**.

**Permanent Secretary, Natural Resources, Labour and Immigration stated:**

23) The Ministry of Natural Resources, Labour and Immigration continues to give its support to the Integrity in Public Life Act which seeks to establish an Integrity Commission. The establishment of a Commission to look into and regulate the conduct of persons exercising public functions, to promote and strengthen measures for the prevention, detection and investigation of acts of corruption is an important aspect of good governance. We trust that with the comments from various sectors of the community, the legislation will be fine-tuned accordingly. It is important to promote the integrity of public officials and institutions.

**Acting Permanent Secretary, Ministry of Health and Social Development stated:**

24) The Ministry of Health and Social Development views this proposed legislation as a step in the right direction to further strengthen the good governance legislative framework in this Territory. Adding such an important layer to the documents used to guide the public service will help to strengthen the public's confidence in the services offered by the Government and in all public officials including those of Statutory Bodies. Transparency and accountability will not just be buzz words, but would rather be fully engrained in the foundation of the public service. This is certainly welcomed.

**Permanent Secretary, Transportation, Works and Utilities stated:**

25) The Ministry of Transportation, Works and Utilities concurs with the decision sought and trust that this matter is dealt with expeditiously. As the territory continues to contemplate the matter of self-determination, it is prudent that we put in place those measures that will assist us in determining our own economic, political and social development. This bill adds yet another critical piece of legislation to the territory's legal framework; it places us in a position to hold

ourselves accountable to each other with the hope that those still to come will find us faithful to the ideals we have set in place. That said, Cabinet may wish to consider adding to the bill the proviso that persons serving on the committee must sit out for a period not less than three years before being reappointed; this keeps the membership fresh. Also, it wasn't quite clear, to me, who nominates the chairman.

**Permanent Secretary, Education, Culture, Youth Affairs, Fisheries and Agriculture stated:**

26) The Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture supports the decision sought as the Territory continues to make strides in strengthening its good governance framework.

27) As Cabinet Papers are historical documents, it is important that the historical context of a matter of such significance be properly established in the Background Information. The Government's records will reflect that attempts were made since the early 1990s to introduce Integrity Legislation in the Territory. The significance of this milestone would therefore be better appreciated when highlighting the various steps taken in the past to get to the present. Most recently, the Integrity in Public Life legislation was among the good governance measures being championed by the Deputy Governor's Office and for which extensive research was conducted as part of the public service transformation programme.

28) I have noted that the National Bank of the Virgin Islands provided extensive feedback on the draft Bill, having done a comprehensive overview of the Act. There is no indication whether this or other feedback was considered in advancing this version of the draft Bill.

29) As one considers the current economic climate, there is a need for a comprehensive approach to be taken with respect to providing staffing to support the good governance institutions in the Territory. An approach similar to the Cayman Islands where there is a central Secretariat to support the various

good governance offices is required. It is not sustainable to try to provide separate support staff for each of these agencies (Registrar of Interests, Complaints Commissioner, Contractor General, Integrity Commission, Human Rights Commission - when established).

30) The limited time provided for review of this Paper and Bill did not allow for sufficient time to thoroughly review the provisions of the legislation. I am not sure whether it is included under one of the current parts, but when compared to similar legislations in the region, there appears to be one glaring omission, that of the Part of the Act that addresses Financial Disclosure.

31) On an administrative note, removal of the word, "to" in a, c, d, and e in Section 5 will ensure a proper flow with the introductory clause.

**Permanent Secretary, Deputy Governor's Office stated:**

32) The subject of Integrity in Public Life was advanced as part of the Good Governance Transformation agenda led by the Office of the Deputy Governor in response to the Governor's constitutional responsibilities, as outlined in Section 60 (1) of the Virgin Islands Constitution Order, 2007. This section indicates the Governor's responsibilities for the terms and conditions for service of persons holding or acting in public offices, without prejudice to Section 92.

33) The timeline presented below provides a chronology of the advancement of the Bill to date.

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<b>Date</b>	<b>Action</b>
18th October, 2019	Integrity in Public Life Policy was uploaded to ExcoTrack on 18th October, 2019
7th November, 2019	Integrity in Public Life Policy was approved by Cabinet in Memo No. 378 of 2019

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28th November, 2019	Office of the Deputy Governor instructed the Attorney General's Chambers, based on Cabinet's instructions in Memo No. 378 of 2019, to draft the legislation
15th June, 2020	Draft Legislation was received
2nd July, 2020	Memo sent to Attorney General's Chambers requesting that the draft is amended to be more in line with the approved policy
31st July, 2020	Revised Bill was received from the Attorney General's Chambers
18th September, 2020	Meeting was held with stakeholders to discuss the revised bill. It was agreed that two pieces of legislation will be drafted. The Register of Interests Act will be amended to include stronger accountability sanctions and extend its reach to all public officers and the draft Integrity in Public Life Bill will be further amended to incorporate a monitoring component through the establishment of and Integrity Commission
4th November, 2020	The amendment to the Bills were received
6th November, 2020	The draft bills were shared with stakeholders for comments (Permanent Secretary, Premier's Office, Director of Public Prosecutions, Director of Human Resources and Registrar of Interests)
24th November, 2020	Registrar of Interests requested a meeting to discuss her proposed amendments
1st December, 2020	<p>Meeting with the Registrar was held and the following decisions were agreed upon:</p> <ul style="list-style-type: none"> <li>• Repeal the Register of Interests Act with a new act that enables the Registrar of Interests to have enforcement powers</li> <li>• Amend the draft Integrity in Public Life Bill to allow the Integrity Commission to serve as an advisory body to the Registrar of Interests while the Registrar will serve as the decision making body.</li> </ul> <p>Note: A revised Role Profile for the Register of Interest was drafted and is presently with the Director of Human Resources.</p>

3rd December, 2020	An official memo was sent to the Attorney General's Chambers outlining the decisions agreed to above.
18th December, 2020	Cabinet Memo No. 505 of 2020 rescinded the decision taken in Cabinet Memo No. 378/2019 at the meeting of 9th November, 2019, where the Deputy Governor was deemed to be given the sole lead on this matter. Cabinet decided that the Deputy Governor and the Premier's Office will work in collaboration on this matter with the Premier's Office as the lead seeing that the scope is wider than Public Officers
22nd March, 2021	His Excellency the Governor wrote to the Attorney General to share his comments on the Bill presented by the Premier
31st March, 2021	The Attorney General responded to the Governor's letter by memo

34) On Thursday, 1st March, 2021 we received notification via ExcoTrack to provide comments on the Bill entitled, Integrity in Public Life. Our comments on this version of the Bill are outlined below. Also attached, as Table 1 is stakeholder feedback and an indication as to whether the points were addressed or not addressed.

1. The principle underlying the draft Bill is good and can represent a critical advancement in our good governance transformation agenda.
2. It is recommended that the content of the Bill be thoroughly reviewed and then discussed between the Governor and Premier before further advancement. This is important because of the Governor's responsibility for terms and conditions of Public Officers as laid out in section 60 of the Virgin Islands Constitution Order, 2007.
3. The independence of the Commission can be challenged if it is answerable to a Minister. It is recommended that the Commission's independence be aligned with best practice in fellow Territories, including the Turks and Caicos Islands and Cayman Islands;

4. The Bill needs to cover all persons in public life regardless of rank including Police, Fire Her Majesty's Customs and Immigration Officers.
5. Declared persons for political parties cannot be considered someone in public life as is listed in the schedule.
6. We wish to explore the possibility of the Bill speaking to accountable actions of members of the public who also knowing the law, willfully attempt to bribe and conduct acts of favour involving public officers.]
7. To ensure appropriate independence, the Secretary should also be appointed/hired and not be a public officer.
8. The Bill cannot be presented in its current form unless the Register of Interests Act is amended to allow the declarations of interests to be seen by the Integrity Commission and overall spell out how the Commission will interact with the Registrar. The Registrar of Interests Act will also need to be amended to allow for the expansion of other persons in public life. The Register of Interests Act might also need to be repealed to enable the Registrar to have enforcement powers, through sanctions, to ensure persons in public life comply with their declaration requirements. Section 34(1) should be amended to reflect the powers of a Commission of Inquiry to require production of information by the Integrity Commission.
9. The Bill attempts to cover persons in statutory bodies. While this intent is supported, some of the agencies are corporations and their specific legislation will have to be amended to allow for their actions to be monitored by the Commission.
10. Part V that speaks to corruption should have the offenses spelt out. If not in this Bill, then the Criminal Code will need to be augmented as this Bill is being advanced. The Section of Corruption needs to be cross-referenced with

Criminal Code 1994, as amended. The sections which deal with bribery, breach of trust by public officers and officials

11. Referral of Matters should not be given to Cabinet as there should be no appearance of the potential of influence over any matter. If the matter is criminal, it should be sent to the Director of Public Prosecutions only, or a report maintained by the Commission.
12. Section 18 (a) is vague regarding the Commission's options of accountability and needs to be tightened.
13. Part V, Section 27 needs further clarity to indicate when the Commission will interact with the work of other Bodies such as the PSC JLSC, etc.
14. Part VII, Section 33 needs to be checked against the criminal statute of limitations on criminal offenses. Therefore the prescription period for prosecutions should be aligned with wider criminal law
15. Corruption needs to be specifically defined in the interpretation section and must coincide with the Criminal Code Amendment No. 8 of 2006
16. The powers of investigation needs to be clearly defined to ensure that the proposed commission cannot investigate or interfere with any criminal investigation or prosecution being carried out by the DPP in accordance with his/her constitutional responsibilities
17. What makes a fit and proper investigation? The Bill does not define this
18. There is a strong policy case for declarations of interests by Ministers and Members of the House of Assembly to be made public in line with best practice in order jurisdictions, including the UK. The provision also needs to be amended to take account of the Commission of Inquiry Act and the recent Register of Interests legislative amendment.

19. The application of the Act to Heads of Diplomatic Missions, with the consequent requirement of declarations of interests, would be incompatible with the provisions of the Vienna Convention on Diplomatic Relations and therefore cannot be covered by this Bill.

20. The proposed application of the legislation to the Governor is inappropriate. The Governor is a UK public servant and is subject to, and answerable to, the UK Civil Service Code and Diplomatic Service Regulations. This should also be contrast with the Governor's role and responsibility in the Territory as laid out in the Constitution.

35) In addition to the points raised above regarding suggested changes to the Integrity in Public Life Bill, please find below proposed amendments to the to the Register of Interests Bill, which must be addressed before the Integrity in Public Life Bill is finalised.

1. Replace the select committee with the Integrity Commission

2. Under Schedule 4 of the Registrar of Interests Act, the section regarding members of boards should be made clear to include employees of Statutory agencies, commissions, etc.

3. Declarations should be made when officers are employed and annually at a fixed date, preferably January; therefore any reference to 30 days should be removed from the legislation

4. Under Schedule 1(12), the information referenced in the note should be removed

5. Sections 8, 9, 10, 11 and 14 should be removed

6. The Director of Human Resources' comments dated 12th November, 2020, that were shared with the Attorney General's Chambers should be considered

when amending the legislation. Those comments are attached as Appendix IV.

## **Financial Implications**

36) The Bill represents the Territory's commitment to strengthening governance, which remains important for having a stable economy. When passed, the Bill will also strengthen the prevention and detection of corrupt acts by persons in public life in the Territory. The legislation is in keeping with actions being taken with responsible governments world over. Public integrity (including corruption perception) is one of the indicators against which a country is assessed by various monetary policy institutions and bodies. For example, economists point to a direct correlation between a CPI rating and long-term economic growth; lenders may also consider this when assessing their risk of extending credit facilities to governments.

37) The paper noted that there are "No budgetary implications associated with the decision sought." However, the Bill requires the establishment of the Commission as a statutory body which will not be revenue-generating in nature. The Commission will therefore have the usual budgetary requirements associated with staffing, rental of office space, and other operating costs. The Bill did not speak to whether the Board is a non-paying or a paying Board in the form of a stipend. If the latter is conclusive, clause(s) relating to remuneration of the Commissioners are to be inserted into the Bill.

38) It is advisable that the establishment of this and future offices should be supported by a policy document in advance of the legislation being drafted. Such a document would indicate basic resources required for the proper operation of the entity.

39) If the Bill is assented to and comes into force before the end of the 2021 calendar year, a Schedule of Additional Provision would have to be sought and the source of funding be identified from prioritisation of existing projects or programmes or from savings.

## **Legal Implications**

40) The Cabinet paper has been reviewed and, in principle, the Decision Sought is in order for a favourable consideration by members, save that it is recommended that the Decision Sought be amended to direct that the Attorney General's Chambers have a final opportunity to specifically review the Bill herein before same is advanced to the House of Assembly to ensure its adherence to the other laws of the Virgin Islands.

41) And I So Advise.

## **Budget**

42) No budgetary implications associated with the decision sought.

## **Communication Strategy**

43) Premier will make an official statement regarding Cabinet's decision.

## **Conclusion**

44) Members are invited to concur with the decision sought.

## **Decision Sought**

Cabinet is invited to:

- a. review and approve the Bill entitled, Integrity in Public Life Act, 2021 (the “Bill”) (**attached at Appendix III**), which seeks to establish an Integrity Commission which would assist in achieving the Government’s objectives to promote good governance, to enhance ethical conduct of public officials, and to strengthen the prevention and detection of corrupt acts by persons in public life;
- b. decide that the Premier's Office instruct the Attorney General's Chambers to review the Bill to ensure its adherence to the other laws of the Virgin Islands before being submitted to the House of Assembly for approval at its next convenient Sitting; and
- c. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

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*Recipients: Financial Secretary, MOF; Permanent Secretary, ODG; Permanent Secretary, MECAFSYA; Permanent Secretary, MNRLI; Attorney General, AGC; Permanent Secretary, MTWU; Deputy Secretary, MHSD;*

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Hon. Andrew A. Fahie  
Premier  
07 April 2021



CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
3rd March, 2021

TO: The Premier

CC: Acting Financial Secretary  
Permanent Secretary, Premier's Office

DATE: 17th March, 2021

Paper No.	<u>Memo No. 100/2021</u> <u>(/memorandums/1038)</u>
Date Arrived in the Cabinet Office:	<u>2nd March, 2021</u>
Date Approved by the Cabinet Steering	<u>2nd March, 2021</u>
Group:	
Date Sent to Cabinet:	<u>3rd March, 2021</u>
Cabinet Confirmation Date:	<u>17th March, 2021</u>
Expedited Extract Issued:	<u>3rd March, 2021</u> <u>(/expedited_extracts/726)</u>
Cabinet Extract:	

Bill entitled, Whistleblowers Act, 2021  
Memo No. 100/2021

Cabinet:

- a. reviewed and noted the Bill entitled, Whistleblower Act, 2021 (the "Bill"), which seeks to make provision for the manner in which individuals may

in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; and to provide for a Fund to reward individuals who make the disclosures;

- b. decided that the Bill be submitted to the House of Assembly for approval at its next convenient Sitting; and
- c. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Mrs. Vicki Samuel-  
Lettsome  
Deputy Cabinet Secretary  
for Cabinet Secretary  
18th March, 2021



**OFFICE OF THE GOVERNOR**  
P. O. Box 702  
Road Town, Tortola  
Virgin Islands

Telephone: (284) 468-3501/12  
Facsimile: (284) 494-5790

**Ref: GOV/LEG/08A**

25 March, 2021

Ms. Dawn J. Smith  
Hon. Attorney General  
Attorney General's Chambers  
Government of the Virgin Islands  
TTT Building, 4<sup>th</sup> Floor  
P.O. Box 242  
Road Town, Tortola VG1110

Dear Attorney General

### **Integrity in Public Life Bill**

I refer to the Integrity in Public Life Bills prepared respectively by your Chambers together with the Deputy Governor's Office ("the Original draft") and by the Premier.

The introduction of legislation enhancing integrity in public life has my full support. As noted by Governor Jaspert in his letter of 18<sup>th</sup> December (attached), Section 60 of the Constitution clearly sets out that terms and conditions of service of persons holding public office are the responsibility of the Governor. I would therefore be grateful if you could ensure continued close consultation with my office and that of the Deputy Governor in further drafting of legislation in this area.

I would also note the need to ensure that the legislation is consistent with other provisions of the Constitution, including in particular Section 112 on Registration of Interests and the powers and functions of the Complaints Commissioner, the Police and the Director of Public Prosecutions.

There is also a wider need to maintain the independence of the proposed Commission which will oversee the Integrity and Code of Conduct requirements, and to ensure that its decisions and the requirements of the legislation are not under the direction of a Minister whom the Commission will itself need to monitor in terms of compliance. In that context the provisions and powers set out in the Turks and Caicos Islands Integrity Commission Ordinance may provide a useful model on which to draw.

Otherwise, and without prejudice to the Original draft, I would offer the following comments on the Bill presented by the Premier:

### Establishment of Commission (Section 11)

It is for consideration whether appointment of members of the Commission on the advice of the Premier or the Leader of the Opposition potentially conflicts with the Commission's role in holding those persons or other Ministers and Members of the House of Assembly to account.

Without prejudice to that point, in order to achieve proper balance and independence in the Commission's membership, the make-up and system of appointment should be aligned with that of the Public Service Commission (as per Section 91 of the Constitution) and similar bodies. The number of members appointed by the Governor on the advice of the Premier and on the advice of the Leader of the Opposition should be the same.

### Declarations of Interest (Section 5(3))

Section 5(3) would appear to allow the Minister to specify that only certain officers would be required to complete and file a Declaration of Interest. The requirement should apply to all Public Officers and not be subject to Ministerial discretion.

### Acts of Corruption/Offences

The list of offences set out in Section 18 of the Original draft is more comprehensive and specific than that contained in Section 28 of the Premier's draft and is to be preferred. The point in the DPP's letter of 11 November (attached) on the need to cross-reference to Sections 79-89 of the Criminal Code 1997 is also noted.

### Declarations of Gifts

The Bill should be aligned to Section 23 (1) of the Original draft i.e. there should be a prohibition on acceptance of gifts connected with the performance of duties save in limited specified exceptions. A limit on the value of gifts that can be accepted should also be included in regulations made under the Act.

### Prosecutions (Section 32)

The prescription period for prosecutions should be aligned with wider criminal law – the rationale for the proposed five-year prescription period is not made out.

Ms. Dawn Smith  
25 March, 2021  
Page 3

#### Audit (Section 36)

Section 13 (2) of the Original draft should be followed i.e. it must be for the Auditor General, not the Minister, to appoint those who audit the Commission's account.

#### Confidentiality (Section 41)

There is a strong policy case for declarations of interests by Ministers and Members of the House of Assembly to be made public in line with best practice in other jurisdictions, including the UK. The provision also needs to be amended to take account of the Commission of Inquiry Act and the recent Register of Interests legislative amendment.

#### First Schedule

All Public Officers should be required to provide declarations of interest i.e. not just those above a certain rank.

As per the DPP's letter of 11 November, the Bill must not contravene Section 59 of the Constitution and the independence of the Director's decisions in respect of prosecutions.

The application of the Act to Heads of Diplomatic Missions, with the consequent requirement of declarations of interests, would be incompatible with the provisions of the Vienna Convention on Diplomatic Relations and should be deleted. In that context it should be noted that BVI offices e.g. in London and Hong Kong, and the Governor's Office, are not diplomatic missions.

#### Next Steps

I look forward to working with you further on Integrity in Public Life legislation and am copying the Deputy Governor, whose office will be pleased to provide past documents relating to the Bill on request.

*Yours sincerely*  
*John Rankin*

Mr. John Rankin CMG  
Governor of the Virgin Islands

# Ministerial Code of Conduct

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Signed

· 25 March 2021 · PO · File: PO/C6/045 · Dr. Lavon Chalwell-Brewley  
· Memo No. 139/2021 · Extract No. REx/139/2021 (/decisions/599)

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## Background Information

1) The Ministers of the Government of the Virgin Islands have been bestowed positions of trust by the people of the Virgin Islands. They hold a lot of discretionary powers and are responsible for decisions which can have marked effect on all Virgin Islanders. For these reasons, it is imperative that Ministers in executing their duties must behave according to the highest standards of constitutional and personal conduct. They must perform their duties honestly and diligently with propriety being the performance of public functions and duties. Most important, they must ensure their conduct does not bring disrepute on the Government of the Virgin Islands. The indication is that Ministers are responsible for deciding how to act and conduct themselves as well as to justify their actions and conduct in the House of Assembly. The Premier is responsible for his Ministers. Thus, the onus is on the Premier to address their conduct in ways that maintains the confidence of the public.

2) In March 2020, the Government of the Virgin Islands through Cabinet Memo No. 111/2020, **Appendix A** approved a Working Group Committee with responsibility to review the Ministerial Code of Conduct (**See Appendix B**). The Committee would review the Code of Conduct in terms of the formal and informal practices and conventions of the Government of the Virgin Islands, in context of the environment of the government of the Virgin Islands to reflect transparency, openness and accountability and make recommendations for amendment and revisions for inclusion to the final document for further consideration by Cabinet.

3) The Constitution of the Working Group Committee is as follows:

- i. Mr. Ronnie W. Skelton-Chairman, Former Minister for Health, Former Minister of finance;
- ii. Mrs. Irene Penn O’Neal, Former Member of the House of Assembly;
- iii. Mrs. Dancia Penn Sallah, Former Minister for Health and Social Development, Attorney;
- iv. Mr. Lloyd Black, Former Minister for Education and Culture, Banker;
- v. Honourable Carvin Malone, Current Minister for Health and Social Development;
- vi. Honourable Mark Vanterpool, Former Minister for Communication and Works, Current Member of the House of Assembly;
- vii. Honourable Ralph Gonsalves, Current Prime Minister of St. Vincent and the Grenadines, Lawyer by Profession;
- viii. Mr. Reuben Meade, Past Premier of Montserrat;
- ix. Mrs. Josephine Callwood, Former Permanent Secretary; and
- x. Dr. Arliene T. Penn, Recording Secretary, Director of Communications.

4) The aim of the Ministerial Code of Conduct, hereinafter called the “Code” is to provide guidance to Ministers on the way they ought to act. Further, it aims to give guidance on the procedures to engage in, and how to arrange their affairs to uphold the highest standards and avoid conflicts of interest.

5) The Committee in considering their mandate to make recommendations to amend the Code to ensure that transparency, openness, and accountability to the highest standards are reflected in the Code considered:

- i. The preamble and contents of the Virgin Islands Constitution Order, 2007;
- ii. Article 73 of the United Nations Charter;
- iii. The cultural landscape of the Virgin Islands;
- iv. The restoration of the legislature in the Virgin Islands;
- v. The history of Territory Day; and
- vi. Protocols for effective Financial Management.

6) The supporting documents were used in tandem to the above:

- Cabinet Handbook;
- The Guide to Operations of the Executive Council and to the Conduct and Duties of Members;
- General Orders;
- Report on the Public Service Management Act; and
- Suggestions to the Guide of Administrative Officers in the Public Service of the British Virgin Islands.

7) Initial deliberations by the Committee noted that the Code was heavily contingent on operations within the United Kingdom's environment. Based on these findings, the Committee agreed that the Code should be relevant for Virgin Islanders and not for any other jurisdiction. Thus, the revision and relevant amendments focused on the intent of the Code and its relevance to the Virgin Islands environ. The Code covers 13 areas: Ministers of the Crown, Ministers and the Government, Ministers and the House of Assembly, Ministers and their Ministries/Departments, Ministers and Public Officers, Ministers' Constituency



and Party Interests, Ministers and External Relations, Ministers and Travel, Ministers and Elections, Ministers and Compliance and Compliance of the Premier.

8) The revision and deliberations of the Committee noted the significant abridged recommended amendments to each section of the Code:

9) Section 1: Ministers of the Crown

- The Committee recommended that the title of Section 1 be revised to read "Ministers of Government" to reflect the structure and operations of the Virgin Islands Government.
- The Financial Secretary and Permanent Secretaries have responsibilities for the operational structures as accounting officers and so the recommendation is to remove the Permanent Secretary to confirm with section 56 of the Virgin Islands Constitution Order 2007 which speaks to the assignment of responsibilities to ministers.

10) Section 2: Ministers and the Government

- The Committee agreed that the use of the term Ministers and the Government was not appropriate as it suggests a separation of Ministers from the Government of the Virgin Islands and so recommends the use of the headline "Ministers and The Cabinet".

11) Section 3: Ministers and the House of Assembly

- It was noted that the House of Assembly must be seen and respected as a place of prominence. If the Virgin Islands is to achieve a certain level of self-governance, the section pertaining to the House of Assembly must be strengthened to move the country to a higher level. The relook should consider the retooling of the Legislative System, examine the committee structure, and integrate timetabling of the sittings of the House of

Assembly which will be published. Further, it was recommended that the Speaker and members of the House of Assembly review this section of the Code to provide the needed platform to fortify this institution, the goal being to maintain good governance. An additional recommendation was for the Premier to micromanage policy statements to ensure the overall work of the Government is completed.

12) Section 4: Ministers and Appointments

- The revision reflected gender-neutral public appointments.

13) Section 5: Ministers and their Departments

- The recommendation was to include Ministries in the headline. The Committee strongly recommends that the words “Ministerial and Ministry” be considered for review, to be clearly defined in the upcoming review of the Constitution.

14) Section 6: Ministers and Public Officers

- Changes made to this section were specific to the removal of the roles of permanent secretaries and department heads noting that there is a Public Finance Management Act and Regulations which clearly outlines the roles of the Accounting Officer who is a public officer. The Attorney General, as the principal adviser to the Government of the Virgin Islands, remained and where necessary, revisions were made.

15) Section 7: Ministers’ Constituency and Party Interests

- The revision considered the Ministers’ subjective and objective responsibilities.

16) Sections 8-13 named Ministers’ Private Interests, Ministers and the Presentation of Policy, Ministers and External Relation, Ministers and Travel, Ministers and Elections, Ministers and Compliance respectively were amended by

making the information contained therein more relevant to the environment of the Virgin Islands.

17) Section 14: The Appendices

- The information contained under the appendices was redundant and was presented throughout the Code. For this reason, the appendices were deleted from the Code to include a section on the Breach of the Code.

18) Overall revisions removed any redundancies to make the language succinct. In instances, where the information focused on the political system of the United Kingdom environ, revisions were done to make it more relevant to the environment of the Virgin Islands. Additional information relating to the recommended amendments is set out in **Appendix C**, the amended Ministerial Code of Conduct.

19) Further, the Committee proposed a plan of actions as follows:

- i. Cabinet should refer the Ministerial Code of Conduct to the House of Assembly for further review and deliberation;
- ii. Cabinet should recommend the development of a Code of Conduct for the Governor operating in the Virgin Islands. This Code will set forth standards to guide his /her ethical obligations and provide clear standards of conduct for the Governor by outlining clear cut guidelines that accommodate the unique role of the Governor; and
- iii. Include a section of consequences to be taken, should the Premier breach the Code.

20) In sum, the Ministerial Code is an important contribution to make good Government and deserves in-depth attention. The review and recommendations on the Code has undertaken to give more prominence to the ethical framework.

The suggested amendments seek to clarify responsibilities, advise officials of their responsibilities and how they ought to conduct themselves. However, there remain issues that need attention to ensure the Code has sound coherence and confirms with Cabinet's rules, the Public Financial Management Act 2004, and the Virgin Islands Constitution Order 2007 documents, to enhance accountability and proper investigation procedures of alleged breaches.

## **Purpose**

21) To present the recommendations and revisions made to the Ministerial Code of Conduct

## **Cross-Ministry Consultation**

22) The following agencies were consulted, and their views have been reflected in the paper: Financial Secretary, Attorney General's Chambers.

## **Financial Implications**

23) There are no adverse financial implications stemming from the decision sought. However, the Ministerial Code of Conduct would strengthen the good Governance regime of the Territory. Consequently, the passage and administration of the Code would build investors' confidence resulting in local and foreign direct investment in the economy.

## **Legal Implications**

24) The Cabinet paper has been duly reviewed and it is my view that it is in order for favourable consideration. Save and Except that it is understood that the interpretation of the Code is not intended to conflict with the provisions of the laws of the Virgin Islands.

25) And I So Advise.

## **Budget**

26) Not necessary

## **Communication Strategy**

27) The normal Cabinet process.

## **Conclusion**

28) In the circumstances, Cabinet is asked to decide and concur with the decisions sought.

## **Decision Sought**

Cabinet is invited to:

- a. note the report of the Ministerial Code of Conduct Working Group Committee;
- b. agree with the recommendations of the Committee;
- c. agree that the Committee's Ministerial Code be approved solely on the findings as recommended by the Committee; and
- d. decide that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

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*Recipients: Attorney General, AGC; Financial Secretary, MOF;*

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Hon. Andrew A. Fahie  
Premier  
29 March 2021



**ATTORNEY GENERAL'S CHAMBERS  
DRAFTING DIVISION**

**Status update on Bills  
28<sup>th</sup> April, 2021**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>NOTE</b>
1.	<p><b>Whistleblower Act, 2021</b></p> <p>The Bill received its First reading in the House of Assembly on the 4<sup>th</sup> March, 2021.</p> <p>The Drafting Division received comments from the Deputy Governor's Group (from the Complaints Commissioner and the Court Manger). The Bill has since been revised subject to the comments submitted and forwarded to the Premiers' Office for consideration and review.</p> <p>The Bill currently before the House of Assembly for its Second and Third Readings on the 29<sup>th</sup> April, 2021.</p>	<p>Attached is the response to the Comments raised by the Complaints Commissioner and the Court Manager.</p> <p>Attached is a copy the Bill forwarded to House of Assembly for its First reading.</p>
2.	<p><b>Contractor General Act, 2021</b></p> <p>The Bill received its First reading in the House of Assembly on the 4<sup>th</sup> March, 2021.</p> <p>The Drafting Division received comments from various departments and the Bill has since been revised subject to the comments submitted.</p> <p>The Bill is currently before the House of Assembly for its Second and Third Readings on the 29<sup>th</sup> April, 2021.</p>	<p>Attached is a copy the Bill forwarded to House of Assembly for its First reading.</p>
3.	<p><b>Register of Interests (Amendment) Act, 2021</b></p> <p>This Act was passed in the House of Assembly and</p>	<p>Attached is a copy of the</p>

	<p>was <i>gazetted</i> on the 15<sup>th</sup> March, 2021 as No. 2 of 2021.</p> <p>The Drafting Division also received instructions to repeal the existing Act to enable the Registrar of Interest to have enforcement powers. The revised Bill is currently being finalised.</p>	<p>Act.</p> <p>Attached is a memorandum.</p>
4.	<p><b>Integrity in Public Life Act, 2021</b></p> <p>The Bill received its First reading in the House of Assembly on the 15<sup>th</sup> April, 2021.</p> <p>The Drafting Division received comments from various departments and the Bill has since been revised subject to the comments submitted.</p>	<p>Attached is a copy the Bill forwarded to House of Assembly for its First reading.</p>
5.	<p><b>Public Service Management Code, 2021</b></p> <p>On 12<sup>th</sup> April, 2021 the Director Human Resources requested an update on the Code.</p> <p>The Drafting Division wrote on 13<sup>th</sup> April, 2021 informing that the Division would forward the Code as soon as it is finalised.</p> <p>A cursory glance of the Code was done and it was noted that the provisions are still in the form of a Bill in that it provides for the continuation of the service, the establishment of offices, the making of regulations pursuant to the Code etc.</p> <p>The Drafting Division previously advised that the original Bill should be revised to provide the terms and conditions of service of public officers and all other extraneous matters ought to be removed. Upon review of the attached draft Code it was recognised by the Drafting Division that the Code provides for other matters not related to the terms and conditions of service. It therefore means that the Department of Human Resources would have to revise the draft Code.</p>	<p>Attached is the draft Code which was forwarded to the Drafting Division for review.</p>



CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING  
OF THE CABINET OF THE VIRGIN ISLANDS HELD AT  
FINANCIAL SERVICES COMMISSION'S CONFERENCE ROOM, JONES BUILDING  
14th April, 2021

TO: The Premier

CC: Acting Financial Secretary  
Permanent Secretary, Premier's Office

DATE: 21st April, 2021

Paper No.	<u>Memo No. 173/2021</u> <u>(/memorandums/1059)</u>
Date Arrived in the Cabinet Office:	<u>7th April, 2021</u>
Date Approved by the Cabinet Steering	<u>12th April, 2021</u>
Group:	
Date Sent to Cabinet:	<u>14th April, 2021</u>
Cabinet Confirmation Date:	<u>21st April, 2021</u>
Expedited Extract Issued:	<u>14th April, 2021</u> <u>(/expedited_extracts/797)</u>

Cabinet Extract:

Bill Entitled, Integrity in Public Life Act, 2021  
Memo No. 173/2021

Cabinet:

- a. reviewed and approved the Bill entitled, Integrity in Public Life Act, 2021 (the "Bill"), which seeks to establish an Integrity Commission which

would assist in achieving the Government's objectives to promote good governance, to enhance ethical conduct of public officials, and to strengthen the prevention and detection of corrupt acts by persons in public life;

- b. decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting; and
- c. decided that an expedited extract be issued to allow the decision of Cabinet to be acted upon before the confirmation of the Minutes.

Ms. Sandra Ward  
22nd April, 2021

## **CABINET OF THE VIRGIN ISLANDS - POST MEETING STATEMENT**

### **CABINET DECISIONS**

**31<sup>st</sup> March, 7<sup>th</sup> and 14<sup>th</sup> April, 2021**

#### **Cabinet Meeting – 31<sup>st</sup> March, 2021**

His Excellency, the Governor Mr. John J. Rankin, CMG, chaired the Meeting held on 31<sup>st</sup> March at the Financial Services Commission's Conference Room.

All Members were present.

The Cabinet:

1. Noted that the contract with WorldReach Software Corporation to establish the passport processing system and the secure network infrastructure and passport application processing services using the PassportReach™ was extended for an additional four (4) years, commencing 1<sup>st</sup> April, 2021 followed by six (6) optional one-year periods and noted the increase in passport application processing fee from twenty-seven dollars (\$27) to twenty-eight dollars (\$28) per passport.
2. Decided that Mr. Malvern Brathwaite, Assistant Secretary in the Premier's Office, be appointed as the Secretary to the Appeals Tribunal with effect from 1<sup>st</sup> March, 2021 for a period of two (2) years, in accordance with Schedule 4 paragraph 2 (1) of the Physical Planning Act, 2004.
3. Decided that Guavaberry Spring Bay Ltd. be granted an extension to their Hotel Aid Licence by the Minister for a period of three (3) years with effect from 1<sup>st</sup> April, 2021 pursuant to Section 3 of the Hotel Aid Ordinance (Cap.290).
4. Reviewed and approved the Bill entitled, Merchant Shipping (Amendment) Act, 2021 and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting.
5. Noted and agreed the report of the Ministerial Code of Conduct Working Group Committee and its recommendations; agreed that the Ministerial Code be approved solely on the findings as recommended by the Committee and decided that the Ministerial Code be tabled in the House of Assembly at the next convenient Sitting.

6. Decided that the BVI Ports Authority Regulations, 1995; Regulation 103 be amended to delete Part (a) and that the Premier's Office instruct the Attorney General's Chambers to amend the said Regulations.
7. Reviewed and accepted the British Virgin Islands Electricity Corporation 2016 Annual Report and decided that the Report be tabled in the House of Assembly at the next convenient Sitting.
8. Noted the information, conclusions and recommendations presented in relation to developing a clear road map that outlines the steps to be taken by the people of the Virgin Islands on their journey towards determining their final Political Status.
9. Noted the update provided by the BVI Ports Authority regarding the operations at the Road Town Jetty and Cyril B. Romney Tortola Pier Park in preparation for the reopening of the Seaports on 15<sup>th</sup> April, 2021.
10. Noted the update from the BVI Airports Authority on the runway at the Terrance B. Lettsome International Airport.
11. Noted the update on the BVI Gateway penetration test as provided by the BVI Airports Authority.
12. Considered and approved the BVI Business Companies (Amendment of Schedule 1) Order, 2021 ("the Order") and decided that the amended Order be published in the Official Gazette of the Virgin Islands and thereafter laid on the table in the House of Assembly at the next convenient Sitting.
13. Considered and approved the Financial Services (Limited Partnership Fees) (Amendment) Regulations, 2021 ("the Regulations"); decided that the amended Regulations be published in the Official Gazette of the Virgin Islands and thereafter laid on the table in the House of Assembly at the next convenient Sitting.
14. Decided that, subject to the approval of the Foreign and Commonwealth Development Office, six (6) coins, 2021 Ship Series be minted by Pobjoy Mint Ltd., in accordance with the five (5) year agreement between Pobjoy Mint Ltd. and the Government of the Virgin Islands.
15. Ratified the extension of existing appointments of the following persons as members of the Insurance Complaints Tribunal (known as the Financial Services Complaints Tribunal effective 28<sup>th</sup> March, 2020) for the following periods:
  - a. Mr. Jack Husbands – Chairman (19<sup>th</sup> February, 2019 to 31<sup>st</sup> March, 2021);

- b. Members: Eleanor Smith; Violet Gaul; Iciss Malone and Everette O'Neal (20<sup>th</sup> December, 2018 to 31<sup>st</sup> March, 2021; and
  - c. approved the renewal and new appointments from 1<sup>st</sup> April, 2021 to 31<sup>st</sup> March, 2023: Jack Husbands (Chairman) and Eleanor Smith; Violet Gaul; Iciss Malone and Thelma Penn (Members).
16. Approved the proposed Supplement No. III to the Cooperation Agreement for Emergency Response between the Ministry of Public Health of the Republic of Cuba and the Government of the Virgin Islands for the augmentation of the Medical Brigade with specialist doctors and nurses to further enhance the Territory's overall response to the COVID-19 Pandemic; approved the proposed budget and decided that the tender process be waived and decided that funding in the amount of the two million, nine hundred seventy-eight thousand, seven hundred dollars (\$2,978,700) for the support period be approved via a Schedule of Additional Provision by the House of Assembly at the next convenient Sitting.
17. Received and considered the 2019 Annual Report of the International Tax Authority and decided that the Report be laid on the table in the House of Assembly at the next convenient Sitting.
18. Decided that Benedicta Samuels be appointed as Vice Chair to the membership of the Board of Directors of the National Bank of the Virgin Islands Limited for a period of three (3) years with effect from 1<sup>st</sup> April, 2021 to 31<sup>st</sup> March, 2024 pursuant to the Articles of Association of the National Bank of the Virgin Islands Limited (NBVI), and subject to the approval of the Financial Services Commission – the banking regulator.
19. Reviewed and approved the Bill entitled "Cruising and Home Permit Act, 2021, which seeks to repeal and replace the Cruising Permit Act (Cap 203) to allow small cruise ships to begin and end their cruise itineraries in the BVI and decided that the Bill be introduced for its first reading in the House of Assembly at its next convenient Sitting.
20. Ratified the waiver of the tender process for contractual arrangement between the Government of the Virgin Islands and Axiom International to allow for the delivery of the RVIPF ARV training in the amount of ninety-eight thousand, five hundred and ninety-eight pounds (£98,598) which equated to approximately one hundred and twenty-five thousand dollars (\$125,000) and:
- a. noted the Foreign Commonwealth and Development Office's commitment to co-fund the initiative; and

- b. approved payment to Axiom International in the sum of forty-six thousand nine hundred and forty-six pounds and twenty-seven cents (£46,946.27) and not exceeding seventy-one thousand dollars (\$71,000).

21. Approved an application for a transfer of Leasehold Charge.

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### **Cabinet Meeting – 7<sup>th</sup> April, 2021**

His Excellency, the Governor Mr. John J. Rankin, CMG, chaired the Meeting held on 7<sup>th</sup> April, 2021 at the Financial Services Commission's Conference Room.

All Members were present.

The Cabinet:

1. Approved the Bill entitled, "Child Maintenance and Access Act, 2021" to include filing/service fees" and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting.
2. Reviewed and noted the Bill entitled, "Virgin Islands Shipping and Maritime Authority Act, 2021 which seeks to transition the Virgin Islands Shipping Registry from a Government Department to a statutory agency and decided that the Premier's Office instruct the Attorney General's Chambers to vet and finalise the Bill.
3. Reviewed and accepted the British Virgin Islands Electricity Corporation 2017 Annual Report and decided that the Report be tabled in the House of Assembly at the next convenient Sitting.
4. Noted the information on the new policy being developed for selecting persons for Government owned Statutory Boards and Committees; that the Premier's Office will keep Cabinet updated on this intended policy initiative, and that the Premier's Office will pilot this initiative for any upcoming Statutory Board under its portfolio.
5. Reviewed and accepted the Virgin Islands Recovery and Disaster Agency Annual Report ("the Report") and Audited Financial Statements for the year ending 2019 and decided that both documents be tabled in the House of Assembly at the next convenient Sitting.

6. Decided that, subject to the approval of the Foreign and Commonwealth Development Office, one (1) coin, 25<sup>th</sup> Anniversary of the death of Diana, Princess of Wales be minted by Pobjoy Mint Ltd, in accordance with the five (5) year agreement between Pobjoy Mint Ltd. and the Government of the Virgin Islands.
7. Decided to waive the tender process and ratify new major contract for Top Priority Security Services for an additional period of six (6) months of security services to the Elmore Stoutt High School or until the completion of the tender process, whichever comes first, in the amount of three hundred and twenty-seven thousand, three hundred and sixty dollars (\$327,360) and ratify after the occurrence of the expenditure.
8. Approved the variation in the amount of eight hundred fifty-three thousand, five hundred seventy-six dollars and eight cents (\$853,576.08), for Design BVI Limited for additional resiliency measures for the installation of impact-resistant glass windows, doors, and frames at the Ralph T. O'Neal Administration Complex.
9. Approved the duty exemption of six thousand, six hundred and forty dollars and eighty-eight cents (\$6,640.88) on poultry equipment for a local registered farmer in accordance with Section 54(3) of the Customs Management and Duties Act, 2010, as amended and enumerated in Schedule 5 Paragraph 13(4) (b) Poultry Production;
10. Noted the 2020 Commemorative Coin Royalty Report and that a total of four thousand, six hundred and ninety-eight dollars and thirteen cents (\$4,698.13) has been received as coin royalties from Pobjoy Mint Ltd.
11. Agreed that the Accreditation Commission on Colleges of Medicine (ACCM) be added as a recognised accreditation body in Schedule 3 of the Higher Education Licencing Act, 2016.
12. Decided that the current social distancing requirement of six feet be reduced to three feet to facilitate an increase in the number of students being able to access onsite instruction in schools throughout the Territory; decided that permission be granted to the Ministry of Education, with the approval of the Ministry for Health and Social Development, to vary the three-foot distancing requirement, as needed, to accommodate all homeroom groups in the larger primary and secondary schools to facilitate daily onsite classes as determined by the principals.
13. Decided that Ms. Lorie Freeman act as Deputy Director of the BVI Social Security Board from 31<sup>st</sup> December, 2020, up to 30<sup>th</sup> June, 2021 in the first instance, and that a Resolution be tabled at the next convenient Sitting of the House of Assembly.

14. Cabinet reviewed and endorsed the report on COVID-19 Vaccine Coverage for the Overseas Territories for further submission to Public Health England.
15. Approved applications for two Non-Belongers land holding licences, a transfer Leasehold Charge and a first Leasehold Charge to assist with the restoration and expansion of a commercial building.

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### **Cabinet Meeting – 14<sup>th</sup> April, 2021**

His Excellency, the Governor Mr. John J. Rankin, CMG, chaired the Meeting held on 14<sup>th</sup> April, 2021 at the Financial Services Commission's Conference Room.

All Members were present.

The Cabinet:

1. Considered and approved the new visa handling and e-Visa handling processes and:
  - a. agreed that an Integrated Border Management System be implemented to facilitate closer relations among the Civil Registry and Passport Office, Royal Virgin Islands Police Force and the Department of Immigration;
  - b. decided that Statutory Instrument No. 36 of 2009 be amended to add the Philippines to the countries listed in the Instrument;
  - c. considered the drafting of new legislation for the Territory and decided that the Deputy Governor's Office instruct the Attorney General's Chambers to draft new visa legislation separate and apart from the Immigration and Passport Act (Cap. 130);
  - d. agreed that the Civil Registry and Passport Office, Immigration Department, the Royal Virgin Islands Police Force, Labour Department, Department of Information and Public Relations and the Department of Information Technology collaborate to develop an Implementation Plan for the introduction of e-Visas and the Integrated Border Management System;
  - e. approved the new classes of visas and the associated fees; and
  - f. noted the importance of the confidentiality of information on the integrated management system.



2. Approved the Bill and Regulations for the Eastern Caribbean Supreme Court (Judicial) Officers' Pensions) 2021 and Regulations, which seek to increase the pension of Judicial Officers.
3. Decided that the Hotel Aid Licence for Bitter End Yacht Club Limited be amended to include two (2) additional lists of items for duty free importation in accordance with the Hotel Aid Ordinance (Cap 290).
4. Decided that:
  - a. the Hotel Aid Licence granted to private homeowner at Oil Nut Bay be amended to include the list of materials for the construction of a villa on Peninsula Lot 3;
  - b. the requirement for the homeowner to remain a part of the Oil Nut Bay rental programme for the duration of the term of the Licence, shall be a condition of amending the Hotel Aid Licence to include the list for the Construction of the villa on Peninsula Lot 3; and
  - c. the relevant Government Departments ensure and monitor compliance with the Hotel Aid Ordinance accordingly.
5. Reviewed and approved the Bill entitled, Integrity in Public Life Act, 2021, which seeks to establish an Integrity Commission that would assist in achieving the Government's objectives to promote good governance, to enhance ethical conduct of public officials, and to strengthen the prevention and detection of corrupt acts by persons in public life and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient Sitting.
6. Reviewed and approved the amendments in the Bill entitled, Retiring Allowances (Legislative Service) (Amendment) Act, 2021; decided that funding be made available in the next budget cycle to cover the associated cost of these amendments and decided that the Bill be introduced for its first reading in the House of Assembly at its next convenient Sitting.
7. Decided that the Government of the Virgin Islands enters into a lease agreement with JOMA (Properties) Ltd. for the rental of Units 1, 2 and 3 for a period of two (2) years, in the first instance.
8. Decided that pursuant to the Articles of Association of the National Bank of the Virgin Islands Limited (NBVI) and, subject to the approval of the Financial Services Commission, the banking regulator, that Mrs. Icis Malone be appointed as Director of the Board of Directors of the National Bank of the Virgin Islands Limited for two (2) years with effect from 1<sup>st</sup> May, 2021 to 30<sup>th</sup> April, 2023.

9. Reviewed and accepted the Evaluation Report submitted by the Central Tenders Board Technical Sub-Committee, which was approved by the Central Tenders Board (CTB) on 23<sup>rd</sup> March, 2021; accepted the recommendation of the CTB to award Northam Construction the contract for the Configuration of the Ministry of Finance's Offices at RFG Place in the amount of two hundred and sixty thousand, seven hundred and twenty-one dollars and thirty-seven cents (\$260,721.37).
10. Granted exceptional approval to waive the tender process to allow the Government of the Virgin Islands to engage Mr. John Black, QC to provide specialist legal services to the Government of the Virgin Islands and approved a sum of no more than one hundred and twelve thousand dollars (\$112,000) to cover the legal services.
11. Endorsed the appointment of the following members to the Council on Special Education with effect from 1<sup>st</sup> April, 2021 for a period of two years:
  - i. Mr. Khalid Lewis - parent of child with special needs;
  - ii. Mrs. Simone Foster - parent of children with special needs;
  - iii. Miss Lorna Dawson - expert opinion on matters of special education;
  - iv. Dr. Natasha Frett - Representative from the Medical field - early years;
  - v. Mrs. Orlandette Crabbe - a person appointed by the Minister;
  - vi. Dr. Michelle Martin - one person for business - psychological practices;
  - vii. Dr Michael Turnbull - Licensed Psychologist;
  - viii. Ms Danika Stoutt - Special Education Professional - Ministry of Education representative;
  - ix. Mrs. Afiya Smith - Education Officer with responsibility for Special Education;
  - x. Ms. Ereia Smith- Speech and Language Pathologist;
  - xi. Dr. Thomas Alexander - Educational Psychologist;
  - xii. Ms. Janelle Rhymer - teacher;
  - xiii. Mrs. Vansittart Huggins - principal for Special Education;
  - xiv. Mr. Sylvester Smith - School Counsellor; and
  - xv. Ms. Marsha Flemming - Individual Education Plan (IEP) Coordinator.
12. Noted that the Minister for Transportation, Works and Utilities has approved a Commemorative Motor Vehicle Registration Plate to be used on motor vehicles for personal use to commemorate the 65<sup>th</sup> Anniversary of BVI Red Cross in May 2021 pursuant to regulation 6A(5) of the Road Traffic (Motor Vehicle Registration and Operation and Driver and Vehicle Licensing) Regulations.

13. Accepted the Bill entitled, Water and Sewerage Authority Act, 2021, to allow the transformation of the Water and Sewerage Department into a Statutory Authority under the Ministry of Transportation, Works and Utilities (TWU); agreed that the Ministry of TWU and the Water and Sewerage Department engage the appropriate expertise to develop a water policy for the Territory of the Virgin Islands and decided that the Ministry submit the Bill to the Attorney General's Chambers for review and vetting.

14. Reviewed and accepted the recommendations to grant, in principle, Certificates of Residence Status to eleven (11) persons on the basis that they have made substantial direct and economic investment into the Territory in accordance with Section 18(1) of the Immigration and Passport (Amendment) Act.

15. Reviewed and approved the updated Work in Paradise Programme (WIPP) policy; determined that the cost of the programme be based on the following:

i.	Individual	\$1,500
ii.	Couple	\$2,000
iii.	Family	\$2,750
iv.	Dependent	\$500
v.	Other (Nanny, Chef, etc)	\$250.00 and

a. agreed that any period of time a WIPP awardee is resident in the Territory, cannot be contributed to or considered as qualifying years for permanent status;

b. decided that the visa requirements for persons utilising the WIPP from countries requiring visas to enter the Territory be waived;

c. approved the waiver of the below listed taxes and fees:

- i. Social Security payments;
- ii. National Health Insurance payments (to be offset by mandatory private insurance for WIPP awardees and dependents while in BVI);
- iii. Work permit fees;
- iv. Customs duties (small personal items for use during the approved period); and

d. approved the introduction of a penalty of ten thousand dollars (\$10,000.00) for persons found to be in contravention of the work restrictions under the policy, and the barring of re-entry for the programme or to take up employment with any local entity for a period of ten (10) years;

- e. approved the barring of any WIPP awardee from taking up employment with a local entity or person, save for Government or Quasi-Government entities, for up to five (5) years after their departure from the programme;
- f. decided that the Ministry of Natural Resources, Labour and Immigration instruct the Attorney General's Chambers to make the necessary amendments to any legislation directly affected by the introduction of the programme and its policy; and
- g. noted the requirement for all those persons coming to the BVI under the Programme must comply with COVID-19 protocols.

**Published by the Cabinet Office on 22<sup>nd</sup> April, 2021.**

**###**

**Guidelines:**

1. Cabinet decisions will be published by the Cabinet Office following confirmation of the Minutes.
2. Only a summary of the decisions will be published.
3. Cabinet discussions will not be disclosed.
4. Cabinet decisions of a sensitive nature, matters of national security, those where publication breaches regional or international conventions and those relating to personal privacy will not be disclosed.
5. Cabinet decisions will be published in the weekly issues of the Virgin Islands Official Gazette at [www.eservices.gov.vg/gazette](http://www.eservices.gov.vg/gazette).
6. Cabinet decisions will be also available on [bvi.gov.vg](http://bvi.gov.vg) and on Twitter.



# MEMORANDUM

**FROM:** Attorney General

**TO:** Permanent Secretary, Premier's Office

**cc:** Deputy Secretary Smith-Maduro, Premier's Office

**DATE:** 27 April 2021

**Our Ref.:** AGC G 6/1/C27

**RE: Contractor General Bill, 2021**

We refer to your email of 12 June 2020 including draft legislation and requesting Chambers to complete same for submission to Cabinet.

As this request does not follow the established legislative process, please provide the following information or documents for our records:

- i. the Policy which informed the draft legislation;
- ii. any reports on the consultation process;
- iii. drafter's credentials to include:
  - i. resume
  - ii. a list of legislation drafted in the last 5 years including title, jurisdiction and a short description of the legislation (noteworthy legislation outside of this period may also be included);
  - iii. notarised copy of the data page of drafter's passport; and
  - iv. 2 professional references
  - v. any other information that you think would be useful in helping us to understand the Ministry's objectives

I look forward to hearing from you so that we can progress the passage of this legislation.

Dawn J. Smith  
Attorney General



# MEMORANDUM

**FROM:** Attorney General  
**TO:** Permanent Secretary, Premier's Office  
**cc:** Deputy Secretary Smith-Maduro, Premier's Office  
**DATE:** 27 April 2021

**Our Ref.:** AGC G 6/1/W6

**RE: Whistleblower Act, 2021**

We refer to your memorandum of 4<sup>th</sup> February, 2021 including draft legislation and requesting Chambers to vet and finalise the Bill to be resubmitted to Cabinet for approval before it is introduced in the House of Assembly.

As this request does not follow the established legislative process, please provide the following information or documents for our records:

- i. the Policy which informed the draft legislation;
- ii. any reports on the consultation process;
- iii. drafter's credentials to include:
  - i. resume
  - ii. a list of legislation drafted in the last 5 years including title, jurisdiction and a short description of the legislation (noteworthy legislation outside of this period may also be included);
  - iii. notarised copy of the data page of drafter's passport; and
  - iv. 2 professional references
  - v. any other information that you think would be useful in helping us to understand the Ministry's objectives

I look forward to hearing from you so that we can progress the passage of this legislation.

.....  
Dawn J. Smith  
Attorney General

## Desary Cameron - McDowell

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**From:** Christine Bowen  
**Sent:** Sunday, May 30, 2021 12:43 PM  
**To:** Desary Cameron - McDowell  
**Subject:** Fw: Whistleblower Act, 2021  
**Attachments:** Whistleblowers Act 2021 with track changes.pdf

ANNEX 3- Email submitted to Premier's office on Whistleblower Act (Should be 3rd May 2021 and not 14th May 2021.)

Regards,

**CHRISTINE BOWEN**

*Chief Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-[ext]/2960

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**From:** Christine Bowen  
**Sent:** Monday, May 3, 2021 3:26 PM  
**To:** Elvia Smith <ESmith@gov.vg>  
**Cc:** Dr. Carolyn O'Neal-Morton <CONeal-Morton@gov.vg>; Eunice Crawford <ECrawford@gov.vg>; Hon. Dawn J. Smith <DawnJSmith@gov.vg>; Layla Jones <LJones@gov.vg>  
**Subject:** Whistleblower Act, 2021

Good afternoon Mrs. Smith Maduro,

Please find attached as requested the tracked change copy of the **Whistleblower Act, 2021** subject to comments from the Complaints Commissioner and Court Manager.

Regards,

**CHRISTINE BOWEN**

*Chief Parliamentary Counsel*



**Attorney General's Chambers**  
TTT Building, Wickhams Cay I  
Road Town, Tortola VG1110  
Tel: (284) 468-[ext]/2960



**UPDATED**



GOVERNMENT OF THE  
VIRGIN ISLANDS

# PUBLIC CONSULTATION

The Government of the Virgin Islands is hosting Public Consultation Meetings on

## INTEGRITY IN PUBLIC LIFE ACT, 2021

**LET YOUR VOICE BE HEARD:** Attend a meeting and share your views



### TORTOLA - CENTRAL

WEDNESDAY, 19<sup>th</sup> MAY

ALTHEA SCATLIFFE PRIMARY SCHOOL

5:00 P.M.

### TORTOLA - WEST

THURSDAY, 20<sup>th</sup> MAY

LEONORA DELVILLE PRIMARY SCHOOL

7:00 P.M.

### ANEGADA

SUNDAY, 23<sup>rd</sup> MAY

ANEGADA REEF HOTEL

1:00 P.M.

 **LIVE** @BVIGovernment

### JOST VAN DYKE

TUESDAY, 25<sup>th</sup> MAY

FOXY'S

11:00 A.M.

### PUBLIC EYE

TUESDAY, 25<sup>th</sup> MAY

7:00 P.M.

 **LIVE** @BVIGovernment

**FLOW** CBNTV CHANNEL 101  
Flow 90.9 radio  
CBNvirginislands.com - online



### VIRGIN GORDA

WEDNESDAY, 26<sup>th</sup> MAY

CATHOLIC COMMUNITY CENTRE

VIRGIN GORDA

5:30 P.M.

 **LIVE** @BVIGovernment

**FLOW** CBNTV CHANNEL 101  
Flow 90.9 radio  
CBNvirginislands.com - online



### TORTOLA - EAST

WEDNESDAY, 26<sup>th</sup> MAY

EILEENE L. PARSONS AUDITORIUM

7:00 P.M.



Legislation are available on [bvi.gov.vg](http://bvi.gov.vg) for review

All health and safety protocols will be in effect

Wearing a mask is mandatory





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**Our Ref: OP/C4/001**

29<sup>th</sup> November, 2020

His Excellency the Governor  
Mr. Augustus J. U. Jaspert  
Governor of the Virgin Islands  
Office of the Governor  
Road Town  
Tortola, VG1110

Dear Governor Jaspert:

**RE: Radar Tender**

A pleasant good day and God's blessings to you and your family.

I am writing with regard to your letter of 27<sup>th</sup> November, 2020, on the captioned subject. As I indicated in my preliminary response to you on 27<sup>th</sup> November, 2020, your letter contains a number of factual inaccuracies, areas of misinterpretation and misinformation, and instances where there is a variance in our respective recollections of the facts in a number of areas. It would be remiss of me not to set the record straight on these matters, if only for the sake of posterity. This is also important because we have had instances in the past where confidential matters have made their way into the public domain or have been reported to the UK in a manner in which facts are misrepresented or misreported in ways that had the potential to undermine public confidence in the BVI Government.

In the first instance, your claim that you were caught unaware of the position of the Government of the Virgin Islands and HM Customs to pursue, with optimum urgency, the acquisition and installation of a wholly BVI-owned and BVI-operated border protection surveillance system, does not align with the facts. On numerous occasions over the past few months, in several letters and public statements, I have been very clear in communicating the intentions of Government of the Virgin Islands and HM Customs in this matter, and the reason for the position taken, especially as it relates to developing the internal capacities and competence of the BVI institutions as a Territory working to achieve self-determination.

1. In my letter of 15<sup>th</sup> September, 2020, a copy of which is attached for ease of reference, I indicated that the Government of the Virgin Islands' vision is for the people of the BVI to be the sole owner and operator of the assets that are being procured for the surveillance system and the data that they will generate. I explained that enabling our institutions and systems by way of them implementing and owning the system helps to move the BVI forward on the road to self-reliance and self-determination, which is a goal of the people of the Virgin Islands that spans generations.
2. My Government's position that the border protection surveillance system would be owned and operated by the BVI was reiterated in my letter to you on 23<sup>rd</sup> September, 2020. That letter, which is also attached here, confirms that the Chairman of the Joint Task Force was made aware of this position as he was copied in that letter.

You would note that in my letter I lamented that your 22<sup>nd</sup> September, 2020, letter (attached) – your response to my 15<sup>th</sup> September, 2020, letter - did not show any consideration to the matter of the procurement and implementation of the border protection surveillance infrastructure for the BVI. I also pointed out here that the proposal for the system emanated from the Ministry of Finance.

3. In your 23<sup>rd</sup> September, 2020, National Security Council (NSC) paper, you spoke of the UK Government co-funding the border protection surveillance infrastructure. In my letter of 24<sup>th</sup> September, 2020 (attached), I reminded you that the position of the Government of the Virgin Islands is that the BVI will procure and install the system which will be owned and operated by the BVI, with the data obtained from this system belonging to the BVI.

Your offer to co-fund the system was directly and clearly addressed in my letter of 25<sup>th</sup> September, 2020 (attached), where I once again explained that it would be a tragedy for the people of the Virgin Islands to be deprived of the opportunity to have an achievement that they can own since such an achievement will be a milestone for the Territory in our march towards self-determination, self-reliance and resilience, and that such an achievement would inspire the people of the Virgin Islands because it demonstrates that they are capable of this accomplishment.

4. In the 2021 Budget Address, which was delivered in the House of Assembly on 12<sup>th</sup> November, 2020, I again publicly stated that the border protection surveillance infrastructure would be BVI-owned.

It is clear from the above facts that your assertion of being unaware of my Government's position does not hold.

Similarly, your statements that my Government has refused help from the UK are also not factually grounded.

1. My 15<sup>th</sup> September, 2020, letter was clear that there is a welcomed role for the UK Government, through the lending of expertise, if the UK Government wishes to embrace

this role. I spoke about my Government's desire for exchange of knowledge if the UK Military joined the COVID-19 sea border protection efforts. I will elaborate on this further below.

2. In my 23<sup>rd</sup> September, 2020, letter, I maintained my consistent position that the UK Military support is not unwelcome, but that this should not be at the cost of the long-term institutional strengthening of the agencies and resources of the BVI as we continue our efforts to advance the Territory in the direction of self-determination.

I reminded you that the UK's role in the Governance of the BVI must be guided by the Constitution and the UK's international obligations, such as those under Article 73 of the United Nations Charter, both of which obligates the UK to assist the people of the BVI *"to move towards reducing reliance on the UK, to shape their institutions and their country according to their aspirations, and that the UK's interventions must be empowering towards Virgin Islanders instead of the other way around."*

As I pointed out then, the UK continues to insist that the BVI must draw on its own resources as a first course of action. This position of the UK was reaffirmed by the UK Minister responsible for the Foreign, Commonwealth and Development Office (FCDO) during the Joint Ministerial Council (JMC) meeting held last week. My Government's position in this matter is consistent with this advice from the Minister.

3. In my letter of 24<sup>th</sup> September, 2020, I again advocated that the role my Government is inviting the UK Government to play is one of providing technical expertise.
4. In my letter of 25<sup>th</sup> September, 2020, in response to your offer to co-fund the sea border protection surveillance system, I suggested that in light of my Government's desire to have the system acquired and operated by the people of the Virgin Islands, the UK's proposed financial contribution could be applied to other security needs for the Royal Virgin Islands Police Force (RVIPF) and HM Customs, such as:
  - a. Body-worn cameras,
  - b. Drones with night vision,
  - c. Additional night vision binoculars,
  - d. Additional bullet proof vest,
  - e. Police/Customs fast boat(s), and
  - f. Police motor bikes.

This invitation remains open to you and the UK Government if you wish to make that contribution. It highlights a way in which the Governments of the UK and the BVI can engage in partnership without compromising our respective obligations under the Constitution and Article 73 of the United Nations Charter as these pertain to the development of the Territory and advancing self-determination.

It is thus very clear that my Government has not declined UK assistance. We have highlighted where the UK can assist, and how, so that the people of the Virgin Islands are best supported and

enabled in their decades-long journey towards self-determination and taking control of their destiny, as envisaged by the framers of the Constitution.

When, on 25<sup>th</sup> October, 2020, you exercised the reserved powers of your Office to disregard and override the position of the elected Virgin Islands Government with respect to the scope of role we were welcoming the UK military to play in the Territory's COVID-19 sea border protection strategy – an action which overreaches those provisions, I had anticipated that you would at least ensure that the knowledge exchange and the sharing of technical expertise that was touted in prior weeks, would have taken place, giving the people of the BVI a meaningful return for the trampling of their Constitution.

Since the HMS Medway was brought in on 1<sup>st</sup> October, 2020, by your exercise of reserve powers, none of this exchange has taken place. The invitation is still open for the UK Military to lend technical advice as long as this does not impose any conditions that deprive the people of the Virgin Islands of wholly owning and operating their sea border protection surveillance system.

My Government and I have long indicated that protection of our sea borders is high on our priorities. Together with the agencies that are under our areas of responsibilities, we have established goals and targets, which we are committed to meeting with or without the assistance requested. In this regard, the tender for the supply and installation of a BVI-owned and BVI-operated surveillance system is being pursued to meet our targets.

Misinterpretation of Constitutional provisions over the past several months on your part has amounted to numerous instances of Constitutional overreaching and conflict between our respective offices, which is contrary to the partnership envisaged in the Virgin Islands Constitution Order 2007 and Article 73 of United Nations Charter.

Your inadvertent attempt to instruct my withdrawal of the said tender, in your letter of 27<sup>th</sup> November, 2020, compels me to revisit with you the division of responsibilities and powers between the Office of Governor and that of the Members of the elected Government of the Virgin Islands as expressly stated in the Constitution.

Border protection is outside of the parameters of your Constitutional authority, which authority is limited by Section 60(1). Section 60(1), as it relates to security matters, in the wisdom of the UK and BVI officials who framed the Constitution, confines the responsibility of the Governor to defence, including the armed forces – which pertains to threat of invasion or war; and internal security, including the Police Force (without prejudice to Section 57).

Section 47(3) clarifies that all matters outside of the scope of Section 60(1) are the remit of the Government of the Virgin Islands, and therefore outside of the responsibility of the Governor. Cabinet is collectively responsible to the House of Assembly for the formation and implementation of policies in those designated areas which are not the purview of the Governor. Border protection is the responsibility of HM Customs, which is a Department under the Ministry of Finance and therefore under the portfolio of the *Minister of Finance*.

As I stated in my preliminary response on 27<sup>th</sup> November, 2020, there is no provision in the Constitution that mandates your consent for the Ministry of Finance and HM Customs to perform their functions of border protection or procuring the necessary tools for border protection. There are also no provisions in the Constitution that vest you with the power to instruct the withdrawal of the tender in question. That authority lies with the Minister of Finance, and there are no provisions in the Constitution that vest you, as the Governor, with the power to instruct me in this regard.

In light of all of the above and as I advised on (last) Friday, the tender invitation will proceed as published.

The smooth operation of the Constitution, with each Constitutional actor operating within their respective parameters, is the core of the partnership based on mutual respect between the UK and the BVI. Prime Minister Boris Johnson, in his address at last week's JMC, underscored his Government's commitment to furthering this partnership, even in areas of Border Security. But, as we seek to intensify partnership, it must be on BVI's terms and the BVI must not be bullied to accept offers from the UK, especially where these conflict with the broader objective of advancing the Territory towards self-determination.

As I have articulated above and on prior occasions, the BVI welcomes assistance from the UK in areas that it is within our prerogative to identify, and this assistance can be accepted once the BVI is comfortable with the conditions attached to the offer.

I have identified some specific areas above in which the UK can assist with security in the Territory. I would be happy to hear from you whether the UK is inclined to assist in those areas and on what terms.

I hope the above clarifies any misunderstanding you may have and I wish you a pleasant day.

Yours in BVILOVE,



**Andrew A. Fahie**  
**Premier and Minister of Finance**

cc: UK Minister for the Overseas Territories  
Deputy Premier  
The Attorney General  
Deputy Governor  
Financial Secretary  
Commissioner of Police  
Commissioner of Customs



# The Overseas Territories

Security, Success  
and Sustainability



Foreign &  
Commonwealth  
Office





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Commonwealth  
Office

# The Overseas Territories

Security, Success and Sustainability

Presented to Parliament by the  
Secretary of State for Foreign and  
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of Her Majesty

June 2012

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# Contents

## Forewords

By the Prime Minister and Foreign Secretary ..... 5

**Executive Summary**..... 8

**Map of the Overseas Territories** ..... 10

## Introduction

Small Communities, Big Societies..... 11

## Chapter 1

Defence, Security and Safety of the Territories and their People ..... 21

## Chapter 2

Successful and Resilient Economies..... 31

## Chapter 3

Cherishing the Environment..... 39

## Chapter 4

Making Government Work Better..... 49

## Chapter 5

Vibrant and Flourishing Communities ..... 65

## Chapter 6

Productive Links with the Wider World ..... 79

**Conclusion** ..... 86

## Annex

Overseas Territories – Background Information..... 88



# Foreword by the Prime Minister

The United Kingdom's 14 Overseas Territories are an integral part of Britain's life and history. Today they include one of the world's richest communities (Bermuda) and the most remote community (Tristan da Cunha). They include thousands of small islands, vast areas of ocean, but also, in Antarctica, land six times the size of the United Kingdom.

Most of the people of the Territories are British and where they choose to remain British we will respect and welcome that choice. The relationship entails a balance of benefits and responsibilities which everyone must respect.

This Government is ambitious for our Territories as we are ambitious for the United Kingdom. We want to see our communities flourish in partnership, with strong and sustainable local economies. We see an important opportunity to set world standards in our stewardship of the extraordinary natural environments we have inherited.

>> This Government is ambitious for our Territories as we are ambitious for the United Kingdom. <<

This White Paper sets out our commitment to work with the Territories to address the challenges we face together. This is a commitment from across the UK Government.

The White Paper also celebrates the diversity, successes and opportunities in the Territories.

2012 is the Centenary of Scott's heroic journey to the South Pole. It is the 30th Anniversary of the Falklands conflict when so many gave their lives to protect the islanders' right to choose their own future.



It is also Her Majesty The Queen's Diamond Jubilee. The Territories are a valued part of the Realm and recently joined in this celebration.

It is an ideal time to publish this White Paper and I hope it will raise awareness in the United Kingdom of these British communities, lands and seas around the world.

A handwritten signature in blue ink that reads "David Cameron".

**David Cameron**  
Prime Minister



# Foreword by the Secretary of State for Foreign and Commonwealth Affairs

No historian can fail to be intrigued by the stories which tell how the United Kingdom's 14 Overseas Territories have been entwined in our national history and how they come to remain linked to Britain in the 21st Century. Each Territory is different. Each history is different. But today most of the people in the Territories are British and our continuing connections bring benefits to the UK and to the Territories.

The Coalition Government has a vision for the Territories: of flourishing communities, proudly retaining aspects of their British identity and creating new opportunities for young and future generations; of natural environments protected and managed to the highest international standards.

We and Territory Governments share significant challenges: building more diverse and resilient economies; cutting public sector deficits; regulating finance businesses effectively; and protecting biodiversity and natural resources. In many respects the Territories are more vulnerable than the UK. We have a broad responsibility to support them and to ensure their security and good governance.

The strategy set out in this White Paper is designed to meet these challenges and deliver the vision. It is a strategy of re-engagement. It builds on the 1999 White Paper (Partnership for Progress and Prosperity).

It is also a strategy of re-evaluation. We have not in the past devoted enough attention to the vast and pristine environments in the lands and seas of our Territories. We are stewards of these assets for future generations.



The scale of these challenges is beyond the means of one or two departments of Government. So I am bringing the whole of the UK Government, central and local, into this work. British public servants have much to offer, but also much to learn from working with the Territories.



And it doesn't stop with Government. The strategy aims to support coalitions and partnerships across and between the private sector, professional bodies and civil society in the UK and in the Territories. I particularly welcome the growing partnerships between the Territories and local authorities and with the NGO community on environmental and other issues.

The White Paper is broad ranging, but does not pretend to be comprehensive. It focuses on the security of the Territories, their economic development and their natural environment. It looks at how we can foster high standards of governance and build strong communities. It promotes the development of wider partnerships for the Territories.

The Government has taken care to consult widely in preparing this White Paper. Our dialogue with Territory Governments and the international public consultation we ran from September 2011 to January 2012 have helped us to identify priorities.

We have set these priorities out clearly in the Paper. This is an ambitious and broad agenda. The test of the commitment of all concerned will be delivery against this agenda. We plan to upgrade engagement between UK Ministers and Territory Governments into a Joint Ministerial Council tasked with monitoring and driving forward work to realise our vision.

We will report regularly on progress and welcome scrutiny from the public and parliaments.



**William Hague**  
Foreign Secretary

>> We and Territory Governments share significant challenges: building more diverse and resilient economies; cutting public sector deficits; regulating finance businesses effectively; and protecting biodiversity and natural resources <<

# Executive Summary

## Valued Partnerships within the Realm

- > The UK's Overseas Territories are highly diverse and each has its own relationship with the UK. The constitutional relationships continue to evolve. But the underlying constitutional structure between the UK and the Territories, which form an undivided realm, is common to all. The choice to remain a British Overseas Territory engages responsibilities and benefits for the Territories and for the UK.
- > The Government, in consultation with the Territories and other stakeholders, has developed a strategy of re-engagement to help meet the challenges and the opportunities of the 21st century: strengthening links between the Territories and the UK; strengthening governance; and enhancing support to the Territories.
- > As part of this strategy, all UK Government Departments are committed to engaging with and supporting the Territories.

## Defence, Security and Safety

- > The UK is committed to defend the Territories and protect their peoples from external threats, ensuring their right of self-determination.
- > The UK helps the Territories protect themselves from international terrorism, organised crime and natural disasters.
- > The Territories provide the UK and our allies with strategically located bases which support a wide range of security operations.

## Successful and Resilient Economies

- > The economic success of many Territories is a tribute to the endurance and ingenuity of their people. The UK is determined to support successful economic development, including through strengthened economic planning, management of public finances and the promotion of free trade.
- > The UK remains committed to providing assistance to Territories in need and to supporting developments which will reduce aid dependency.
- > The UK will encourage British businesses to pursue trade and investment opportunities in the Territories.

## Cherishing the Environment

- > The Territories are internationally recognised for their exceptionally rich and varied natural environments. They contain an estimated 90% of the biodiversity found within the UK and the Territories combined.
- > The UK and Territory Governments are committed to working together to preserve the Territories' rich environmental heritage and to addressing the challenges of climate change. Together we have launched a programme to promote environmental mainstreaming in the formation of Territory Government policies.
- > The UK aims to be a world leader in the environmental management of its uninhabited Territories which cover many millions of square kilometres. We are developing a strategic approach to large-scale marine management including through the establishment of the world's largest Marine Protected Areas.
- > The UK welcomes the participation of civic society and the scientific community in this work.

### **Making Government Work Better**

- > The Government has responsibilities towards the people of the Territories and of the UK to ensure the good governance of the Territories. The Government acknowledges the sensitivity of this area of work but believes that those living in the Territories have a right to expect the same high standards of governance as in the UK, including in the areas of human rights, rule of law and integrity in public life.
- > The Government expects high quality public financial management and financial services regulation as important contributors to building resilient economies and providing for the wellbeing of Territory communities.
- > The UK is determined to tackle corruption in all its forms.
- > The UK is committed to working closely with the Territories on these issues. To this end the UK is launching a long-term programme of support for the public services in the Territories.

### **Vibrant and Flourishing Communities**

- > Each Territory has a unique community and it is for the Territory to shape the future of its own community. But most Territories face challenges as a result of their small scale or isolation.
- > UK Government Departments are supporting the Territories in a wide range of community issues such as education, health, labour, culture and sport.

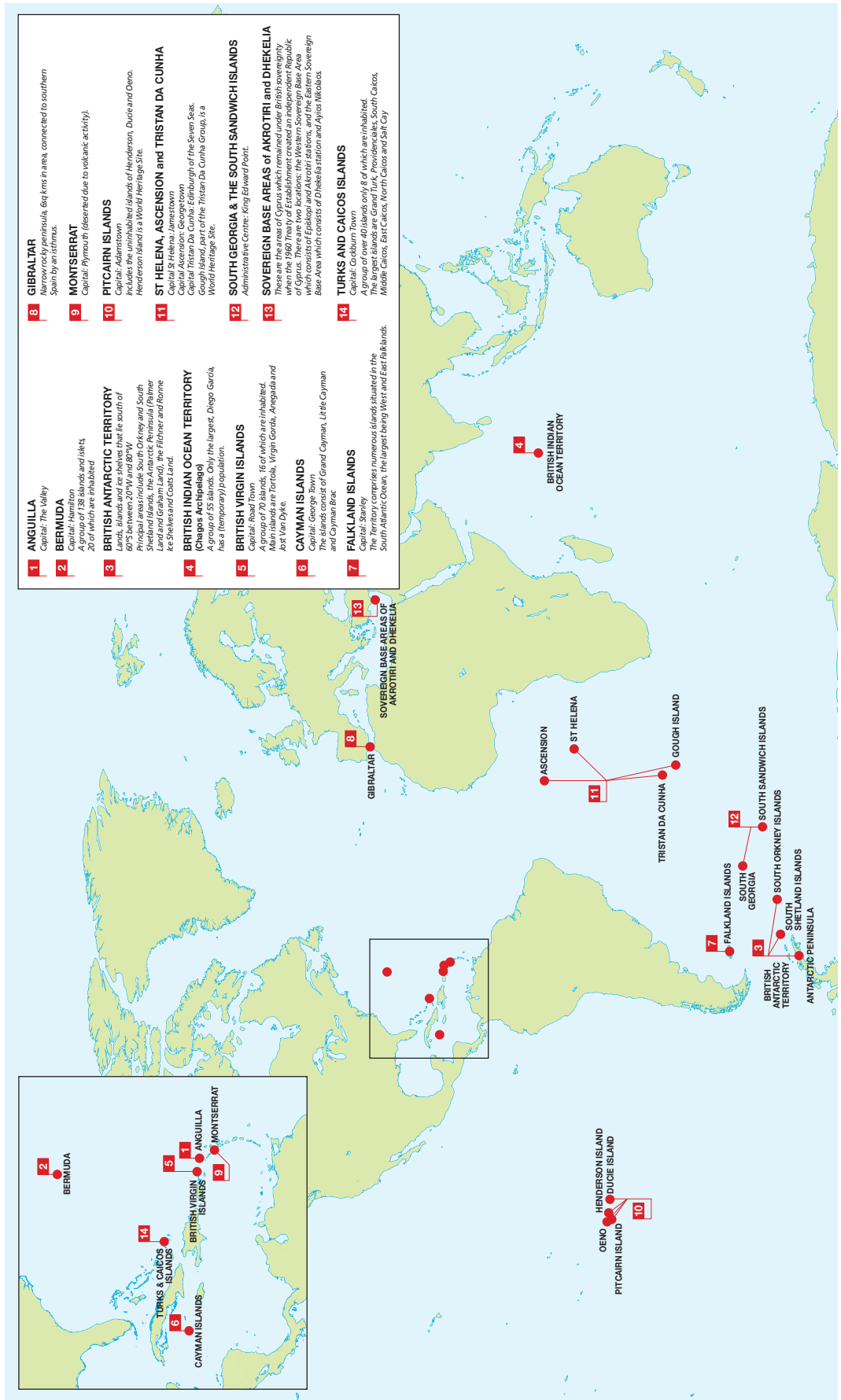
### **Links with the Wider World**

- > The UK is committed to supporting Territories which aim to strengthen their societies and economies by forming links with international and regional organisations or other countries. In some cases they can pursue these links themselves; in some cases the UK will represent the Territories.
- > The Territories' links with the EU, Commonwealth and United Nations will continue to be important. The UK is committed to strengthening these links. The UK also welcomes initiatives to develop links with regional organisations and other countries. Individual countries, such as Canada and New Zealand, already play an important role in some Territories.

### **The Way Forward**

- > The White Paper sets out priorities for action at the end of each chapter. Taking forward this work will require a partnership between the UK Government and Territory Governments. The UK Government will work to strengthen political engagement between Ministers in the UK and the Territories, particularly through the proposed Joint Ministerial Council. Together we will address this agenda and report on progress, inviting public and parliamentary scrutiny.

# Map of the Overseas Territories



# Introduction: Small Communities, Big Societies

The Coalition Government came into office in 2010 determined to re-invigorate the United Kingdom's relationship with its 14 Overseas Territories. Our vision for the Territories is for them to be vibrant and flourishing communities, proudly retaining aspects of their British identity and generating wider opportunities for their people; and for the uninhabited Territories to be world leaders in environmental conservation and management. This White Paper sets out how we are working with the Territories to further this vision.

The UK Government's relationship with its Territories is a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. Where the people of a Territory choose to remain British, we will maintain and deepen our special relationship. The UK and the Territories recognise that our relationship brings mutual benefits and responsibilities. It is time to strengthen our engagement to reflect the enduring nature of this relationship.

## **A picture of diversity**

The UK is proud of its special links with the 14 Overseas Territories – Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands (commonly known as the Pitcairn Islands); St Helena, Ascension and Tristan da Cunha; South Georgia & the South Sandwich Islands; Turks and Caicos Islands; and Virgin Islands (commonly known as the British Virgin Islands).

## **Our shared history**

In the three decades after the Second World War most British colonies and dominions became new independent states and members of the Commonwealth. A number of small territories retained links of various kinds to the UK, including some territories directly dependent on the UK for budgetary aid, linked to the UK because of the wishes of the inhabitants or, in some cases, maintained as military bases or for their longer term strategic value. In 1997 Hong Kong passed to China. The 1999 White Paper *Partnership for Progress and Prosperity* set out a new relationship between the UK and its Overseas Territories based on the principles of self-determination, mutual responsibilities, and autonomy, and a pledge of UK help when needed. British citizenship was extended to most of the people of the Territories. The Coalition Government's strategy endorses and builds on this work.

Our relationship is rooted in four centuries of shared history. Bermuda, off the eastern coast of North America, became one of the first British territories in the Americas when it was settled by the survivors from a shipwreck in 1609. Bermuda's first capital, St George's, was founded in 1612. Bermuda is now the most populous Territory with a population of 66,000 and enjoys one of the highest per capita incomes in the world.

The five Caribbean territories – Anguilla, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands – became British territories during the 17<sup>th</sup> and 18<sup>th</sup> centuries when sugar plantations were established on many islands.

There are two populated Territories in the South Atlantic – the Territory of St Helena, Ascension and Tristan da Cunha; and the Falkland Islands. Both have for centuries played a role in our national history. Tristan da Cunha is the most remote permanently inhabited island in the world and is economically self-sufficient. St Helena is preparing to re-launch its economy with the construction of an international airport. Ascension is host to a range of UK/US military and communication assets. It has no permanent population, but depends largely on St Helena for its workforce. The Falkland Islands have been continuously inhabited and administered under British sovereignty since 1833. It has a thriving economy based on fishing, agriculture and tourism. More recently offshore oil exploration has begun to support diversification.

Gibraltar is the only Overseas Territory in the EU. It was ceded to Britain under the *Treaty of Utrecht* in 1713. Its economy is based largely on tourism, financial services, online gaming and shipping.

The Sovereign Base Areas in Cyprus are not formally part of the EU. They cover around 256 square kilometres and offer the UK a military

base in a region of strategic importance. Much of this land is privately owned by around 10,000 Cypriot nationals.

Pitcairn in the South Pacific has the smallest population – around 50 permanent inhabitants, although there is a significant diaspora, mainly in New Zealand and Australia.

The British Antarctic Territory, British Indian Ocean Territory and South Georgia & the South Sandwich Islands have no permanent population. These are extensive Territories many times the size of the UK including some of the world's best preserved environments and the world's largest Marine Protected Areas. The British Antarctic Territory is also highly prized as a global laboratory. Scientists from the British Antarctic Survey discovered the ozone hole here in 1985. This triggered international concerns about the effects of atmospheric pollution.



HMS Iron Duke off the coast of Montserrat  
Credit: Crown Copyright (Ministry of Defence)



## The International Context

There is much to celebrate in the survival and success of these communities and the preservation of the natural environment through the vicissitudes of history. The 21<sup>st</sup> Century has brought and will continue to bring significant challenges: from economic and financial crises to climate change and extreme weather events. Our Territories can be more vulnerable to these pressures than the UK itself. Our strategy of re-engagement is designed to help us all meet the challenges and seize the opportunities of the 21<sup>st</sup> Century.

## UK Benefits and Responsibilities

The relationship between the UK and the Overseas Territories is founded on mutual benefits and responsibilities.

The Territories offer the UK:

- > A global presence: the global spread of our Territories gives us access and insights in diverse regions of the world;
- > A set of strategic assets: some of the Territories host military bases or cover regions of significant current operational and long term strategic value;
- > Economic and financial opportunities: there are multiple economic opportunities for a broad spectrum of UK companies as well as financial sector specialists. The international financial centres in the Territories can play a positive and complementary role to the UK-based financial services industry with particular strengths in providing services to fast growing economies in Asia and the Americas;
- > Natural and environmental resources: these are of global significance, including fisheries, minerals and hydrocarbons, and biodiversity far exceeding that in the UK's home territory and waters. The diverse natural environments of the Territories provide UK and international scientists and specialists with unique opportunities for research, including into the evolution of the earth's climate and plant and animal life;

- > Talent and diversity: the people of the Territories bring talents to the UK, as students at our universities and workers in our businesses. British nationals from the Overseas Territories also serve in the UK Armed Forces.

The UK Government's fundamental responsibility and objective is to ensure the security and good governance of the Territories and their peoples. This responsibility flows from international law including the Charter of the United Nations. It also flows from our shared history and political commitment to the wellbeing of all British nationals. This requires us, among other things, to promote the political, economic, social and educational advancement of the people of the Territories, to ensure their just treatment and their protection against abuses, and to develop self-government and free political institutions in the Territories. The reasonable assistance needs of the Territories are a first call on the UK's international development budget. A consequence of these responsibilities is that the UK Government carries significant contingent liabilities in respect of the Territories. The Government has a duty to manage these liabilities effectively and therefore maintains certain residual powers to ensure it is able to discharge this duty.



Grytviken Church, South Georgia  
Credit: Oscar Castillo

In the case of the uninhabited Territories the UK Government has a responsibility to ensure that they are administered, and that their environmental and natural resources are protected and managed, to the highest standards.

### **Overseas Territory Benefits and Responsibilities**

The Territories benefit from the relationship with the UK through:

- > Defence and Security: the UK is committed to defend the Territories and contributes to their protection from crime and support in the event of natural disaster;
- > Economic Assistance: the UK provides substantial budgetary assistance to Territories in need;
- > Technical Support: the UK Government provides a broad range of technical assistance and support;
- > International Support: the UK is responsible for the external relations of the Territories and uses its diplomatic resources and influence to promote their interests;
- > Reputational Benefits: the reputations of Territory Governments and businesses are strengthened by their association with the UK.

Being an Overseas Territory entails responsibilities. We expect Territory Governments to meet the same high standards as the UK Government in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services, and building strong and successful communities. Territories in receipt of budgetary support are expected to do everything they can to reduce over time their reliance on subsidies from the UK taxpayer.

### **Our Constitutional Relationship**

The UK, the Overseas Territories and the Crown Dependencies form one undivided Realm, which is distinct from the other States of which Her Majesty The Queen is monarch. Each Territory has its own Constitution and its own Government and has its own local laws. As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories. Territory Constitutions set out the powers and responsibilities of the institutions of government, which for most Territories include a Governor or Commissioner, an elected legislature and Ministers. Governors or Commissioners are appointed by Her Majesty The Queen on the advice of Her Ministers in the UK, and in general have responsibility for external affairs, defence, internal security (including the police) and the appointment, discipline and removal of public officers. Elected governments have a wide range of responsibilities.

We have reviewed the constitutional status of the Territories. Each Territory has its own unique constitution. The previous government launched in 1999 a process of modernising the constitutions of the inhabited Territories. We are continuing this work with a view to equipping each Territory with a modern constitution. We expect these constitutions to continue to evolve and to require adjustment in the light of circumstances. But we believe that the fundamental structure of our constitutional relationships is the right one: powers are devolved to the elected governments of the Territories to the maximum extent possible consistent with the UK retaining those powers necessary to discharge its sovereign responsibilities. We believe that at this point in the history of our relationships with the Territories, when a decade of constitutional revision is coming to a close, the time is not right to embark on a further round of constitutional change. Rather our strategy is to ensure the constitutional arrangements work effectively to promote the best interests of the Territories and of the UK. The Government



recognises that it is important to continue to reflect on the constitutional relationship. We will ensure that a dialogue on these issues is sustained with all those Territories which wish to engage.

The Government maintains the UK's long-standing position on independence for the Territories. Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory. Where independence is an option and it is the clear and constitutionally expressed wish of the people to pursue independence, the UK Government will meet its obligations to help the Territory to achieve it.

The Territories are involved in significant royal events. Their elected leaders attended the Royal Wedding in 2011. The Territories were also fully involved in the Diamond Jubilee in 2012. Many of the elected leaders or their representatives attended the celebrations in the UK during the main Diamond Jubilee weekend. The Territories also marked the occasion by holding special events and lighting beacons, including in the world's most remote community of Tristan da Cunha. We want to celebrate the Territories and ensure that they are appropriately recognised in the UK. The flags of the Territories will be flown at the Trooping the Colour ceremony and other ceremonial occasions, to bring representation of the Territories in line with Commonwealth Nations.

### **What are the Crown Dependencies?**

The Crown Dependencies are the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. The Bailiwick of Guernsey includes the separate jurisdictions of Alderney and Sark and the islands of Herm, Jethou and Lihou. The island of Brecqhou is part of Sark.

Jersey, Guernsey and Isle of Man are not part of the UK but are internally self-governing dependencies of the Crown. This means they have their own directly elected legislative assemblies, administrative, fiscal and legal systems and their own courts of law. The Crown Dependencies are not represented in the UK Parliament. The Crown Dependencies have never been colonies of the UK. Neither are they members of the EU.

[www.justice.gov.uk](http://www.justice.gov.uk)



Phone box, Gibraltar  
Credit: iStockphoto

### **Our Strategy towards the Overseas Territories**

In June 2010 the Foreign Secretary ordered a review of all policies towards the Overseas Territories. The UK Government quickly reasserted, through the Strategic Defence and Security Review later that year, that the defence of the Territories and their people was one of our most important defence responsibilities. The Department for International Development announced funding for an airport in St Helena. We committed ourselves to the objective of restoring the principles of good governance and sound public financial management to the Turks and Caicos Islands.

Henry Bellingham, Minister for the Overseas Territories, held a number of discussions with leaders of the Territories, including at the November 2010 Overseas Territories Consultative Council. Following this, the Prime Minister confirmed, through the National Security Council, the general principles of the Government's new strategy towards the Overseas Territories, which the Foreign Secretary announced to Parliament on 14 September 2011 HMG's strategy for the Overseas Territories [www.publications.parliament.uk](http://www.publications.parliament.uk)

The strategy recognises the political, social, economic and geographical diversity of the Territories and the need to develop policies that are tailored to support the needs and specific circumstances of each Territory. The strategy is designed to provide a framework in which these policies can be developed and implemented consistently and effectively.

The strategy focuses on three practical policy goals:

- (i) to strengthen the engagement and interaction between the UK and the Territories;

- (ii) to work with Territories to strengthen good governance arrangements, public financial management and economic planning where this is necessary; and

- (iii) to improve the quality and range of support available to the Territories.

### **Stronger Engagement between the UK and the Territories**

We want to see greater engagement between the UK and the Territories. We want to foster links between individuals, companies and Non-Governmental Organisations with their counterparts in the Territories. We want to strengthen interaction between the Territories and UK Government Departments and local government. Each UK Department has now assumed responsibility for supporting the Territories, as needed, in its own areas of competence and expertise. Departments have published papers setting out how they can provide support for and work with the Territories. Links to these papers are provided throughout this White Paper.

We also want to build stronger political links. Since 1999 the elected leaders of the Territories and UK Ministers have met in an annual consultative council. We will strengthen this into a Joint Ministerial Council and give it a clear mandate to lead work to review and implement the strategy and the commitments in this White Paper. The UK Government will provide a small secretariat to support the work of the Council including reporting to it on progress and developing action plans for implementation of specific proposals. We will also report progress regularly to the UK Parliament. We would welcome greater engagement between the UK Parliament and the elected bodies of the Territories. We propose that the Council consider options for taking this forward.

### **Strengthening Good Governance, Public Financial Management and Economic Planning**

The UK and the Territories will continue their partnership to meet the high standards set out in this White Paper. The UK will provide support to the Territories, where necessary, to develop good governance, robust public financial management and sound economic planning. In particular we will support greater exchange of expertise between public servants in the Territories and the UK. We will do this by supporting Territory officials with opportunities to train and work with colleagues in the UK, and UK experts to work in the Territories. We particularly want to encourage long-term partnerships between the Territories and public bodies in the UK.

### **Improving the Quality and Range of Support to the Territories**

*"In this White Paper the Coalition Government has set out a compelling vision of flourishing and vibrant Overseas Territories, freer from financial dependence on Whitehall, proudly retaining aspects of their British identity and generating wider opportunities for their people. For our part, the Government remains committed to meeting the reasonable assistance needs of Territories where financial self-sufficiency is not possible, as a first call on the aid budget. We are prepared to invest British taxpayers' money – as we are doing, for example, with the St. Helena airport project – where we can see the real prospect of self-sufficiency being achieved in due course and the reduction or elimination of dependency on UK Aid. For their part, we expect Territories to help develop their financial management capacity so that they can meet their budgetary obligations. My department is playing an active role in making this vision a reality."*

Rt Hon Andrew Mitchell, Secretary of State,  
Department for International Development

DFID is delivering a step-change in the quality of the support they are providing to those Territories in receipt of UK budgetary aid. In Montserrat the UK has provided £350 million of assistance since the volcanic crisis of 1995-7 which destroyed the island's capital and shattered the economy.

UK assistance is targeted on developing the north of the island, supporting the Government of Montserrat to ensure the provision of public services and the development of an enabling environment for economic growth. DFID and the Government of Montserrat signed a Memorandum of Understanding on 1 May 2012 which sets out Government of Montserrat commitments to reforms that will improve business and tourism.

The UK will provide up to £246.6 million to build an airport in St Helena to help end the Territory's isolation and open up economic and social opportunities for the people of the island.

For those Territories that need support, DFID will continue to provide assistance with the aim of helping those Territories achieve sustainable, inclusive growth and financial independence from the UK. DFID works in partnership with those Territories that need support to provide assistance with the aim of helping them achieve sustainable, inclusive growth and reducing their financial dependence on the UK wherever this is possible.

DFID provides budget aid to some Territories to fund essential public services that cannot be funded from local resources and provides technical assistance to support improvements in the quality of public services, good governance and opportunities to pursue economic growth and financial independence.

More information about the work of DFID with the Overseas Territories can be found at [www.dfid.gov.uk](http://www.dfid.gov.uk)

The UK Government recognises that external organisations are often best placed to provide assistance and support. Our focus is therefore on strengthening the engagement of the Territories with international organisations such as the EU, the Commonwealth, the UN and regional organisations. There is significant potential for these organisations to provide more support to the Territories. The EU has a substantial assistance programme that is little understood and appreciated in the Territories. We want to improve access to this support and the impact it makes. The Commonwealth has a range of programmes to support small states, dealing with many of the issues facing the Territories.

### **Public Consultation**

We undertook a public consultation on the Overseas Territories strategy at the end of 2011, through a web-based platform. We posed six general questions, based on the three policy goals of the strategy, to help focus the responses. An independent organisation analysed the responses and produced a report which we published in March 2012. This report can be found at <http://www.fco.gov.uk>

### **The White Paper**

This White Paper highlights the scale, spread and importance of our Territories in an age of diminishing resources, climate change and pressure on the environment. The following chapters, which show how the UK and Territory Governments work in mature partnership, set out priority issues and areas for action.



Overseas Territories Consultative Council, November 2011  
Credit: Tony Bates







# 1: Defence, Security and Safety of the Territories and their People

## Overview

The UK sees its responsibility for the defence, security and safety of the Overseas Territories as a core task of Government. We work with Territory Governments to counter external threats, international terrorism and organised crime and to ensure the safety and security of air and sea links. This work engages a number of UK Departments including the Ministry of Defence, the Department for International Development, the Department for Transport and the Home Office and its agencies.

## Defence

*"Our resolve to defend our Overseas Territories remains undiminished. Providing security for the Nation and its Overseas Territories, safe-guarding its citizens and their way of life remains the first duty of Government and Defence."*

Gerald Howarth MP  
Minister for International Security Strategy  
Ministry of Defence



Crew of RFA Wave Ruler helping to clear flood debris,  
Tortola, British Virgin Islands  
Credit: Government of British Virgin Islands

The protection of the Overseas Territories and their people is one of the UK Government's most important responsibilities. It is included as a National Security Task in the Government's 2010 National Security Strategy, and reaffirmed in the conclusions of the Strategic Defence and Security Review later that year. We will continue to maintain an independent ability to defend the Territories – including their territorial waters and airspace – from any external security threats they may face.

We will continue to ensure that our sovereignty over the Territories is defended against all challenges so that, for those who live in the Territories as British citizens, their right of self-determination is protected. In the South Atlantic British forces will maintain a defensive military posture to defend the Falklands and other British islands. There will be no weakening of the Government's resolve.

We will also ensure that the Territories are able to trade, to exploit their natural resources and to develop their economies free from undue external interference. The role of Britain's Armed Forces in the Territories varies enormously. For example, the Royal Navy Ice Patrol Ship HMS Protector operates around the British Antarctic Territory every summer, delivering UK obligations under the Antarctic Treaty System and supporting the British Antarctic Survey (BAS)'s ground-breaking scientific endeavours. In the Indian Ocean, our small detachment of military personnel secures the British Indian Ocean Territory, while helping to protect its pristine environment, working with our fishery protection officers to deter poachers and others who damage this unique part of the world. And in the Caribbean our Royal Navy presence ensures we are on hand to provide immediate humanitarian relief from natural disasters or assist in the interdiction of illicit narcotics.



16 September 2009 – Typhoon aircraft arrive at Mount Pleasant Airfield in the Falkland Islands, in preparation for taking over from the Tornado F3, which had been at the airfield for 17 years  
Credit: Cpl David Parnham

Conversely, the Territories contribute to the security interests of the UK and our close allies. A number of the Territories provide invaluable training environments for all three Services. UK Armed Forces based in the Sovereign Base Areas in Cyprus have provided extensive support for UK operations in Afghanistan, Iraq and most recently in Libya. Gibraltar is one of the UK's Permanent Joint Operating Bases and is used for forward mounting of operations in the Mediterranean, North Africa (most recently in Libya) and the Gulf. There are permanently stationed forces in the shape of the Royal Navy's Gibraltar Squadron and the Royal Gibraltar Regiment. The Royal Navy is tasked with maritime force protection operations and with upholding the sovereignty of British Gibraltar Territorial Waters. The British Indian Ocean Territory (BIOT) hosts a US base at Diego Garcia which facilitates Allied operations across the Middle East and South Asia. Wideawake Airfield on Ascension played a crucial part in the Falkland Islands conflict in 1982 and continues to offer vital support as part of the airbridge to the Islands. Our Overseas Territories give Britain a global strategic reach in support of our international objectives.



### Royal Gibraltar Regiment

The Royal Gibraltar Regiment, which has regular and reserve elements, is the resident UK Armed Forces infantry battalion based in Gibraltar. The Regiment is funded by the MOD, recruited locally and is trained in the UK. As well as providing security and protection it contributes to wider defence objectives through exercise and training deployments in the UK, Morocco and West Africa, where the Regiment trains soldiers to prepare them for deployment to Darfur with UNAMID. The Regiment also provides soldiers for operational deployments where they are attached to other British Army units. Members of the Regiment have served in Northern Ireland, Sierra Leone, Iraq, and Afghanistan.

*“We will have to work harder, and in different ways, to advance and protect British interests as the world around us evolves. British Overseas Territories play an essential role in furthering those interests.”*

Gerald Howarth MP  
Minister for International Security Strategy  
Ministry of Defence

More information about the work of the MOD with the Overseas Territories can be found at [www.mod.uk](http://www.mod.uk)

Bermuda, the Falkland Islands and Montserrat have their own defence forces.

### The Bermuda Regiment

The Bermuda Regiment is a battalion-sized reserve unit with two key roles: supporting the Bermuda Police Service and undertaking post-disaster relief work at home and in the Caribbean region. Their profile has risen after deployments to assist in the Cayman Islands (Hurricane Ivan in September 2004), Grenada (2005) and the Turks and Caicos Islands (Hurricane Ike in September 2008), and more recently in Bermuda itself for Hurricane Igor (September 2010). The Regiment enjoys a long association with the Royal Anglian Regiment. Although the Government of Bermuda is financially responsible for the Regiment, it falls under the ultimate command of the Governor, who is its Commander-in-Chief. The UK retains ultimate responsibility for the security of the island.

The Falkland Islands has a local defence force (Falkland Islands Defence Force) made up principally of volunteers, whose role is to contribute to wider defence efforts on the Islands alongside UK forces. It also fulfills the role of a mountain rescue agency for the Islands.

In Montserrat there is a Royal Montserrat Defence Force (RMDF) which consists of approximately 20 volunteers and currently performs mainly ceremonial duties. The RMDF has a historical association with the Irish Guards.



Her Royal Highness The Duchess of Gloucester presents the Bermuda Regiment with new colours, 13 November 2010  
Credit: Crown Copyright (Ministry of Defence)

### Tackling Serious Crime

The UK Government and Overseas Territory Governments work in partnership to tackle threats arising from international terrorism and serious and organised crime. The results of the public consultation suggest that crime is one of the main concerns of the people of the Territories. The UK and Territory Governments will work together and with international partners to reduce and prevent crime and ensure people feel safe in their homes and communities.

The main threat to the Caribbean Territories and Bermuda is from organised crime, drugs, firearms and in some cases people trafficking and associated money laundering. The Territories lie on recognised drug trafficking routes from South America to the UK, continental Europe and the US. The traffickers use ever-changing techniques to conceal their goods and constantly shift patterns of shipment. Violent gangs, primarily engaged in street-level drug trafficking, operating in some Territories, have been responsible for the significant increase in firearm-related murders and assaults in these Territories. Some Territories have introduced drug and violent crime control strategies.

Territories in the South Atlantic generally have low levels of crime, but smaller law enforcement capability presents special challenges when unexpected incidents occur.

The UK Government believes that police and local communities need to work together to step up the fight against criminal behaviour. It is important that the police and other law enforcement agencies work together across the criminal justice system. There also needs to be an improved system to secure borders and reduce illegal immigration. These arrangements must command public confidence and serve the Territories' security and economic interests.

The UK Government welcomes the moves in some Territories to set up National Security Councils or equivalents to co-ordinate the work of Governors, Governments and the relevant agencies with regard to these challenges. We are committed to supporting their work.

The FCO co-ordinates and encourages policy and operational engagement between law enforcement authorities in the Territories and in the UK, including the Ministry of Defence, Home Office, Serious Organised Crime Agency (SOCA,

which from 2013 will become the National Crime Agency), UK Border Agency and the Police.

The FCO employs Law Enforcement Advisers for the Overseas Territories to provide advice and help Territories engage with counterparts in the UK and elsewhere.

SOCA provides advice and specialist support to the Caribbean Overseas Territories to tackle organised crime in the region, and works with local and international law enforcement partners to reduce the harm to the citizens of the Territories from drug trafficking and other organised crime.

The Home Office will continue to authorise the deployment of UK police officers to Territories where required. It will also continue to provide legislative advice to Territories; and help them update their criminal justice legislation.

*"The Home Office is committed to assisting the Overseas Territories to overcome a range of challenges in the field of home affairs. SOCA and UK police forces continue to provide specialist support to local law enforcement and assistance in criminal investigations. This work is helping the Territories to tackle organised criminals operating along the cocaine route from South America. We have a shared interest in tackling this threat, not only to reduce the impact of gang related crime on the citizens of the Territories, but to protect local communities in the UK by restricting the supply of drugs in accordance with the ambition of Local to Global, the Government's organised crime strategy published in 2011."*

James Brokenshire, Minister for Crime and Security, Home Office

More information about the Home Office's work with the Overseas Territories can be found at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

The UK provides significant operational support. This includes UK police deployments; technical support for intelligence gathering; and secondments of UK experts into the Territories' authorities.

#### **Seizure of Drugs from the Vessel "LOUISE"**

In April 2011 the Royal Virgin Islands Police Force (RVIPF) assisted in a joint operation with the Serious Organised Crime Agency (SOCA) and other Caribbean jurisdictions concerning a suspicious vessel, the "LOUISE". This yacht was considered to be transporting illegal drugs when travelling to Europe on a container ship. The RVIPF were able to establish that the vessel was in the British Virgin Islands and was awaiting transportation to the United Kingdom via the United States Virgin Islands. As a result of further enquiries completed by the RVIPF in conjunction with SOCA, it was considered highly likely that the boat concealed illegal drugs.

The joint operation continued into late May 2011 when the boat reached Southampton and, as a direct result of the information supplied by SOCA and the RVIPF, a decision was taken to search the boat. Following a systematic six-day search, the UK Border Agency team at Southampton docks recovered 1.2 tonnes of cocaine worth approximately £300 million on the open market.

The UK supports and encourages international law enforcement co-operation with the Territories. This is especially important in the Caribbean region where the US and EU have significant programmes and co-ordination is important to ensure that crime is reduced and not just displaced from one island to another.

The UK Border Agency ([www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)) assists the Territories by handling and processing visa applications through visa application centres around the world. UK Entry Clearance officers make decisions and issue visas on behalf of some Territories and refer applications to others. UKBA will continue to provide this service. UKBA also provides practical support to the Territories including assistance with visa policy and training in forgery detection. In most Territories visa legislation and regimes are

closely aligned to the UK. Territories keep UKBA informed of planned changes to their visa regimes or legislation.

#### **Natural and Man-Made Disasters**

The UK's small and isolated Territories are vulnerable to natural disasters. The main threats to the Territories are hurricanes, volcanoes, earthquakes and tsunamis. There is also a risk of man-made disasters in particular air and sea accidents and environmental disasters such as oil spills. The emergency services in a small Territory can be overwhelmed by a major incident. The UK Government recognises its responsibility to support a Territory facing a disaster.



Sign indicating the nearest hurricane shelter, Grand Cayman, Cayman Islands  
Credit: Tony Bates

In most Territories the Governor is responsible for co-ordinating the immediate disaster response. The FCO co-ordinates the UK and international

response to a disaster, working closely with the Department for International Development (DFID) and the Ministry of Defence. Royal Navy patrols in the Caribbean and South Atlantic are likely to be in the frontline in providing emergency support. In the MOD's Atlantic Patrol Task (North) (APT(N)), a Royal Fleet Auxiliary ship maintains a maritime presence in the Caribbean region all year, which can be enhanced with a naval party (including boarding party and embarked naval helicopter). This is normally supplemented by a Royal Navy frigate or destroyer during the hurricane season between May and November. DFID has the capacity and expertise to provide longer term disaster relief and co-ordinate international relief effort and supplies.

*"I am very proud of the essential role the Armed Forces play in disaster relief, but particularly in the Overseas Territories where hurricanes and other natural disasters have the potential to cause widespread devastation."*

Nick Harvey, Minister for the Armed Forces,  
Ministry of Defence



The Bermuda Regiment clears damage caused by Hurricane Igor  
Credit: Bermuda Regiment

The UK and Overseas Territory Governments work together to reduce the risk of disasters and to build disaster management capacity. Territory Governments are responsible for ensuring the necessary public bodies are set up, tasked and adequately resourced to plan, prepare and respond effectively to potential disaster scenarios.

Roles and responsibilities need to be set out in local legislation and regulations. There need to be robust and effective national and departmental plans for dealing with disasters. These plans must support risk reduction and disaster preparation. The FCO organises an annual pre-hurricane season seminar for the Caribbean Territories and Bermuda. The UK will continue to provide advice to Governors and Territory Governments through periodic reviews of disaster management capabilities and plans, ad hoc advice, targeted training and live and table-top exercises. The FCO requires all Governors to undergo specialist training in Disaster Management before taking office.

The UK encourages co-operation between the Overseas Territories including the sharing of lessons learned and best practice. The Caribbean Territories and Bermuda agreed in early 2012 to provide assistance to each other including through the temporary secondment of law enforcement officials during times of crisis or in exceptional circumstances. We also support and encourage those Territories with their own defence forces to build on their capabilities and take a more regional role in disaster preparedness and response.



The UK supports the Territories to engage with regional and international disaster response agencies, for example the Caribbean Disaster Emergency Management Agency (CDEMA), the UN and the Red Cross. The Overseas Territories Directorate in FCO has a team of four officials (the Assist team) which can deploy to a Territory to assist the Governor and the Territory Government in preparing for and responding to particular disasters in the Caribbean region and Bermuda.



Clearing up after Hurricane Earl, Tortola, British Virgin Islands, August 2010  
Credit: Boyd McCleary

### **Aviation Safety and Security**

*“A safe and prosperous aviation industry is vital to growth and economic development. This is why we remain committed to assisting our Overseas Territories to establish and maintain safety regulatory regimes which conform with international standards and ensure the safety of passengers and all involved in their aviation industries.”*

Theresa Villiers MP, Minister of State,  
Department for Transport

The Territories need to apply international air safety standards in order to maintain the international air links that are vital to their people and economies. The UK Department for Transport provides essential support. In 2003 the Department responded to a critical report by the International Civil Aviation Organisation (ICAO) by setting up Air Safety Support International (ASSI – <http://www.airsafety.aero>), a subsidiary of the UK Civil Aviation Authority, to support the development of air safety regulation and provide safety assurance (except in Gibraltar and the British Antarctic Territory which have separate arrangements). ASSI has developed aviation legislation that is tailored to the needs of small administrations. ASSI provides support and training to Territories to build the capacity of Territory regulators. Where Territories have not yet set up fully-functioning regulators, ASSI provides direct regulation services such as airport licensing and certifying aircraft airworthiness.

The UK Government will continue to help the Territories meet international safety standards but believes that they should take over responsibility for safety regulation; pay for direct regulation services provided by ASSI; and contribute to the costs of other services. The Department for Transport has agreed Memoranda of Understanding on funding safety regulation with each of the relevant Territories, in which they

have agreed to contribute in proportion to the wealth of the Territory and the benefit they gain from civil aviation. The Department remains committed to providing the major share of funding for ASSI for the rest of the spending period.



RAF Sea King search and rescue helicopter near Mount Kent, Falkland Islands  
Credit: MOD

ASSI will be responsible for the certification of the new international airport being built on St Helena. It will be working with DFID and its consultants to ensure that the airport meets international standards.

Gibraltar has been excluded from the ASSI system as it is covered by EU legislation. The UK Department for Transport helped the Government of Gibraltar establish its own aviation safety regulatory regime in 2009 and continues to provide some support.

### **Aviation Security**

International terrorism is a threat to aviation in the Territories as it is in small independent states. The UK provides assistance to improve aviation security. In the Caribbean the Department for Transport employs a regional aviation and maritime security advisor to provide oversight and advice. The adviser has introduced improved assessments of terrorist and organised crime

threats and risks, involving a wide range of government agencies.

### **Maritime Safety and Security**

*"We recognise and remain immensely proud of the growth of the British Shipping Registers operated by the Overseas Territories which has ensured that the combined British fleet at more than 50.1 million Gross Tonnage stands seventh in the world's shipping fleets. Along with the Maritime and Coastguard Agency, we will continue to work collaboratively with colleagues within the Territories to ensure that all ships flying the Red Ensign are maintained to the highest possible standards, and that the Territories meet their obligations as flag, port and coastal states under the International Maritime Conventions."*

Mike Penning MP, Parliamentary Under Secretary of State, Department for Transport

All of the Overseas Territories have to comply with international security standards for ships and ports developed by the International Maritime Organisation (IMO).

Any vessel registered in the UK, a Crown Dependency or an Overseas Territory is a "British ship" and is entitled to fly the British Merchant Shipping flag, the 'Red Ensign', or a version of it.

Bermuda, British Virgin Islands, Cayman Islands and Gibraltar currently run large international shipping registers. Anguilla, Falkland Islands, St Helena and the Turks & Caicos Islands operate mainly domestic shipping registers. All are required to meet standards equivalent to those of the UK Register. This requirement is set out in individual Memoranda of Understanding (MoUs) between the UK and the Territory.

The UK Maritime and Coastguards Agency (MCA) monitors the Territories to ensure they comply with UK, international and – where appropriate

– EU standards. The UK represents their interests in international fora such as the International Maritime Organisation (IMO) and the International Labour Organisation (ILO). The MCA continues to work with the Territories to ensure the highest level of international maritime safety. It provides practical assistance to Territory Registers through a four yearly cycle of advisory and assessment visits; and organises regular conferences and technical meetings. More information about the work of the Department for Transport with the Overseas Territories can be found at [www.dft.gov.uk](http://www.dft.gov.uk)

The Department for Transport continues to work with the UK's Territories to ensure appropriate standards of security are maintained at their port facilities. The Department's Miami-based Regional Aviation and Maritime Security Adviser undertakes regular security visits to the Caribbean Territories and Bermuda. The Department maintains a security dialogue with the shipping administrations of the Territories through annual security meetings of the Red Ensign Group.

### **Priorities for Action**

- > maintain commitment to defend the Territories and their peoples.
- > address security threats such as organised crime and illegal migration, including through strengthened border security and the development of National Security Councils to improve co-ordination in the Territories.
- > reduce risks and strengthen preparation for potential natural and man-made disasters, including through regional co-operation arrangements.
- > maintain international standards of aviation and maritime safety and security in the Territories.



Law Enforcement Officers from the Overseas Territories practising boat handling skills at the Overseas Territories Regional Maritime Training Centre, Tortola, British Virgin Islands  
Credit: Mike Riley





## 2: Successful and Resilient Economies

### Overview

The Overseas Territories have made considerable strides over the last decade in their economic development. Although many Territories have limited natural resources and few have manufacturing industries they have recognised the need to diversify their economies. The UK Government will continue to work with the Territories to help them develop their economies.

The Territories are acutely vulnerable to shifts in the global economy, regulatory regimes and commodity prices. Prudent fiscal management and effective fiscal planning are fundamental to the delivery of continued economic success and increased resilience to external economic shocks.

Some Territories are in receipt of budgetary aid to assist them in their Government's business, infrastructure, development and growth prospects. Where the conditions are right, DFID will consider further investments that would stimulate growth and reduce financial dependency. The decision to proceed with an airport for St Helena (see below) is an excellent example of this.

### Structure of Economies

The economies of the Territories vary significantly in size, but they share a number of features in common: they are open economies; economic activity is often concentrated predominantly in a small number of sectors; the public sector is a major employer; and they are reliant on imports. These factors leave Territory economies

particularly exposed to factors outside their control. For example, an economic downturn in the United States economy will tend to result in a reduction of tourist arrivals in the Caribbean Overseas Territories with a consequent reduction in government revenues.

Despite such challenges, there are many economic success stories. Bermuda, the British Virgin Islands and the Cayman Islands have developed important niche positions in international financial markets. The UK Government strongly believes that Territories which meet financial sector international standards should be free to continue to compete in international markets without discrimination.

The role these three Territories play in international financial markets, and the commitment of their Governments and regulatory authorities to meeting international standards, has also been recognised by the international community. Bermuda, British Virgin Islands and the Cayman Islands are, for example, members of the Financial Stability Board's regional group for the Americas. And Bermuda, as Vice Chair, hosted the second meeting of the Global Forum on Transparency and Exchange of Information for Tax Purposes in 2011.

The UK Government will continue to support Territories with financial centres that demonstrate commitment to maintaining high regulatory standards to gain increased recognition through participation in international and regional fora.

Tourism is a major part of the economy of most Territories. It is important to develop this industry but also to consider carefully the environmental impact of proposed development so that the coasts, seas and wildlife that attract tourists are not damaged.

## Air Services

*"We will continue to promote the interests of our Overseas Territories in negotiating international air service agreements, to support their growth and economic development."*

Theresa Villiers MP, Minister of State,  
Department for Transport

The Department for Transport seeks to promote the interests of the Territories when negotiating air service agreements with other countries, which are an important element to supporting the economic development of the Territories. For example, the Department for Transport obtained additional rights for Cayman Airways and Air Turks and Caicos to conduct services to Cuba when a new bilateral air services agreement was negotiated in 2011.

The Department will continue to provide on-going support to the Territories with regard to air services. In particular, the Department stands ready to help Bermuda and the Caribbean Territories with the liberalisation of air service agreements with the US and other states wishing to develop their air services. The Department will also be providing assistance to the Government of St Helena in the development of air services to the new airport.



Cayman National Bank, Cayman Islands  
Credit: Ministry of Finance

### Successful Economic Development

Over the last 40 years, the British Virgin Islands has evolved from an agriculture/subsistence economy where people left the islands to find work, to one based on tourism (sailing and luxury hotels) and then one based also on the provision of financial services to the international business community. They are now the leading centre for international business companies, with much business coming from Asia/Pacific in addition to strong business links with the United States.

From the mid-1960s the Cayman Islands started on the path of development from a predominantly maritime economy to the world's fifth largest financial services centre. The development of financial services legislation helped to solidify Cayman's position as a leading financial services centre. It is now the world's leading centre for hedge funds and also a significant wholesale banking centre, with high volumes of overnight banking business from the United States.

Financial services have also featured significantly in Bermuda's economic development. Bermuda is the third largest reinsurance centre in the world and the second largest captive insurance centre, with firms based in the jurisdiction writing significant volumes of business in the United Kingdom and the United States. Bermuda has one of the highest per capita incomes in the world.

As part of the EU, Gibraltar is subject to EU standards and offers a gateway to the European single market of close to 500 million people. Gibraltar provides an extensive selection of financial services that meet the requirements of both local and international investors. Numerous international trading entities and financial services companies have bases in Gibraltar. The Government of Gibraltar is engaged in maximising the potential for expansion of Gibraltar's financial services sector, which contributes approximately 22 per cent to the GDP of the Territory.

The Falkland Islands are economically self-sufficient in all areas except defence. A system of licensing has enabled the development of the fishing industry and helped the economy move on from reliance on wool.

In common with the Caribbean Territories, tourism also makes an important contribution to the economy as the Falklands Islands promote their pristine environment.

The Tristan da Cunha economy is heavily reliant on the islands' lobster fishery. Tristan lobster is a top-end product mainly exported to the United States and Far East. The Territory works with its commercial partner to ensure that the fishery is well run and highly sustainable. In July 2011 the fishery was awarded Marine Stewardship Council certification. Aside from the lobster fishery, small scale tourism and sales of stamps and coins provide income for Tristan.

### The UK Government Supports St Helena

On 3 November 2011 the St Helena Government entered into a contract with Basil Read Ltd to build an airport on St. Helena. The costs will be met by DFID.

The airport is the largest single investment ever made in a Territory and is the clearest possible example of the UK Government's commitment to the island.

In the short term the project will create new jobs in construction and associated supporting industries. But the real benefits are long term and will come through development of St Helena's tourism industry, bringing visitors to the island and boosting the economy.

An airport is the best chance in generations of stimulating sustainable growth on the island. It offers the best prospect for St. Helena to reduce and eventually graduate from its dependence on UK aid. The airport is scheduled to open towards the end of 2015.

We will work closely with the Governor and the St Helena Government to ensure that St Helena gains maximum benefit from this investment, while remaining mindful of the scale of social and economic transformation that the airport will bring.

### Building on Success

Overseas Territory Governments continue to explore the options for developing economic resilience. Doing this in the context of a robust economic plan ensures that the feasibility and impact of development options are fully assessed and understood. The exploitation of technology, geology and the richness of the environment all provide opportunities for development, as do improved trading links.



Hamilton, Bermuda business district  
Credit: Government of Bermuda

### Economic Planning

Having a robust “business plan” for the economy is an important tool for building on success and is an approach the UK Government encourages all Territories to adopt. Such economic planning is a means to assess the feasibility of development options and to identify the expertise and infrastructure required to deliver them successfully, as well as considering how to make best use of those resources that are available. In short, the plan combines the vision for the economy with an objective assessment of deliverability.

### Sharing Experience of Diversification

Territory Governments have between them a wealth of experience in delivering successful economic diversification, which the UK Government encourages the Territories to share with each other. The Falkland Islands, for example, has experience of establishing a system of fishing licences from which Territories with under-exploited fisheries can learn.

### Science, Energy and the Environment

Montserrat has become a centre of excellence in volcanology and is exploring the development of geothermal energy to reduce the island’s dependence on imported fossil fuel (see box). The successful development of geothermal energy would be a catalyst for wider economic development.

The Government of Montserrat is keen to confirm and develop the potential geothermal resource on Montserrat. While geothermal surface exploration has taken place, no drilling has been carried out, so despite encouraging indications, this potential has yet to be proven. Current electricity demand on the island is met by diesel generation. The Government of Montserrat is keen to displace this source with clean and affordable energy for domestic consumption, and to assist with the economic development of the island as a place to visit and do business. DFID is continuing to work with and support the Government of Montserrat to explore the potential to develop the resource, including financing the exploration phase. The result of this will be known in 2013.



Wind Turbines, Ascension  
Credit: Stocktrek Images

The Bermuda Institute of Ocean Sciences is the leading authority on the Sargasso Sea. Scientific research in this area has the potential to broaden the base of Bermuda’s economy. Research into the development of alternative energy based on Algal Biodiesel also has the potential of developing a fuel source that emits less carbon and chemical contaminants than traditional diesel fuel.

The Falkland Islands have established a South Atlantic Environmental Research Institute (SAERI). The Institute has a vision of providing a centre for scientific activity and related commercial opportunities, taking advantage of its existing economic strengths, its geographical location and its place at the centre of a system of British



Territories in the South Atlantic. The UK will work with the South Atlantic Territories to support the development of SAERI. The Natural Environment Research Council is supporting the development of SAERI in kind by providing expert advice on international scientific collaboration.

*“On a recent trip to the British Antarctic Territory, I visited research facilities that place the UK at the forefront of environmental science. The Department for Business, Innovation and Skills fully supports our Overseas Territories and is committed to working with them to promote prosperity and growth.”*

David Willetts, Minister of State for Universities and Science, Department for Business, Innovation and Skills

### **Trade Policy**

The ability to trade freely is vital for the Overseas Territories. The majority of trade is in services. Whilst the volume of trade in visible goods is currently low, it nevertheless makes an important contribution to Territory economies.

The UK Government is a strong supporter of free trade. We will ensure that the Territories are aware of developments in the World Trade Organisation and other international trade fora which could affect them. Should a Territory want to participate in WTO meetings, the Department for Business, Innovation and Skills (BIS) will offer advice and assistance.

BIS will work with Territories as the European Commission prepares their proposals on trade preferences and Rules of Origin. The UK Government will also work with the Territories to ensure that the impact on them of Free Trade Arrangements made between the EU and other countries is taken into account.

The Trade Policy Unit in BIS will continue to offer support and advice on specific issues relating to trade matters to Territories wherever possible, including offering assistance to individual citizens regarding cases of free movement rights.

More information about the work of BIS with the Overseas Territories can be found at [www.bis.gov.uk](http://www.bis.gov.uk)

### **Trade Promotion and Inward Investment**

The Government believes that there are opportunities for British business in the Overseas Territories, for example in the hydrocarbons, fisheries, sustainable energy and tourism sectors. In some cases they might be deterred from pursuing these opportunities through uncertainty over the legal and political context or because they simply lack the necessary information. The Government wants to encourage British business to explore these opportunities.



Gibraltar International Airport  
Credit: Gibraltar Tourist Board

### **Investment Promotion**

The UK has extended to the Territories a number of Investment Promotion and Protection Agreements when the Territories have provided a case for doing so and the other country agreed. These set out the standards of treatment on which investors of both parties can rely when investing in the Territory of the other, and enable investors to resolve disputes through arbitration.

The EU has taken over responsibility for this work. Negotiations are underway on how this will work in practice. Once this has been resolved the UK will work with the Territories to determine how best to accommodate their interests.

### **Economic Partnership Agreements**

A number of Economic Partnership Agreements (EPAs) have been negotiated between the European Union and the Africa, Caribbean and Pacific (ACP) countries. They are intended to protect ACP countries' access to EU markets, promote trade integration and accelerate development and poverty reduction in the ACP regions. Economic Partnership Agreements are World Trade Organisation compatible and development friendly. Not all Territories are in regions with an Economic Partnership Agreement. There is an option for Territories to join Economic Partnership Agreements should they so wish, but to do so will require authority (an entrustment) from the UK Government.

The Territories currently benefit from preferential trade arrangements under the EU's Overseas Association Decision. The UK Government will support any future arrangements which leave Territories no worse off than preferences offered by the Economic Partnership Agreements. We will discuss with Territory Governments the provisions of Economic Partnership Agreements, should they want to explore whether membership of them would be beneficial.

The Territories will continue to face economic challenges, but the Territory governments and peoples have shown themselves adept at responding to past challenges to build vibrant economies. The UK Government is committed to supporting the right of the Territories to trade freely, whether in goods or services, and will continue to work with the most vulnerable Territories to help them along the path to self-sustainability.

### **Priorities for Action**

- > build economic resilience, including through prudent fiscal management and economic diversification.
- > help Territories in receipt of budgetary aid achieve sustainable and inclusive growth and financial independence from the UK.
- > strengthen economic planning capacity.
- > increase trade and investment between the UK and the Territories.
- > protect trade rights and preferences.







## 3: Cherishing the Environment

### Overview

The UK Government wishes to ensure that the rich environmental assets of the Overseas Territories, for which they are internationally recognised, are cherished. The Territories are home to many species and environments found nowhere else in the world – including an estimated 90% of the biodiversity found within the UK and the Territories combined. Each of the Territories depends on these assets in some way such as for fisheries or from tourism.

*“The United Kingdom’s Overseas Territories play host to some of our most precious environmental assets, many of which would be irreplaceable if lost. We recognise that environmental challenges are increasingly threatening the future security and safety of our Territories and in particular the people and the biodiversity that they support. We are committed to working in partnership - across government, with the Territories themselves, and with non-government organisations – using funding mechanisms such as the Darwin Initiative, to ensure that these highly valuable natural resources are protected for the future.”*

Richard Benyon  
Minister for the Natural Environment and Fisheries,  
Department for Environment, Food and Rural Affairs

The unique environmental wealth of the Territories brings responsibilities for its sustainable management. Territory Governments, civil society groups, the private sector and the UK Government each has a role to play. The key long-term threat faced by the Territories is climate change. The impacts of this are already being felt, in particular in the British Antarctic Territory which is warming faster than almost anywhere else on the planet. The Intergovernmental Panel on Climate Change has identified the Territories as amongst the “most vulnerable” and “virtually certain to experience the most severe impacts” of climate change. This will mean sea level rise; changes in weather patterns, including higher intensity of extreme weather events; coral bleaching; ocean acidification; and sea temperature changes. Other immediate threats include land use change; waste management; invasive species; and threats to habitats from unsustainable development.

#### Case Study: The British Indian Ocean Territory (BIOT)

BIOT is situated in the middle of the Indian Ocean and is made up of over 50 islands (the Chagos Archipelago) in 640,000 square kilometres of ocean. The Great Chagos Bank is the world’s largest atoll. The islands, reef systems, biodiversity and waters of BIOT are among the richest on the planet, containing about half of all the reefs of this ocean which remain in good condition. Established on 1 April 2010, the Marine Protected Area – where commercial fishing is prohibited – is the largest such marine reserve in the world.



Plant Beach, BIOT: Some of the world’s cleanest waters  
Credit: Crown Copyright (FCO)

#### Taking Stock of Progress

Territory Governments are responsible for the protection and conservation of their natural environments. They are supported by UK Government Departments, who have been working together, in conjunction with Territory Governments, Non-Governmental Organisations, the private sector and other stakeholders. Much progress has been made. Supported activities include:

- > the joint FCO-DFID Overseas Territories Environment Programme (OTEP) which, since its inception, has disbursed £8m through more than 140 projects across the Territories, in areas such as climate change, renewable energy, recycling, conservation and species protection;
- > development of the Overseas Territories Biodiversity Strategy, an initiative led by the Department for Environment, Food and Rural Affairs (DEFRA), under which DEFRA, DFID, FCO and the Joint Nature Conservation Committee (JNCC) work together towards conservation and sustainable use of biodiversity in the Territories;
- > the DEFRA-led Darwin Initiative, within which £5.2m has been spent to date on Territory projects, including through a special Challenge Fund created to help the Territories work up more successful bids; and the Flagship Species Fund, part-funded by DEFRA, which has a focus on supporting projects in the Territories;
- > funding a fisheries patrol around Ascension, St Helena and Tristan da Cunha, and providing model legislation for Territories to enable them to take appropriate action against illegal, unregulated and unreported fishing;
- > assisting St Helena with institutional reform of its government environmental function, including the creation of a new Directorate of Environmental Management;
- > establishing a Millennium Seed Bank Partnership through The Royal Botanic Gardens, Kew to

ensure the future safety of rare, endemic plant species from the Territories;

- > supporting, through the provision of direct grants, enhanced environmental work in the British Indian Ocean Territory, British Antarctic Territory and South Georgia & the South Sandwich Islands, for example to support non-native species eradication, fisheries patrols and heritage conservation; and
- > ensuring the needs and concerns of the Territories are represented at international meetings, and providing advice and support in meeting the demands of international agreements. Much of this work is led by DEFRA who assist the Territories in meeting the requirements of:
  - > the Convention on International Trade in Endangered Species;
  - > the Convention on Biological Diversity; and
  - > the Convention on Migratory Species.

This work has included supporting an officer in the Falkland Islands responsible for implementing the Agreement on the Conservation of Albatrosses and Petrels, part of the Convention on Migratory Species. In addition, the Department for Energy and Climate Change (DECC) has shared with the Overseas Territories information on the development of UK negotiating positions under the UN Framework Convention on Climate Change.

#### **Case Study: Assistance to the Caribbean Overseas Territories on Climate Change**

For four years, DFID funded the Caribbean Overseas Territories' participation in a regional project entitled "Enhancing Capacity for Adaptation to Climate Change in the Caribbean Overseas Territories". This helped these Territories adapt to climate change and variability within the context of sustainable development. During the project each Territory developed public education and outreach programmes, established National Climate Change Committees, completed climate change vulnerability and capacity assessments and developed a climate change policy document. This has helped underpin action by the Territories to plan and implement measures to mitigate climate impacts.

#### **Case Study: UK Overseas Territories Online Herbarium**

The Overseas Territories Environment Programme has supported The Royal Botanic Gardens, Kew through a 2-year project to create an online herbarium cataloguing the native and introduced plant species of each Territory.

The project is contributing to the Global Strategy for Plant Conservation and will better enable Territory Governments to understand the wealth of their natural environments and ensure they are adequately protected. In particular, this 'one-stop shop' for plant information should help enable effective protection and management of native plants, including through the implementation of multilateral environmental agreements such as the Convention on Biological Diversity, and create a better understanding of their importance.

To date, over 17,000 specimens and 10,000 taxa have been collated into the database held at Kew and freely available through the website: <http://herbaria.plants.ox.ac.uk/bol/UKOT>

### Case Study: St Helena – Saving a Unique Species from Extinction

St Helena hosts a large number of species that are unique to the island. These include 43 different types of plant and 45 different types of spider alone, as well as the single remaining land bird – the wirebird. Over the years there have been a number of threats to the survival of these species and populations of many have declined. The unique Bastard Gumwood tree, for example, carries International Union for the Conservation of Nature ‘Red List’ status and was thought to be extinct in the wild. However, in 2007 a single wild tree growing on a remote cliff on St Helena was discovered. With support from the Overseas Territories Environment Programme genetic material from this specimen is being used to develop a self-sustaining population. Now, a network of National Conservation Areas is being proposed on the island which would help to restore and conserve St Helena’s unique natural heritage for the future.

This work has facilitated greater knowledge and understanding of environmental problems and helped Territories put in place measures to protect some key species and habitats. We now want to build on this towards a more strategic, co-ordinated approach to place environmental consideration at the heart of decision-making within each of the Territories.

### Shaping the Foundations of a More Sustainable Future

To facilitate this, the UK Government has funded two stakeholder-led pilot projects, in the British Virgin Islands and the Falkland Islands. The aim of these projects has been to raise awareness of the value of the environment in economic growth and development, and human wellbeing, and to identify ways to integrate or ‘mainstream’ that awareness into Territory policies, regulatory frameworks and decision-making. By taking account of the goods and services delivered by the environment, such as flood protection, prevention of coastal erosion, and mitigation of climate change impacts, Territory Governments can take more balanced decisions and help to

provide a stronger foundation for sustainable economic growth and development. This in turn can help to ensure a healthy, productive and biodiverse natural environment, whose contribution to the economy is recognised and sustainably managed.

### Case Study: Greening the Economy – Towards Sustainable Development for the British Virgin Islands (BVI)

The BVI Government, FCO, and Joint Nature Conservation Committee (JNCC) supported a two-day workshop in BVI in February 2012 as part of a wider project piloting a new approach to environmental management within the Overseas Territories.

The workshop aimed to identify a range of priority actions that need to be taken forward to help secure a sustainable future for the islands. In his remarks to the workshop, Dr The Hon Kedrick Pickering, Deputy Premier and Minister for Natural Resources and Labour made clear the importance of the issue of environmental management for the BVI: *“Unless and until the environment becomes everyone’s business, and is thought about, and seriously considered in every decision we make, we can forget about an environment that will be in any condition to maintain our economy, secure our development or continue to provide the lifestyle that we now enjoy.”*

Among issues identified by the workshop was the need for effective management of waste and water – which will be critical to the success of the tourism industry which is a major contributor to the BVI economy.

We intend to offer similar projects to other Territories where appropriate and, through these and other activities, develop a shared agenda for sustainable environmental management with each of the Territories based on the following principles:

- > the natural environment, and the goods and services it provides, whether through individual species, habitats or whole ecosystems, is appropriately valued;

- > economic activity, including tourism and fisheries, is managed in a way that is consistent with the long-term sustainable use of the natural environment, avoiding over-exploitation and ensuring a renewable contribution to economic growth;
- > unique, highly vulnerable or sensitive natural environments are identified, protected and conserved by appropriate means including through the use of management plans, underpinned by scientific research;
- > the role of the natural environment in underpinning long-term economic prosperity is understood and integrated within Overseas Territory policies and decision-making.

We will encourage Territory Governments to support the delivery of this shared agenda. We intend to continue to make available UK Government funding streams over the course of the current Spending Review period, as well as continue to offer technical advice and expertise, on environment, climate and renewable energy issues. We will continue to work together across Government to deliver co-ordinated support on natural environment issues, each Department leading in their respective areas of responsibility.



Cacti in Anguilla  
Credit: iStockphoto

For example, DEFRA will continue to provide support for endangered species and habitats,

such as through the Darwin Initiative and implementation of the UK Overseas Territories Biodiversity Strategy. DEFRA will also lead on biodiversity and climate change adaptation issues. Together with its Agencies (Royal Botanic Gardens, Kew, JNCC, the Food and Environment Research Agency and the Centre for Environment, Fisheries and Aquaculture Sciences) it will continue to provide technical and policy advice and ensure that key research in the Territories is delivered. More information about the Department's work with the Overseas Territories can be found at: [www.defra.gov.uk](http://www.defra.gov.uk)

DFID will continue to engage with Territories on wider climate, environment and natural resource issues. The Department for Energy and Climate Change will look to increase their support to the Territories in areas of climate change collaboration (including working with Territories to inform UK negotiating positions within international climate change, and other, discussions). They will also provide support on energy-related issues including renewable energy technologies. More information about the Department's work with the Overseas Territories can be found at [www.decc.gov.uk](http://www.decc.gov.uk)

In the EU, we will continue to engage with the Commission and the Territories on the renewal of the Overseas Association Decision, to try to ensure that Overseas Territory environment policy and funding needs are taken into account. We will also seek to secure funding from other sources to assist the Territories in conserving their biodiversity and ecosystem services. Internationally, we will continue to represent Territory interests in the context of multilateral environmental agreements such as the International Commission for the Conservation of Atlantic Tunas, the Convention on Biological Diversity, and the UN Framework Convention on Climate Change.



### **The Uninhabited Overseas Territories: British Antarctic Territory, South Georgia & the South Sandwich Islands and British Indian Ocean Territory**

In the uninhabited Territories the principles of environmental protection and sustainable ecosystem management are already enshrined in our activities. We will continue to support and oversee the effective stewardship of these almost-pristine natural environments.

The British Antarctic Territory is the largest of the UK's Overseas Territories, covering over 1,700,000 square kilometres, but it has no indigenous population. The Government of the British Antarctic Territory, in consultation with stakeholders, has developed an ambitious rolling five year strategy which sets out objectives and funding priorities. Environmental protection is an integral part of this strategy and is amongst its highest priorities: the Antarctic Peninsula is one of the fastest warming, and therefore most rapidly changing places on the planet. The historic leadership and scientific endeavour shown by the UK in early Antarctic exploration, including the meteorological data, rocks, fossils and marine samples collected by Captain Robert Falcon Scott's polar party, laid the early foundations of our scientific understanding of Antarctica. It has underpinned much of the environmental research subsequently conducted, including the study of climate change.

#### **Case Study: Climate Change in the British Antarctic Territory.**

Recent climate change has driven significant changes in Antarctica. This has been most apparent in the Antarctic Peninsula, part of the British Antarctic Territory, where in the last 50 years: average temperatures have risen by nearly three degrees Celsius; 25,000 km<sup>2</sup> of ice has been lost from floating ice sheets; and 87% of glaciers have retreated. These changes are already affecting wildlife. Adélie penguins, a species well adapted to sea ice conditions, are being replaced by open water species such as gentoo penguins. Melting snow and ice cover has resulted in increased colonisation by plants. And reduced sea ice cover may be contributing to a decline in Antarctic krill, a fundamental staple of the Southern Ocean food chain. The FCO is working with the British Antarctic Survey, and through the Antarctic Treaty System, to better understand these changes so that we can better plan for the impacts they may have.



British Antarctic Survey Plane  
Credit: Henry Burgess

We are helping to further the UK's historic legacy in Antarctica by:

- > developing a better understanding of the environment and implementing the best Antarctic environmental practices in our activities;
- > enhancing UK expertise on tourism management and minimising human impacts;
- > identifying rare flora and fauna and/or special areas across the British Antarctic Territory and developing protection and conservation measures;

- > proactively managing key Protected Areas in the British Antarctic Territory; and
- > identifying future environmental challenges, including climate change, and developing mitigation measures.



British Antarctic Territory  
Credit: Paul Stansfield

South Georgia & the South Sandwich Islands also has a prominent history in polar exploration, and acted as an important staging post for the expeditions of Sir Ernest Shackleton, who died and was buried on South Georgia in 1922. But it is of international importance in its own right for its rich environmental heritage. South Georgia & the South Sandwich Islands sustains major populations of seabirds and marine mammals including globally threatened species, like the iconic wandering albatross. It is also home to one of the longest and most detailed scientific datasets in the Southern Ocean, with over 30 years of population data on seabirds and marine mammals at Bird Island.

The sustainable management and environmental stewardship of South Georgia & the South Sandwich Islands is therefore the key priority. The waters around South Georgia & the South Sandwich Islands are some of the best managed in the world, and the fishery is carefully controlled to minimise adverse impacts. The latest stage of the Government of South Georgia & the South Sandwich Islands' long-term management

strategy was the recent designation of a sustainable-use marine protected area (MPA) within its maritime zone.

#### **Case Study: South Georgia & the South Sandwich Islands Marine Protected Area (MPA).**

In February 2012 the Government of South Georgia & the South Sandwich Islands declared a sustainable-use MPA covering over 1,000,000 km<sup>2</sup> of the Territory's maritime zone, including 20,000 km<sup>2</sup> of no-fishing zones. It establishes the waters around South Georgia & the South Sandwich Islands as one of the largest areas of sustainably managed ocean in the world.

The declaration of the MPA builds on existing management measures which go above and beyond those required by the Convention for the Conservation of Antarctic Marine Living Resources. As a result, the Marine Stewardship Council (MSC) has certified the island's toothfish fishery, which is rated as the third highest scoring MSC-certified fishery in the world.

The declaration of this MPA contributes to the World Summit on Sustainable Development's global commitment to establish representative networks of MPAs by 2012. The MPA will be monitored through scientific programmes and enforced through a dedicated patrol vessel.

We will continue to support the Government of South Georgia & the South Sandwich Islands' environmental stewardship of the Territory, including through tough environmental and biodiversity protection measures, effective fishery and tourism management and, where feasible, the eradication of non-native species to restore the natural habitat of South Georgia.

We will continue to represent the interests of both the British Antarctic Territory and South Georgia & the South Sandwich Islands in the Antarctic Treaty System, where we uphold the principles of ecosystem management and work with the British Antarctic Survey and other stakeholders to ensure decisions are based on robust scientific evidence.

Tourism, to both the British Antarctic Territory and South Georgia & the South Sandwich Islands, will continue to be carefully managed. The British Antarctic Territory receives the overwhelming majority of all Antarctic tourists. A key focus is to ensure visits are both safe and environmentally friendly, for example through the development of guidelines, educational materials and field guides, many of which have subsequently been adopted by the Antarctic Treaty System.

Within the British Indian Ocean Territory we are committed to similarly high standards of environmental protection. The Administration of the British Indian Ocean Territory has developed a legislative framework which underpins the protection of sites and species of particular importance, and has also designated special reserves. These include an area of Diego Garcia which has been designated as a Wetland of International Importance under the Ramsar Convention on Wetlands.



King Penguin, South Georgia  
Credit: Oscar Castillo

This work, together with the establishment of the no-take marine protected area in 2010, has contributed to the very high levels of nature conservation achieved in the Territory and highlights the UK's intention to ensure the on-going protection of this unique environment. We will work with the newly established, multi-disciplinary Science Advisory Group and other relevant stakeholders to take forward this work and deliver effective management measures.



Masked Booby, British Indian Ocean Territory  
Credit: Peter Carr

### Priorities for Action

- > manage terrestrial and marine natural resources sustainably and address challenges of climate change, including by putting environmental considerations at the heart of all decision-making.
- > oversee exemplary environmental management of the uninhabited Territories.
- > ensure compliance with the requirements of relevant multilateral environmental agreements.
- > strengthen co-operation with the Non-Governmental and scientific communities.







## 4: Making Government Work Better

### Overview

The UK Government has a responsibility for the overall good government of the Territories and takes a close interest in how Territory Governments discharge the functions devolved to them. Those Territories which choose to remain British should abide by the same basic standards of good government as in the UK.

The Territories have proud traditions of democracy and respect for human rights. Territory Governments have used their devolved responsibilities to make significant improvements to the quality of life of their people, outperforming comparable independent states. But small Territories face particular challenges. It is difficult to maintain all the skills needed to regulate modern economies and meet public expectations for specialist services. It is sometimes difficult to procure good value services. Public concerns about capacity, transparency and corruption need to be addressed.

The UK Government has a vision of making government work better. We believe in sound public finances, building economic resilience and effective regulation. We want to increase efficiency and effectiveness, ensure public funds are spent wisely, and foster a fairer, more open and mobile society. We believe in giving power to people and communities across the UK and the Territories to drive reform. This means strengthening accountability including by making the performance of public bodies and services more transparent. We will work with the people, communities and governments of the Territories to realise this vision.

## Democracy

The populated Territories have vibrant democratic traditions. Each Territory has its own legal system with its own local laws. In most Territories the legislature consists predominantly of members elected by the Territory's voters (except for the Senate in Bermuda, the members of which are all appointed). Most of the Territories have a ministerial system of government, loosely reflecting the Westminster model, with the elected member who commands support of a majority in the legislature becoming the Premier or Chief Minister. Political parties operate freely and are required to operate transparently and with appropriate controls on party finance. Territory Constitutions and laws define who can vote in elections. In some Territories recent economic success has attracted significant numbers of people and their families. In some cases these people are not able to vote. The UK Government believes that people who have made their permanent home in the Territories should be able to vote, but recognises the desire of island communities to maintain their cohesion and hence the need for a reasonable qualifying process.



Bermuda Parliament, Hamilton  
Credit: Hemera

## Election Observers

The UK Government encourages observers to monitor UK elections as an important way to promote internationally accepted standards. We encourage other confident and open democracies, including the Territories, to welcome observers. In this spirit, the UK Government supported the observer mission to monitor the elections in the British Virgin Islands in November 2011 which was organised by the Caribbean Community (CARICOM) and the Commonwealth Parliamentary Association (CPA). This mission concluded that the will of the people of the British Virgin Islands had been fairly and freely expressed in an open democratic process, and commended the Territory for transparent, orderly and peaceful elections. The mission also made a number of helpful recommendations. The British Virgin Islands can be proud of the high standards it has set.



Members of the Legislative Assembly, Falkland Islands  
Credit: Falkland Islands Government

The Territories have a free and open press that serves to inform the public and foster debate on issues of policy. In recent years there has been an explosion of colourful internet debate and political blogs.

The Territories have a wide range of official organisations that work to ensure openness and transparency and to hold public bodies to account, including auditors and complaints commissions. There are many civil society organisations that play an active role in checking that public bodies are working properly. This important work helps strengthen the people's trust in government and encourages greater public participation in decision making. The UK Government is supporting the development of these organisations.

#### Complaints Commission in the British Virgin Islands

The Complaints Commission provides an avenue to the public for redress of grievances arising from the administrative action of any government agency including any department, unit, statutory body, public board or committee. Since it was set up in 2009 the Commission has helped people who have had bad experiences and has made six special reports into specific issues.



Dr Elton Georges, BVI Complaints Commissioner  
Credit: Government Information Services; British Virgin Islands

It is important that everyone in the UK and the Territories in public life acts in accordance with the highest standards. This includes Governors, Ministers, public officials and advisers, members of national assemblies, members and officers of boards and other bodies discharging publicly funded functions.

#### The Seven Principles of Public Life

The UK Committee on Standards in Public Life has set out these principles for the benefit of all who serve the public in any way. They have been adopted by many public bodies in the UK and the Territories.

##### SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

##### OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

##### ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

##### HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

##### LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

## Human Rights

The UK and the Territories share a common agenda to promote respect for human rights and tackle discrimination. The UK Government expects the Territories to abide by the same basic standards of human rights as the UK. Over the last decade, as new Territory Constitutions have been agreed, these have included new or strengthened human rights chapters that reflect these standards, in particular the European Convention on Human Rights (ECHR) and the United Nations International Covenant on Civil and Political Rights (ICCPR). Significant progress has also been made on extending core UN human rights conventions to the Territories. The UK Government's longstanding practice in this area is to encourage the Territories to agree to the extension of UN human rights conventions that the UK has ratified, but to extend these to the Territories only when they are ready to apply them. We want to work with all the populated Territories with a view to extending outstanding UN human rights conventions to them by the end of 2013. We will support those Territories that face resource and capacity constraints.

### UN Human Rights Conventions

The following core Conventions have been extended to almost all Territories:

- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social and Cultural Rights;
- the Convention on Elimination of all forms of Racial Discrimination;
- the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; and
- the Convention on the Rights of the Child.

The Government of Anguilla is preparing for the extension of the UN covenants on civil and political rights and economic, social and cultural rights. The Government of Gibraltar is similarly considering the extension of the Convention on the Rights of the Child.

The Convention on the Elimination of all forms of Discrimination against Women has been extended to the British Virgin Islands, Falkland Islands and the Turks and Caicos Islands. Bermuda and the Cayman Islands are preparing for extension by the end of 2012. We are working with the remaining Territories to prepare for extension.



Foreign Office Minister Henry Bellingham meeting Ascension Island Councillor Kitty George in London, 22 November 2011  
Credit: Crown Copyright (FCO)

In the Territories in which fundamental rights have been incorporated directly into the Constitution, local courts can enforce those rights directly. Six territories had enforceable fundamental rights chapters before the introduction in the UK of similar arrangements through the Human Rights Act 1998. The Constitution of Bermuda, which is the oldest amongst the Territories' constitutions, has contained a fundamental rights chapter since 1968.

The UK Government is responsible in international law for ensuring that the Territories comply with international human rights conventions that have been extended to them. Territory Governments have a duty to ensure local law complies with the relevant conventions and court judgements and is non-discriminatory. We expect Territories to take action, including legislating where necessary, in any areas of disparity to reach full compliance.

Territory Governments, with support from the UK, are doing a great deal of work to look after vulnerable members of society and to tackle discrimination. A major responsibility is the safeguarding of children. This is taken very seriously and all Territories need to ensure that proper measures are put in place to protect children and to help prevent child abuse. The UK is ready to support further work, including to improve reporting to the various UN human rights treaty bodies; strengthen specialised training and organisations; and tackle all forms of discrimination.

### **Building Human Rights Capacity in the British Overseas Territories**

The UK has supported a Commonwealth Foundation project which has provided training workshops, specialist assistance and advice to help Territory Governments improve the implementation of human rights and worked with civil society to raise awareness of human rights issues. Among other things the project supported a poster and booklet campaign in the Falkland Islands; training for civil servants, police and social workers in the British Virgin Islands; a workshop in Pitcairn; proposals for a Human Rights Commission in St Helena; and the development of national action plans.

### **Safeguarding Children in the Overseas Territories (SCOT)**

The UK has also supported a project to strengthen the protection of children, young people and their families by supporting policy making, professional practice, inter-agency collaboration and regional collaboration. St Helena and Ascension introduced legislative changes to support families and protect children from abuse. Anguilla and St Helena have established systems to encourage effective inter-agency cooperation in child protection cases. The project has also overseen extensive training activities including behaviour management training for teachers in Anguilla and for front line community workers in Montserrat.



SCOT workshop in Turks and Caicos Islands  
Credit: Viv Neary, SCOT Programme



### **The Rule of Law**

The UK and the Territories share a long legal tradition and a belief that an independent and effective judicial system is a cornerstone of democratic society. The Territory judiciaries are separate and independent of the locally elected governments in order to ensure the rule of law is enforced impartially and consistently no matter who is in power. It is vital that the judiciary behave in an appropriate professional manner and maintain the highest standards of integrity and independence. One of the key challenges is attracting applicants of a suitably high standard to fill judicial vacancies.

The Ministry of Justice is working with the Territories to advise on sourcing the highest calibre of candidates and maintains close links with the Territory Governors to provide additional assistance where required. The Ministry of Justice is also exploring with the Territories the provision of additional training and support to both current and future members of the judiciary.

#### **The Judicial Committee of the Privy Council (JCPC)**

All of the Overseas Territories have the Judicial Committee of the Privy Council as their final court of appeal in both civil and criminal matters. This appellate jurisdiction in relation to the British Territories is ancient. Despite its heavy caseload, the Judicial Committee endeavours to ensure that appeals lodged with it are processed expeditiously, particularly where the case is time sensitive.

The Territories need an effective criminal justice system that delivers justice without delay, protects the civil liberties of all people, and works for the victims of crime and witnesses and also for the accused and convicted. Effective systems are needed, for example, to encourage dispute settlement, provide legal aid where this is needed, and to protect vulnerable witnesses. Sentencing policy should punish those who break the law and help reduce reoffending. It is important to have systems to help offenders get off drugs, get support with mental health problems and reintegrate them back into their communities.

The UK Government will continue to help the Territories find effective ways to deal with young offenders including through promoting the use of diversion from prosecution in appropriate cases and the use of rehabilitation. Diversion away from the criminal justice system, with support and guidance applied correctly, can help prevent the risk of young offenders becoming repeat offenders. We will work with the Territories to demonstrate that diversion and rehabilitation can help turn the lives of many young offenders around and in turn, delivers longer term savings in criminal justice systems and societies.



### **Restorative Justice**

Whilst small island communities can create challenges, they also present significant opportunities. One of the fundamental principles of good justice is that it must be seen to be done, and in small communities, visibility is more easily achieved.

Restorative justice aims to go further than simply meting out punishment, by helping to repair some of the harm done to victims and communities. It also offers the opportunity for offenders to give something back to the communities they have wronged and can help form a basis from which to begin rehabilitation.

The Ministry of Justice will continue to provide best practice and support from the UK to help the Territories develop and use restorative justice to the benefit of their communities. We will also assist in building networks to facilitate the sharing of expertise and experience.

The Territories are increasingly looking at alternatives to custody and more community and rehabilitation based sentences for offenders. For small islands with relatively small prison populations, custody is an expensive, and sometimes impractical way to deal with offenders. Non-custodial sentences can offer an alternative and can have dramatic effects on reducing reoffending rates when compared to prison for certain types of offenders.

The UK Government supports the aim of increasing the range of sentences available to the courts. Building effective probation services to support offenders in the community is a key aspect to this work. Several Territories now have probation services in place and some good results are being achieved. The Ministry of Justice supports this work and officials from the Parole Board have recently travelled to some Territories to help to train justice professionals including probation staff.

Many Territory Governments are looking for cost effective ways to rehabilitate offenders in the prison system and reduce recidivism rates as a key

to tackling crime in their communities. We will continue to work with the Territory Governments to support this move to a more rehabilitative prison system that is better equipped to deal with specialist requirements. Key to achieving this is building capacity through pooling and sharing of expertise.

### **Prisons**

The majority of Territories have only a single prison. Total numbers of prisoners are small and facilities often limited, but in some Territories the overall incarceration rate is amongst the highest in the world. This leads to crowded prisons with an average of 30% over capacity across the Territory prison system.

The small size of the prisons also means that it can be difficult, if not impossible to separate offenders with specific needs, such as minors, women or high risk offenders. Facilities to promote rehabilitation and treat offenders who require specialist treatment, such as those convicted of sexual offences, are often not available.

It is important that the Territories have adequate systems to protect witnesses giving evidence where they may be at risk of reprisal. This can be particularly important in the Territories where there is only one prison and offenders may be giving evidence against others and then find themselves imprisoned together. Effective systems are needed to separate witnesses and the accused in the long term, whether through relocating witnesses or ensuring prisoners can be kept separately or protected from reprisals.

### **Protecting vulnerable witnesses**

The protection of vulnerable witnesses in small island communities can be challenging. The Territories need systems to ensure that witnesses are not intimidated, are protected from harm or reprisal and that there are alternatives available for evidence to be proved to Courts in the appropriate circumstances. This is particularly relevant in cases where children are required to give evidence, such as in cases of abuse where it is good practice to enable a child to give video recorded evidence and evidence by live link to avoid having to go into the Courtroom.

It is important for the Territories to ensure the fast and effective resolution of disputes in the civil and family justice systems. The Territories must ensure that all citizens have equal access to the Courts and are treated equally before the law. This means that justice must be accessible, efficient and not prohibitively expensive. Whether through the effective use of legal aid, the use of mediation or alternative dispute resolution, equal access to justice and the fast and effective resolution of disputes should be the right of every citizen of the Territories.

Promoting mediation in civil and family cases also enables positive outcomes across the justice system. Through promoting alternatives to the courts, the Territories can significantly reduce costs for litigants as well as the costs to the public sector. Alternative dispute resolution is often also considerably faster. It encourages negotiated compromise resolution. It is also often a more amicable and positive way to resolve issues, particularly in family cases. In small islands communities, the amicable resolution of disputes carries even more importance. The Ministry of Justice will continue to support the Territories through the promotion of best practice and sharing of ideas.

The UK is committed to maintaining support for the justice systems in the Territories. The FCO funds regional advisers in the Caribbean and South Atlantic who provide advice and training. The Ministry of Justice provides substantial support on judicial issues and is working with the Territories to identify where expert advice can be best targeted to achieve results. The range of support currently provided includes predeployment training for Governors; training for probation and prison staff; and sourcing and recruiting experts to support justice projects. More information about the work of the Ministry of Justice with the Overseas Territories can be found at [www.justice.gov.uk](http://www.justice.gov.uk)

### Public Service

The Territories have professional public services built on the principle that public servants and other persons appointed to positions of public authority are selected and promoted on merit and through open competition. Efforts are made to attract candidates from all sections of society so that the public service reflects the population it serves. It is difficult for small public services to build up all the specialist skills demanded of modern government. The UK Government encourages Territories to work together; to carry out some functions through joint bodies; to exchange personnel; and to open up more recruitment to skilled staff from other Territories, the Crown Dependencies and the UK (jobs in the UK are already open to British citizens from the Territories).

The public services in the Territories and the UK have much to learn from sharing experience with each other. The UK Government wants to see more engagement between public bodies in the UK and the Territories. We are setting up a programme to support public servants from the Territories to get training and work experience in the UK and for specialists from the UK to work in the Territories.



Students from the Turks and Caicos Islands visit 10 Downing Street  
Credit: Crown Copyright (FCO)

## Policy Making

Public services have a vital role in providing objective and impartial policy advice to Ministers and managing the policy making process including organising public consultation and assessing the potential impact of particular policy options. The UK Government is supporting the development of policy making capacity in some Territories.

## Public Services

UK and Territory Governments share a determination to deliver a better deal for taxpayers, directing resources into priority front-line services such as schools and hospitals and reducing waste and administration. Good public procurement is an important priority. This is sometimes challenging for Territory Governments, particularly where there are few suppliers and little competition. The UK Government is ready to share expertise and good practice to help the Territories get the most out of tight budgets.

## Better Regulation

Much regulation in the UK and Gibraltar stems from EU law. The UK will ensure that Gibraltar is involved in the development of European directives at the earliest stage. We will support implementation in a way that does not disadvantage businesses relative to their EU competitors.

The Territories outside the EU face the challenge of developing their own regulation including for specialised business areas. Territory Governments work to provide regulation that promotes fair competition and protects the public without unnecessarily burdening businesses. There is an important agenda to remove or simplify regulations that unnecessarily impede growth, for example by restricting entry to certain businesses or professions.



Executive Council, Anguilla  
Credit: Governor's office; Anguilla

### Good Regulation Principles

#### PROPORTIONALITY

Regulators should intervene only when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.

#### ACCOUNTABILITY

Regulators should be able to justify decisions and be subject to public scrutiny.

#### CONSISTENCY

Government rules and standards must be joined up and implemented fairly.

#### TRANSPARENCY

Regulators should be open, and keep regulations simple and user-friendly.

#### TARGETING

Regulation should be focused on the problem and minimise side effects.

## Regulation of International Financial Services

*"Overseas Territories have developed as important financial centres in the global financial network. I welcome the significant progress Territories have made in complying with international standards on tax transparency and dealing with the threat of terrorism financing and money laundering. HM Treasury will continue to represent the interests of those Territories which meet these standards in international fora and will strongly support their right to compete freely in international markets."*

Lord Sassoon, Commercial Secretary to the Treasury, HM Treasury

The UK and Territory Governments have a shared agenda on the application of high international standards for financial regulation. The financial services industry is one of the main contributors to the economies of Bermuda, the British Virgin Islands, the Cayman Islands and Gibraltar and to a lesser extent Anguilla and the Turks and Caicos Islands. Adhering to international standards is therefore important to the long term development of these Territories.

The Territories need regulation that promotes fair competition and growth, ensures the stability of their financial systems and prevents abuse. It is important that the responsibilities of the state, business, civil society and individuals are properly balanced so that the international community can have the confidence to do business in the Territories. Territories' supervisory and enforcement regimes must be adequately resourced, well targeted and risk-based. The FCO employs a Regional Financial Services Adviser based in Bridgetown who provides advice and training on financial regulation.

The UK Government will strongly support those Territories that meet international standards. HM Treasury will work in the international arena to ensure that there is no discrimination against well-regulated offshore financial centres and that the same international standards are applicable to all jurisdictions.

All Territories have an obligation to ensure that they are not an avenue for corrupt practices and have systems in place to implement EU and UN sanctions against individuals and businesses where these sanctions have been extended to the Territories.

HM Treasury will engage with and provide support for the Territories in the following key areas: financial regulation; tax and customs; anti-money laundering; counter terrorist financing regimes; and support for economic and financial risk management. HM Treasury will continue to work with the FCO to endeavour to inform Territories in advance of key international meetings and to take into account any concerns that are brought to their attention. More information about the Treasury's work with the Overseas Territories can be found at: [www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)

#### **High Standards of Financial Regulation**

In November 2011, with support from the UK, Bermuda, the Cayman Islands and the British Virgin Islands were invited to participate in the Financial Stability Board's new Regional Consultative Group for the Americas.

All the Caribbean Territories and Bermuda are active members of the Caribbean Financial Action Task Force which oversees anti-money laundering and counter-terrorist financing standards in the Region.

The BVI Financial Services Commission, the Bermuda Monetary Authority and the Cayman Islands Monetary Authority are members of the International Organisation of Securities Commissions, the International Organisation of Insurance Supervisors and the Group of International Financial Centre Supervisors.

The Gibraltar Financial Services Commission (FSC) is a member of the International Organisation of Securities Commissions (IOSCO), the International Association of Insurance Supervisors (IAIS), Offshore Group of Insurance Supervisors (OGIS) and the Group of International Financial Centre Supervisors. The Gibraltar FSC's application to become an "Appendix A" signatory to IOSCO's Multilateral Memorandum of Understanding concerning Consultation and Co-operation and the Exchange of Information is - at time of publication - under consideration by IOSCO. The FSC intends to submit an application to become a signatory to the IAIS Multilateral Memorandum of Understanding on Co-operation and Information Exchange.

## Sound Public Finances

Territory Governments are responsible for decisions on taxation and public spending and thus for maintaining sound public finances. Sound finances are necessary to encourage private sector investment, spur economic growth and build diverse economies that are resilient to external shocks. The UK Government expects Territory Governments to manage public finances sustainably and takes a close interest in this because it is an important part of good governance.

The UK Government recognises the challenging global economic climate and is working closely with Territories to provide technical assistance on the sustainability and good governance of public finances, as well as wider economic policy where requested. There is no one size fits all policy prescription for the delivery of sound and stable public finances, but there are a number of internationally recognised standards, which when applied by Territory Governments contribute to increased economic resilience. These standards include:

- > timely and accurate measurement of economic variables to give a clear picture of the performance of a Territory economy;
- > effective measures to plan and control expenditure, including medium-term planning and budgeting;
- > systems to ensure transparency and accountability, including on procurement procedures;
- > a sound revenue base and an efficient system of revenue collection;
- > limits on government and public sector borrowing;
- > a policy of building reserves in good economic times.

The UK Government will support Territory Governments strengthen their public finances by adopting measures in line with these standards and will be proactive in working with Territory Governments to increase resilience and head off potential problems.

The UK Government and some Territory Governments have agreed Borrowing Guidelines, which provide a disciplined framework for managing public finances and a valuable commitment to sustainability. We are working to update these agreements to reflect the changing economic landscape and the particular circumstances of each Territory.

### The Cayman Islands and the Framework for Fiscal Responsibility

In November 2011 the Cayman Islands agreed a Framework for Fiscal Responsibility with the UK Government. The framework demonstrates a commitment to strengthen the management of public finances, improve medium term planning, put value for money first, limit borrowing and deliver improved accountability.



The Premier of the Cayman Islands, Hon. McKeeva Bush and the Minister for the Overseas Territories, Henry Bellingham, signing the Framework for Fiscal Responsibility, London, November 2011  
Credit: Tony Bates



### **The British Virgin Islands and the Protocols for Effective Financial Management**

In April 2012 the BVI Government signed Protocols for Effective Financial Management with the UK Government. At the same time the BVI Government undertook to strengthen its public financial management legislation and return the public finances to a sustainable footing in the medium term. The UK welcomes the commitment this represents to accountable, transparent and prudent financial management.



The Premier of the British Virgin Islands, Dr Hon Orlando Smith, the Minister for the Overseas Territories, Henry Bellingham and the Governor of the British Virgin Islands, Mr Boyd McCleary, signing the Protocols for Effective Financial Management, Tortola, April 2012  
Credit: BVI Government Information Services

### **Transparency**

Territory Governments work hard to demonstrate that public resources are being used effectively and efficiently, but our public consultation highlighted some concerns about transparency which need to be addressed. Territory Governments are working to strengthen, as necessary, systems to ensure public money is spent correctly, including publishing audited accounts for all public sector activities and strengthening independent supreme audit institutions and Public Accounts Committees. The UK will continue to support the Territories to comply with good international audit practice and with international financial control standards. The FCO, Commonwealth Secretariat and the Commonwealth Parliamentary Association UK are

working in partnership to support members of public accounts committees and staff of audit bodies in the Territories.

### **Tax Systems and Revenue Base**

Most Territories rely on two or three main business sectors and on a narrow tax base made up of specific transaction and consumption taxes (in most Territories there is no income tax or sales tax). This approach can work well during periods of economic growth as governments earn revenue from customs duty on imports and stamp duty on property transactions. However, revenue can fall significantly during an economic downturn.

A number of Territory Governments have work underway to broaden their revenue base by, for example, introducing a value added tax. There is no one approach that is right for all Territories, but it is important for economic resilience to ensure that the revenue can be collected; that the distortionary impact of revenue measures on the economy is limited; and that the revenue base is sufficiently broad to reduce the size of swings in revenue to government during the economic cycle.

The UK Government respects the right of Territory Governments to compete on tax. The fiscal autonomy of the Territories means that relations between Territories and the UK in tax matters are in many ways similar to those between any other competitive tax systems.

The UK Government and Territory Governments have common interests in complying with international standards of tax co-operation. This is an important part of the good governance of the Territories and their international reputation rests considerably on their compliance with such standards. HM Treasury and HM Revenue and Customs welcome the significant progress the Territories have made in recent years.

### **Meeting International Standards of Tax Co-operation**

All Territories with a financial services industry have met the internationally agreed minimum standard of 12 Tax Information Exchange Agreements. Some Territories have gone considerably further than this and are continuing to negotiate and conclude additional Agreements.

Seven Territories are members of the Global Forum on Transparency and Exchange of Information for Tax Purposes and represent themselves in its discussions.

The Peer Reviews undertaken by the Global Forum show considerable progress made by the Territories with all those reviewed having successfully moved to Phase II of the process.

Bribery must have no place in British business, at home or abroad. The UK Bribery Act 2010 provides a robust legal framework to combat bribery in the UK and internationally. It applies to British citizens including in the Territories. The UK is also committed to implementing international standards, such as the UN Convention Against Corruption and the OECD Anti-Bribery Convention. The UK expects the Territories to adhere to relevant standards and to put the necessary legislation in place so that these Conventions can be extended to them.

In July 2009 a Commission of Inquiry led by Sir Robin Auld identified a high probability of systemic corruption in government and the legislature and among public officers in the Turks and Caicos Islands. This led to the suspension of Ministerial government and the Legislative Assembly and a programme of systemic reform. In June 2012 the UK Government announced that significant progress had been made on eight milestones set for a return to democratic government and on putting in place robust financial controls and that elections would be set for November 2012. We expect the Turks and Caicos Islands government to continue to implement and consolidate these reforms. We are determined that the evidence of corruption and maladministration revealed in the Turks and Caicos Islands is never repeated, there or in any other Territory. The UK Government will take firm and resolute action wherever there is evidence of corruption or maladministration in a Territory.

### **Borrowing**

It is important for Territory Governments to keep borrowing under control. The need to exercise discipline on borrowing is particularly important to ensure the economic resilience of the Territories because of the structure of their economies and the limited macroeconomic tools available to Territory Governments. (Territory Governments do not, for example, set their own interest rate policy and, even where currency depreciation is technically feasible, it would be of little or no value given the nature of the Territories' economies).

### **Financial Reserves**

Building financial reserves during good economic times is a particularly important contributor to economic resilience. A healthy level of reserves helps Territory Governments maintain public services and capital expenditure throughout the economic cycle and creates room for counter-cycle fiscal policies.

### **Tackling Corruption**

The UK is committed to taking strong action to combat corruption and expects the Territories to do so too.

### **Priorities for Action**

- > monitor and report progress on good governance, public financial management and economic planning.
- > continue to develop democratic institutions that serve and take account of the interests of all the people in the Territories.
- > take necessary action to safeguard fundamental rights and freedoms and tackle discrimination.
- > ensure effective justice systems.
- > strengthen public service, including through increased secondments between the UK and the Territories.
- > manage public finances sustainably.
- > strengthen assurance that public spending delivers overall value for money.
- > take action wherever there is evidence of corruption or maladministration, and work to bring in anti-bribery legislation and to sign up to the relevant international Conventions.







## 5: Vibrant and Flourishing Communities

### Overview

The UK Government cherishes and celebrates the rich diversity of community life in the Territories and works with Territory Governments to build vibrant and flourishing communities. Community cohesion is particularly important in small and remote island communities.

Each Territory has a vision for its own development, its own priorities and makes its own choices about the role of government in building communities through decisions on the education of children and the care of older people, the sick and disadvantaged.

This chapter focuses on engagement between the UK and the Territories in the areas of education, health, work and pensions, local government and culture, media and sport. The UK Government provides substantial support for education and health services in those Territories supported by the UK international development programme – currently Pitcairn, St Helena and Montserrat. The UK Government also provides technical advice and support to the Territories individually and on a cross-cutting basis. UK Departments and their agencies and professional bodies provide technical advice in their areas of expertise, helping Territories improve services and meet international standards.

## Education

The UK Government and the Overseas Territories share a vision of building well-educated societies in which opportunity is more equal for children and young people no matter what their background or family circumstances. This means raising standards of educational achievement and closing the achievement gap between rich and poor. Respondents to the UK Government's public consultation on the Overseas Territories strategy in 2011 identified education as one of the main areas where the UK could provide further assistance to the Territories.

All the populated Territories have systems that provide free public education at primary and secondary levels. Education is a priority for the UK development programmes managed by the Department for International Development (DFID) in Pitcairn, St Helena and Montserrat.

### Education in Pitcairn

In Pitcairn, the 10 children of school age are taught in Pulo School. The school follows the New Zealand curriculum and the teacher is also recruited from New Zealand. The school delivers both primary and secondary education. Two students are currently being funded to complete their senior secondary education in New Zealand.

DFID is supporting improvement in the quality of teaching and learning including through teacher training and the development of partnerships between the Territories and the UK. St Helena has a partnership with Shropshire which involves school linking and professional development for teachers, while Montserrat had a partnership with the Isle of Wight. Distance education plays an important role in providing access to learning opportunities in isolated communities. DFID funds have enabled broadband internet access for schools and adult education in St Helena in order to assist in building the skills necessary for development.

### Rebuilding the Education System in Montserrat

The destruction and depopulation caused by the eruption of the Soufriere Hills volcano in 1995, and the resulting move to the north of the remaining population, severely affected the education sector in Montserrat. Since the eruption DFID has helped Montserrat re-establish its education system. The island now has two government primary schools and two private fee paying schools (both run by churches), one secondary school, a community college, and an extra mural campus of the University of the West Indies, offering direct and distance learning courses. In total, Montserrat caters for about 480 primary school students and about 350 secondary school students. Sixth form work, nurses training and trades classes are held at the community college.

The UK Department for Education is responsible for primary and secondary education in England. The Department for Education provides support to the Territories in specialist areas.

*"Education underpins the foundation of any society and is an important issue for the Territories. My Department has a lot of experience and expertise that it is happy to share with the Territories. We understand the importance of the Overseas Territories to Britain and equally understand the role education can play in bringing about economic wealth and social prosperity and maintaining political stability in the Territories."*

Sarah Teather MP, Minister of State for Children and Families, Department for Education

The Department for Education helps support improvement in education systems and children with special needs.

The Department's Central Information Officers Group, which initiates and maintains the departmental ICT infrastructure, including contract management and electronic documentation and records, is providing advice to the Government of Bermuda.

The Department is working with the Director of Education on St Helena on the potential use of synthetic phonics in teaching St Helena children reading.

The UK is a world leader in provision for Special Education Needs. The Department is supporting the British Virgin Islands with the development of improved services for children with special needs, focusing in particular on helping children with autism.

More information about the Department for Education's work with the Overseas Territories can be found at <https://www.education.gov.uk/publications>

Several populated Territories have established colleges that provide tertiary education, which is a local responsibility in all Territories. Bermuda provides a good example. Although it has the Bermuda College (equivalent of day-school US junior college), it has no university so the Government of Bermuda encourages those wishing to attend universities in the UK, the US and Canada and in many cases grants scholarships to them. Bermuda is now seeing the long term benefits of these policies with the 2010 Census there revealing that 29% of the population had received a university education.



Children's tennis group, Anguilla Tennis Academy  
Credit: Government of Anguilla

The Department for Business, Innovation and Skills is responsible for tertiary education in England. Students from the Territories are encouraged to study in the UK and only pay the same fees as UK students at English Universities rather than the higher rate for overseas students. Territory students are entitled to full student support on the same basis as UK students if they have lived in the UK for the three years prior to the course. In 2010/11 there were 1,295 students from the Territories studying in the UK at under-graduate level and a further 305 at postgraduate level.



Montserratian Chevening scholar Michael Skerrit visits the Foreign Office, London  
Credit: Tony Bates

The FCO runs the Chevening scholarship programme to provide outstanding graduates and young professionals from across the world with the opportunity to study at UK universities. Since 1984 some 93 scholarships have been awarded to students from the Territories. In 2010/2011 two scholarships were awarded to students from Anguilla and Montserrat. There are many examples of successful scholars returning to the Territories to excel in their chosen careers in government, private business, or civil organisations.

## Health

The Territories have their own health care systems that are separate from the UK National Health Service (NHS). There is a wide range of healthcare systems in the Territories reflecting their diverse situations and traditions. There are examples of health care funded through tax revenue, social insurance and private insurance. Most Territories have a mix of public and private health care providers. Health care services in the smallest and most remote Territories are very limited and seriously ill patients sometimes have to make long and difficult journeys overseas for treatment. Even in the most populous Territories some specialist services are provided by visiting specialists or by sending patients to specialist units overseas.

Territory communities are continuing to develop their healthcare systems. These need to remain true to their values but develop so they are fit for the future and ensure the available resources deliver the best possible outcomes.

### Reform of Healthcare in the Turks and Caicos Islands

The opening of the Blue Hills Primary Healthcare Clinic on 10 February 2012 was evidence of a shift in healthcare investment from hospitals to primary healthcare facilities that provide residents with preventative, holistic and patient-centred care. Initial services included Antenatal, Child Health and Family Practice Clinics and various healthy lifestyle and health promotion programmes. In welcoming this development, Permanent Secretary in the Ministry of Health Judith Campbell said:

*“The Ministry plans to place increased focus on this area moving forward. We believe community clinics should be a first stop for persons seeking health care. This way we can focus on prevention and early treatment and reduce future expenditure on secondary health care. The community clinics will allow the major hospitals on Grand Turk and Providenciales to better fulfil their purpose of providing secondary health care.”*



Governor Ric Todd tries the Primary Healthcare facilities at Blue Hills Clinic for himself. His blood pressure is being taken by Nurse Douglas.

The UK Department of Health provides assistance to the Territories as part of its objectives to improve global health and to ensure the UK's international health obligations are met. The Department represents the Territories at regional and international meetings, including those of the World Health Organisation, and works with DFID and other partners to help the Overseas Territories to:

- > manage their health sectors sustainably;
- > influence and maximise the impact of regional health organisations and initiatives;
- > be better prepared for, and able to manage, emergencies; and
- > fulfil international responsibilities to which the UK has committed, such as International Health Regulations.

*“Access to good quality healthcare is a key element in sustaining a vibrant and flourishing community. In 2010 the Department of Health produced a report outlining support to the Overseas Territories, which stimulated thinking about how we could best work together to address health challenges and improve healthcare provision. We remain committed to maximising the effectiveness of support provided by the Department, as well by other government departments and regional bodies.”*

Anne Milton  
Parliamentary Under-Secretary of State  
for Public Health, Department of Health

The UK Government assists the Territories by providing a number of referrals, per year, for NHS treatment. Typically, this is high level elective treatment that is not available in the Territories. In addition, the UK has bilateral agreements with some Territories that allow for the provision of free emergency treatment to be given to temporary visitors from the UK to those Territories and vice versa.

#### **Support for Mental Health Services**

The Department of Health is working with Health Action Partnerships International (HAPI) to help the Territories provide proper support for people with mental health problems. Some Territories have limited capacity to provide appropriate treatment. A project is being developed with the Royal College of Psychiatrists for a partnership to provide longer term peer support, exchange and training for the different professionals.

The UK and Territory Governments work together to implement the internationally agreed standards (the International Health Regulations) for detection, assessment and response to public health threats that have the potential to cross borders and threaten people worldwide. These Regulations provide the framework for reducing risks from diseases with potentially serious epidemic potential such as Influenza, Polio, Cholera and Yellow Fever. The Department of Health is working with DFID and the Health Protection Agency (HPA) to assist the Territories to reach the necessary standard of compliance. More information about the Department of Health’s work with the Overseas Territories can be found at [www.dh.gov.uk](http://www.dh.gov.uk)

#### **Pandemic Flu**

Pandemic influenza presents potential challenges for the Territories, just as it does for the rest of the world. Some of the Overseas Territories confirmed cases of H1N1 in the 2009 pandemic. The Department of Health made available both antiviral medicines and pandemic vaccines to the Territories during the pandemic at cost price, and there are arrangements in place to ensure supplies are available in any future such emergency.

DFID’s budgetary aid and development assistance to St Helena, Montserrat and Pitcairn includes support to the health and social welfare sectors aimed at introducing and facilitating reforms and improving the quality of service provision. Pitcairn, St Helena and Tristan da Cunha receive financial aid to help them recruit essential staff resources in the health sector.

DFID has supported the Territories on a cross-cutting basis to develop their capacity to deal with specific public health challenges. A recent DFID project helped the Territories develop the capacity to deal with sexual and reproductive health issues and HIV, focusing on building the



necessary skills in the Territories and linking them with regional and international resources.

### Work and Pensions

Territory Governments face many and varied challenges in helping people find work that enables them to support themselves and their families and in ensuring that the most vulnerable in society are protected. Territory Governments are responsible for creating welfare systems that tackle poverty and incentivise work. Some of the Territories face challenges of an ageing society and providing for people in retirement. All Territories are working to provide opportunity, choice and independence to enable disabled people to take an equal role in society. Employment issues were identified as priorities by a fair number of respondents from the Territories to the public consultation in 2011.

#### Employment Challenges in Tristan da Cunha and Pitcairn

In most countries Governments spend time, money and effort trying to provide employment for their people. But in the South Atlantic Territories the reverse is true. The islands have near full employment and in the smaller, more remote islands, many people, of necessity, have multiple roles. An example is the Tristan da Cunha Chief Islander who has to juggle his responsibilities within the Island Council with jobs operating heavy machinery in the Public Works Department and acting as Fisheries Observer for the Fisheries Department.

The size of the population on these islands means that there are not enough people to do all the essential tasks and so it is essential that the community works together to ensure that things are done. In Tristan (population less than 300), the lobster fishery is vital and civil servants take leave of their day jobs on good fishing days to ensure a good catch for the island. On Pitcairn (population less than 60) most people have a number of Government jobs which they have to balance with the need to trade with passing ships; and by internet sales; and to make products for sale.

The UK Department for Work and Pensions supports the Territories on a number of policy issues. The Department supports the Territories adopt international standards, including advising Territories on the legislation they need to comply with International Labour Organisation (ILO) Conventions.

*“We recognise the difficulties that small territories face in dealing with issues such as employment and health and safety. We will continue to provide advice and support where needed.”*

Chris Grayling  
Minister for Employment  
Department for Work and Pensions

The Department is responsible for paying UK state pensions to eligible citizens in the Overseas Territories. Improvements to the payment system have recently been announced so that these will be made into a bank account in the local currency wherever possible.

The International Pension Centre (a part of DWP) is able to provide support and help for those people who are planning or already have their pension paid to them overseas (their contact details can be found under “Britons living abroad” at: [www.Direct.gov.uk](http://www.Direct.gov.uk)).

The UK Government pays an annual increase to some overseas pensioners depending on where they permanently reside. Territory Governments have asked that the UK Government consider extending such pension arrangements to all the Overseas Territories.

More information about the Department for Work and Pensions’ work with the Overseas Territories can be found at [www.dwp.gov.uk](http://www.dwp.gov.uk)



### Offshore Oil Exploration Safety

The Health and Safety Executive is providing support to the Falkland Islands Government to develop health and safety legislation for its offshore oil and gas activities. The support includes: policy advice; offshore safety case assessment; investigations; and inspections of the installations involved. The support is paid for by the Falkland Islands Government.



Falklands Islands oil exploration  
Credit: Falklands Islands Government

### Local Community and Government issues

*“For our Overseas Territories, we at the Department for Communities and Local Government can offer a vital and valuable resource of knowledge and skills, which cover important, wide-ranging issues. Whether advising on improving fire safety, ensuring the delivery of good quality homes that neighbourhoods need or implementing an effective planning system, this Department has a long history of providing support and expertise to the Overseas Territories and I am determined to see this important link continue for years to come.”*

Grant Shapps, Housing and Local Government Minister, Department of Communities and Local Government

On 16 March 2011 the bulk carrier MS Oliva ran aground on Nightingale Island, Tristan da Cunha. Although no lives were lost, the vessel quickly broke up, releasing heavy fuel oil and its soya bean cargo. Nightingale is the home of internationally protected bird species, nearby Inaccessible Island is a World Heritage Site and both form part of the lobster fishing grounds on which the Territory depends. Faced with potential economic and ecological disaster the islanders showed exceptional resilience and cohesion as they worked together with professional teams in dealing with the aftermath. Tristan islanders were involved in rescuing and sheltering the ship’s crew and threw themselves into salvage efforts, the environmental clean-up operation and attempts to rehabilitate nearly 4000 oiled penguins rescued from the scene.



Wreck of MS Oliva, Nightingale Island, Tristan da Cunha  
Credit: Tristan da Cunha News



Cleaning oil off penguins after the spillage from the MS Oliva, Tristan da Cunha  
Credit: Tristan da Cunha News

Territory Governments need to respond to people's housing aspirations and the desire of communities to shape the places in which they live. Territory Governments are responsible for running effective planning systems that balance different interests, are transparent and support sustainable and eco-friendly economic growth and development.

The Department for Communities and Local Government provides advice and guidance to Territory Governments in areas where it has expertise – in particular planning, housing, and fire safety and rescue services. More information about the Department's work with the Overseas Territories can be found at [www.communities.gov.uk](http://www.communities.gov.uk)

The Local Government Association supports, promotes and improves local government in the UK and is building partnerships with Territories to help them harness knowledge and expertise of UK local government. The Local Government Association has organised leadership and human resources management training for the Falkland Islands Government and advised the Turks and Caicos Islands Government on setting up an Integrity Commission to help restore public confidence in those in public service. The work of the Local Government Association is especially valuable because many of the practical challenges facing Territory Governments are issues which in the UK are dealt with by local government. The Local Government Association also helps build long term partnerships between Territories and local government in the UK. More information about the Local Government Association's work with the Overseas Territories can be found at [www.communities.gov.uk/localgovernmentassociation/](http://www.communities.gov.uk/localgovernmentassociation/)

### **British Virgin Islands and Hertfordshire Build a Partnership**

At the Overseas Territories Consultative Council in November 2011 the Premier of the British Virgin Islands and the Deputy Leader of Hertfordshire County Council signed a Memorandum of Understanding to foster engagement and share best practice, skills and business contacts between the public service and private sectors in Hertfordshire and the British Virgin Islands.

In January 2012, the BVI Education Minister met Hertfordshire County Council education officials to discuss the development of policies and training to enhance the education system in the Territory, particularly in the areas of special needs education, technical and vocational education and training, strategic education planning, school governance and educational leadership.



Premier of the British Virgin Islands, Dr Hon Orlando Smith and the Deputy Leader of Hertfordshire County Council signing a Memorandum of Understanding on mutual co-operation, London, November 2011  
Credit: Tony Bates

### **Culture, Media and Sport**

Her Majesty The Queen's Diamond Jubilee and the London Olympics make 2012 a unique year in which to celebrate the links between the UK and the Territories. The elected leaders of the Territories have been invited to attend the celebrations in the UK over the Diamond Jubilee weekend. Many Territories will be lighting Beacons that weekend to mark the Jubilee. Citizens of the Overseas Territories will also be eligible for the Diamond Jubilee medal in line with the agreed eligibility criteria.

The UK Government recognises the diverse cultures of the Territories that span the globe and the special nature of their links with the UK. Every Territory is proud of its local culture and passionate about its sporting achievements. Territory Governments work to enable everyone to enjoy these and to create the conditions which encourage the growth of creative, communications, cultural, tourism and leisure businesses.



Masked dancers performing on St Patrick's Day, Montserrat, 2011  
Credit: Tony Bates

The Department for Culture, Media and Sport (DCMS) supports the Territories by sponsoring museums that provide access to material from the Territories; representing their interests internationally; and providing advice on issues relating to electronic communications, gambling, and sport.

*"I firmly believe that it is vital for our Overseas Territories to be vibrant and flourishing communities, proudly retaining aspects of their British identity and generating wider opportunities for their people. My Department currently works in a number of ways to support the people of our Overseas Territories, including in the fields of communications, culture, and sport, and we will work to build on those links in the future."*

John Penrose  
Minister for Tourism and Heritage  
Department for Culture, Media and Sport

More information about the Department's work with the Overseas Territories can be found at [www.culture.gov.uk](http://www.culture.gov.uk)

### **Museums**

The Department for Culture, Media and Sport sponsors a range of national museums, which provide free access to a wealth of inspiring objects representing heritage from Britain and from around the world. Many of our museums hold material from the Overseas Territories.

### The Overseas Territories in British Museums

The **National Maritime Museum** holds charts, manuscripts, photographs, paintings, coins and maps from a large number of the Territories. They include whaling station furniture from South Georgia & the South Sandwich Islands, material relating to the Bounty mutiny and Pitcairn Island and material from the time when Napoleon was on St Helena.

The **Natural History Museum** holds collections from nearly all the Overseas Territories, including corals and molluscs from British Indian Ocean Territory, Neanderthal fossils from Forbes' Quarry and Devil's Tower in Gibraltar and significant entomological collections from Anguilla and the Cayman Islands. Its library holds very significant collections of drawings, paintings, engravings and manuscripts from or relating to the Territories.

The **Imperial War Museum** has exhibitions and learning programmes about the Falklands War. Their film collection includes scenes from Anguilla after the British landing in March 1969, footage of HMS Southampton in Montserrat after the volcanic eruption in August 1995 and aerial views of the British Antarctic Territory. Their sound archive includes material from Montserrat and the Sovereign Base Areas on Cyprus. They have books, photographs and other material from Bermuda, the Cayman Islands, the Falkland Islands, Gibraltar, British Indian Ocean Territory and the British Virgin Islands.

The **British Library** has remarkable images – engravings, maps, stamps and views – relating to the Overseas Territories which can be seen in their Online Gallery. It has printed books, manuscripts, newspapers and maps from a range of different Territories. Its sound recordings include wildlife recordings from eight Territories, unique recordings of traditional music from Pitcairn Island and interviews from an oral history project in 2006 with islanders from Tristan da Cunha. The British Library holds 168 volumes of records relating to St Helena between 1676 and 1836, when the island was administered by the East India Company. It also holds philatelic material for all of the Territories except Anguilla and the Sovereign Base Areas on Cyprus.

### National Gallery of the Cayman Islands

Established in 1996, the National Gallery of the Cayman Islands is a vibrant arts organisation that promotes and encourages the appreciation and practice of the visual arts in the Cayman Islands through exhibitions, artist residencies, education/outreach programmes and research projects. Their programmes aim to capture every age group in the community from the youngest pre-schoolers to senior citizens.

After a series of temporary sites the National Gallery moved into its permanent home in January 2012. This new centre, the capital cost of which was funded almost entirely by the private sector, permits the National Gallery to consolidate its programmes under one roof for the very first time.

This centre is a state-of-the-art civic resource, providing a home for schoolchildren, teachers, researchers, artists, archivists, seniors and students of all ages and space for artists to exhibit the very best of Cayman's cultural production.



Opening of the Cayman Islands National Art Gallery  
Credit: David Wolfe Photography



## World Heritage

The Department for Culture, Media and Sport is responsible for the UK's compliance with the UNESCO World Heritage Convention, which the UK ratified in 1984. The UK currently has 25 World Heritage Sites: an additional three are in Overseas Territories: the Town of St George and related fortifications in Bermuda; Gough and Inaccessible Islands (Tristan da Cunha); and Henderson Island (Pitcairn).

Every six years, the signatories to the Convention are invited to submit a report to UNESCO covering the state of conservation of the World Heritage properties located on its territories. The Department submits these on behalf of world heritage sites in the Overseas Territories and represents them at meetings of the World Heritage Committee.

The Department is also responsible for nominating sites for world heritage status. Governments put forward new sites from a Tentative List of Future Nominations. Each Tentative List is expected to last for approximately ten years. Following a public consultation and review process, the Department announced the new UK Tentative List in March 2011. There were eleven sites on the list, three of them in Overseas Territories:

- > **Gorham's Cave Complex, Gibraltar** – This complex is of international importance because of the long sequence of occupation and the evidence for the end of Neanderthal humans, and the arrival of modern humans.
- > **The Island of St. Helena** – This site has a high number of endemic species and genera and a range of habitats, from cloud forest to desert, representing a biome of great age which exists nowhere else on earth.
- > **Turks and Caicos Islands** – The islands have a high number of endemic species and others of international importance, partially dependent on the conditions created by the oldest established salt-pan development in the Caribbean.

The Expert Panel that reviewed the List also suggested that the Fountain Cavern in Anguilla could be considered for the UK Tentative List in the future as part of a possible transnational nomination.



Giant tortoise on St Helena  
Credit: Chrystelee Todd

## The UK National Lottery

The UK National Lottery is the most cost efficient in Europe and has so far raised £27 billion for Good Causes. Some 28% of Lottery revenue is distributed to Good Causes through a number of distributing bodies which support sport, the arts, heritage and communities. The Lottery cannot currently be played in the Territories. However, distributing bodies, which make their funding decisions independently of Government, can make grants to support good causes in the Territories to organisations based in the UK and working in the Territories, where applications meet the relevant criteria and the distributors have the legal vires to do so.

## Sport

DCMS provide support to the Territories to combat drug use in sport. In line with commitments under the UNESCO Anti-Doping Convention the UK has set up an organisation to provide education and testing and is taking measures to restrict the availability of banned substances and withhold funding from non-compliant sports and athletes. Territory Governments are responsible for setting up and implementing their own programmes. UK Anti-Doping, an arm's length body of DCMS, is responsible for the implementation and management of UK anti-doping policy and works to support the Territories to comply with these requirements. The UK successfully applied on behalf of the Cayman Islands for US\$4,000 from the UNESCO Fund for the Elimination of Doping in Sport to fund an anti-doping awareness workshop.

## Priorities for Action

- > continue to provide development assistance to Territories in need.
- > improve education systems and encourage and enable students to study in the UK.
- > build sustainable healthcare systems and prepare for health emergencies in line with international obligations.
- > encourage employment and ensure the most vulnerable members of society are protected.
- > build partnerships between the Territories and UK local government.
- > celebrate and cherish the cultural heritage of the Territories and support participation in international sporting events.

### The Overseas Territories and the Olympics

In 1996 the International Olympic Committee (IOC) amended its Olympic Charter to define 'country' to mean 'an independent state recognised by the international community', as the basis for determining applications for National Olympic Committees (NOC). Bermuda, the Cayman Islands and the British Virgin Islands had all been recognised by the IOC before this date and are therefore the only three Territories that have their own Olympic teams. All three will be sending teams to the London 2012 Olympics.

Any individual from Territories not recognised by the IOC, who holds a valid British passport, is eligible to compete for the Great Britain Olympic Team (Team GB) provided that: a) they are affiliated to the relevant British National Governing Body of sport (NGB) which is a member of the BOA; and in turn is affiliated to the appropriate International Federation of that sport; and b) they meet the Olympic qualifying standards for their chosen sport.

Shara Proctor of Anguilla, a 23-year-old long jumper, made her debut at the European Team Championships in June 2011 representing Great Britain, where she took third place with a jump of 6.6m. In March 2012 she broke the British indoor record with a long jump of 6.89 metres.







## 6: Productive Links with the Wider World

### Overview

Realising our vision for the Overseas Territories in an increasingly interconnected world requires active engagement with other states and international organisations. The UK Government is responsible for the external relations of the Territories but we encourage Territory Governments to play an active role in building productive links with the wider world. A number of responses to the public consultation suggested that the UK and Territory Governments could do more to work together to harness international support for the Territories.

The Territories have a special relationship with the EU because of the UK's membership. Many of the Territories have privileged access to the EU market which creates opportunities for trade, investment and the development of beneficial business links. The EU provides substantial financial and practical support to some Territories through a range of assistance programmes.

The Territories are part of the Commonwealth through their connection to the UK. The UK Government wants to strengthen the links between the Commonwealth and the Territories. The Commonwealth family includes many small island nations and provides a wealth of opportunities to exchange experience and build practical co-operation on issues of common interest.

The UK Government encourages the Territories to engage directly with regional groups as appropriate, including the Caribbean Community (CARICOM), and the Pacific Community.

Where the UK Government is leading internationally on issues of concern to the Territories we will make every effort to ensure the Territories are consulted and their interests defended. Where it is appropriate we will continue to include representatives of Territory Governments as part of UK delegations.

We will similarly encourage as appropriate the Territories to engage directly with other international bodies including the UN. We will continue to support the Territories to represent their own interests in the financial services and tax arena, including in the Global Forum and the Caribbean Financial Action Task Force and in other international fora.

The UK Government expects the Territories to use attendance at international fora productively, use international assistance effectively and live up to their international commitments.

## European Union



When the UK joined the European Union in 1973 special arrangements were made for the UK's non-European Overseas Territories in line with those already in place for French and Dutch Territories. This special relationship with those Territories is aimed at promoting their economic and social development and helping them establish closer economic relations with the EU as a whole. As a result of this association those Territories have been able to benefit from preferential trade arrangements and direct financial assistance.

### The Overseas Association Decision (OAD)

Part 4 of the Treaty on the Functioning of the EU and an EU Decision govern the relationship between the Territories and the EU. The current Decision is due to expire at the end of 2013. We will work with the Commission and the Overseas Territories to build on the benefits of the current Decision further to improve the quality and standard of living in the Territories. The new Decision should ensure that adequate funding and trade provisions remain and include an acknowledgement of the unique environment found in the Territories. Gibraltar and the Sovereign Base Areas are excluded from this arrangement because they are located within Europe, and their relationship with the EU is dealt with separately. Bermuda is not included in the current Decision by choice, but is considering whether they want to be included in revised arrangements.

Under the OAD, Territories benefit from quota free and duty free access to European markets as well as preferential Rules of Origin. We want EU policy to foster greater trade and economic co-operation both amongst the Territories subject to the OAD, and with neighbouring countries. Although EU law does not in general apply in the non-European Territories it can sometimes impact on their economies. We will give those Territories as much notification as possible of proposed EU legislation which might have an effect on them. Public servants at the UK Representation in Brussels and across Whitehall look out for policies that might impact on them.



Falklands trawler John Cheek unloading frozen fish at Stanley, Falkland Islands  
Credit: Falklands Islands Government

### EU helps the Falkland Islands' Fishing Industry

Preferential access to the EU market via Rules of Origin (RoO) laws, with derogations where required, has allowed the main export industry of fisheries to expand considerably over recent years in the Falkland Islands. This approximately US\$150m annual industry faces a remote and challenging environment with few economies of scale and considerable logistical difficulties. Without preferential access to the European market this industry would not be economically viable within the Falkland Islands.

### Gibraltar and the European Union

Although Gibraltar does not form part of the UK it is within the European Union as part of the UK's membership by virtue of Article 355(3) of the Treaty on the Functioning of the European Union.

Under the terms of UK membership of the EU, certain parts of the Treaty do not apply to Gibraltar. As a result, Gibraltar has exemptions from four main areas of EU policy: the Common Customs Territory and Common Commercial Policy (thus although EU rules on free movement of services apply to Gibraltar, rules on the free movement of goods do not); the Common Agricultural Policy; the Common Fisheries Policy; and the requirement to levy VAT. Gibraltarians are British Nationals for EU purposes and have rights of free movement within the EU.

While the UK Government is ultimately responsible under the Treaty for the implementation of EU law in Gibraltar, EU measures are implemented within the Territory by means of local legislation enacted by the Gibraltar Parliament or by subsidiary legislation.

Following a ruling by the European Court of Human Rights in 1999, the franchise for European Parliament elections was extended to Gibraltar by means of the European Parliament Representation Act 2003 and accompanying regulations. These measures provided for the creation of a new electoral region combining Gibraltar with the existing South West England constituency. The Gibraltar electorate voted for the first time in European Parliament elections in 2004. This did not change the constitutional relationship between the UK and Gibraltar.

The EU is a significant donor to the Territories. In the period 2008 – 2013 approximately €60 million is being allocated to programmes for the Territories from the European Development Fund (EDF). The richer Territories do not receive direct funding but benefit from regional programmes, such as support for small and medium sized enterprises in the Caribbean. Some of the Territories have struggled to access EU funding in a timely way. We want the Commission to continue to provide funding for the Territories that need assistance and to simplify procedures, reduce bureaucracy and speed up decision making, to enable the Territories to have easier access to these funds.

Participation in other EU programmes also increases the visibility of the Overseas Territories in Europe. Territories are eligible under the current Overseas Association Decision for funding from EU education and research programmes such as Leonardo da Vinci and Erasmus. We want these funding programmes to remain open to the Territories and for them to be eligible for other EU funding streams.

### EU Money Helps Improve Access to St Helena, Ascension and Tristan da Cunha

Jamestown, the capital of St Helena, lies in a narrow valley and its wharf was subject to frequent rock-falls from unstable cliffs. EU funding has enabled cliffs to be stabilised and the wharf widened. The wharf, which provides the only access to the island, is now a safer place and can stay open in rough weather. EU funding also enabled the construction of a new passenger terminal building which provides a much more comfortable arrival for visitors wishing to sample the fascinating history and beautiful landscape of the island.



View of Jamestown, St Helena, from the sea  
Credit: Mark Lavaud

The harbour on Tristan da Cunha was in imminent danger of collapse. EU funding enabled emergency repair upgrading, thus keeping the world's most isolated inhabited island open for business. The EU has also funded vital improvements to the sea port and Wideawake airfield on Ascension.

The London based representatives from the British Territories play an important role in promoting Territory interests in Europe. We welcome and support this work. We also welcome a recent Territory initiative to support the establishment of a bureau to promote the interests of all the European Overseas Territories in Brussels and provide a central focal point for researching funding opportunities.

## Commonwealth



The modern Commonwealth brings together all continents, almost two billion people, and all the world's major faiths. Its membership is based on common history, culture and values and includes many of the fastest growing economies in the world. It fosters business, civil society and parliamentary links.

The Territories are part of the Commonwealth through their connection to the UK. The Commonwealth family includes many small island nations and provides a wealth of opportunities to exchange experience and build practical co-operation on issues of common interest, such as governance, climate change and economic diversification. There are already a number of areas where the Commonwealth is working with the Territories.

The Territories have their own branches of the Commonwealth Parliamentary Association (CPA) and participate in the CPA's annual conference, as well as in the programmes and seminars they run. An important strand of CPA work is to support links between smaller states and the Territories. The Territories also have their own Commonwealth Games Associations, which means that they can send teams to the Commonwealth Games and participate, as observers, in the Commonwealth Sports' Ministers meetings that take place in the margins of the Games. Representatives of the Territories' civil society and business communities are invited to participate in the Commonwealth Youth, Business and People's Forums, which take place biennially ahead of the Commonwealth Heads of Government Meeting (CHOGM).

We will ensure that the Territories are consulted on future CHOGM agendas, and that they have the opportunity to feed in their comments, and we will continue to inform them of CHOGM outcomes. In addition, they are invited to attend other meetings such as the Commonwealth Finance Ministers' meeting as part of the UK delegation. We will continue to liaise with the Territories in advance of relevant Ministerial meetings so that their interests can best be represented.

The Territories are invited to join the Commonwealth of Learning, which works to improve access to open and distance learning opportunities for people in the Commonwealth's developing countries. Montserrat has recently joined the Virtual University of Small States of the Commonwealth.

The Territories already participate in the Malta-Commonwealth Third Country Training Programme which aims to strengthen skills and capacity in small states in areas where Malta has expertise, for example in banking and finance, and coastal management. As a result of our discussions with the Commonwealth Secretariat, the Territories will be able to use the Commonwealth Small States Office in Geneva, and have been invited to participate in the Commonwealth's 2012 Small States Conference. We will also work with the Commonwealth Secretariat to ensure that the Territories benefit from programmes specifically aimed at the Small States, for example on climate change risk management and the financial regulatory network initiative.

The UK wants to strengthen links between the Commonwealth and the Territories. We are exploring the possibility of creating observer or associate member status of the Commonwealth from which the Territories might benefit. Some Commonwealth bodies, such as the Commonwealth Foundation and Commonwealth Local Government Forum already offer associate

member status. The Anguilla National Trust has received grants from the Foundation.

#### **Pitcairn Islander Receives a Commonwealth Foundation Award**

In 2011 Meralda Warren, a 7th generation descendent of the Bounty mutineers, became the first Pitcairn Islander to receive a Commonwealth Foundation Award for her work in rediscovering the traditional Pacific island art of making decorative bark cloths called tapa. This art had originally been brought to Pitcairn by Polynesian women taken on board the Bounty in 1789, but had died out.

Travel to and from this remote and isolated community is expensive and opportunities limited. The award allowed Meralda to accept an invitation to be the keynote speaker at the first Maori and Pacific Textile Symposium at the Te Papa Museum in Wellington. The award also provided Meralda with the opportunity to promote Pitcairn arts and crafts through workshops and an exhibition of her work.

Meralda is now passing on her skills and knowledge to others on Pitcairn. In particular to the children, some of whom have already produced some excellent examples of tapa cloth, beautifully painted with Pitcairn scenes. On receiving the award, Meralda said; *"I am very honoured to be the first Pitcairn Islander to achieve recognition and support. It is my hope that this recognition will open doorways for future generations of Pitcairners so they too can make their dream a reality and aim for a positive future."*



Meralda Warren, Commonwealth Foundation Award winner  
Credit: Meralda Warren



## The United Nations



The Territories already interact with different parts of the United Nations, either in their own right or through the UK.

Territory representatives have joined UK delegations to special UN meetings and UN conferences, including the UN Conference on Women and the World Summit on the Information Society as well as UN meetings related to the situation of Small Island Developing States. The UK will continue to look for further opportunities for the Territories to attend relevant UN meetings.

Some Territories have particular relationships with some of the UN Specialised Agencies. The UK's membership of the Universal Postal Union (UPU) includes all the Territories that have their own postal systems. The Caribbean Territories are separate members of the World Meteorological Organisation (WMO) as they run their own meteorological network. They are able to cast their own vote and send their own representatives to WMO meetings in Geneva. The British Virgin Islands and the Cayman Islands are associate members of UNESCO. The Caribbean Territories and Bermuda participate in and contribute to the work of the World Health Organisation's regional body, the Pan-American Health Organisation (PAHO).

## UN Decolonisation Committee

The UK believes that the UN's Decolonisation Committee (the C24) no longer has a relevant role to play in respect of our Territories. The British Territories on the Committee's list have a large measure of internal self-government and have all chosen to retain their link to the UK. In the UK's view, all our Territories should have been delisted a long time ago. Nevertheless, given that some Members of the UN wish to retain the Committee, some democratically elected Territory representatives wish to present their own positions directly to the Committee, and to the Fourth Committee of the General Assembly, at annual meetings of these Committees. The UK Government will continue to support this and these Territories' right to determine their own futures.

## Regional Organisations in the Caribbean

The Caribbean Territories and Bermuda are full or associate members of a number of regional organisations including the Caribbean Community (CARICOM). We encourage these links. At our initiative the Territories were invited to the UK Caribbean Forum in January 2012 where they were able to discuss common concerns such as tackling organised crime and climate change with the independent Caribbean states. We believe that there is scope to increase co-operation with the Territories of France, the Netherlands and the US.

As already mentioned in Chapter 1 some of the Caribbean Territories are full members of the Caribbean Disaster Emergency Management Agency (CDEMA), a subsidiary of CARICOM, which supports its members in all aspects of disaster preparedness and response. The UK Government supports CDEMA's work.

### How can Territories join International Organisations?

If an Overseas Territory Government wishes to enter into negotiations with an international or regional organisation, or to conclude a treaty with it, it requires the authority of the UK Government. Such authority can be given in the form of a specific or general entrustment (i.e. a letter to the Territory Government confirming that it can enter into negotiations and/or conclude a treaty). Before issuing an entrustment or agreeing to the conclusion of a treaty, the UK Government will consider whether the Territory is able to meet the obligations that membership of the treaty imposes. In recent years general entrustments have been given to the Cayman Islands, the British Virgin Islands and Montserrat as part of their constitutional reviews. Bermuda's 1968 General Entrustment was updated in 2009. These general entrustments give these Territories greater freedom to engage with regional organisations and governments across a range of issues.

### Co-operation in the Southern Oceans

The populated Territories in the South Atlantic are too isolated geographically to benefit from regional organisations. The Falkland Islands, St Helena, Ascension and Tristan da Cunha have recognised that they can benefit from shared experience and have therefore organised themselves into the South Atlantic Co-operation Forum. This organises quarterly political meetings and expert level engagement on issues such as fisheries and tourism. The UK Government welcomes and supports this. The South Atlantic Territories form a regional system offering new strategic and economic opportunities for the future, including in respect of South Georgia & the South Sandwich Islands and the British Antarctic Territory where these opportunities are consistent with our international obligations within the Antarctic Treaty System.

The EU is funding collaboration between the Secretariat of the Pacific Community and Pitcairn to combat drought. Pitcairn Islanders are experiencing longer, more severe periods of

drought. The effects can be devastating on many fronts, from crop production to drinking water consumption or for fire fighting purposes. The project is monitoring the weather on Pitcairn, and using this information to bolster the island's water catchment, storage, treatment and distribution systems.

### Tristan da Cunha Develops Links with the Isle of Man

The most remote inhabited island in the world and the island which is home to the world's oldest parliament have been developing useful links. The Tristan da Cunha Chief Islander, Ian Lavarello, visited the Isle of Man in November 2011 as part of a study tour looking at the system of governance on the island. The Chief Islander gave a presentation about Tristan to the Tynwald and was able to investigate how the Isle of Man manages its fishing, agriculture and tourism industries along with sales of stamps and commemorative coins – all activities directly relevant to the Tristan economy. Building on these beginnings the two islands are now looking at possible options for further co-operation which might include nurse training and tourism development.

### Priorities for Action

- > develop the Territories' special relationship with the EU, particularly in trade, educational and cultural links.
- > ensure EU support is continued, processes are simplified and assistance is used effectively, including through successful negotiation of the successor to the Overseas Association Decision.
- > strengthen engagement with the Commonwealth, particularly programmes for small states.
- > encourage co-operation with regional partners in the Caribbean.
- > develop with the South Atlantic Territories a long-term strategy which takes full advantage of the regional system stretching from Ascension to the Antarctic.

# Conclusion

We have set out in this Paper the Coalition Government's overall approach to the UK's Overseas Territories. The Government is determined to live up to its responsibilities towards all the Territories. We have demonstrated our commitment through our actions over the past two years. All UK Government Departments have undertaken to engage with and support the Territories in their areas of expertise and competence. This Paper and the links to the Departments' own Papers set out the extensive work in hand. We have launched the construction of an international airport on St Helena. We have taken new initiatives to improve our stewardship of the rich environmental assets in the unpopulated territories. We are defending robustly Territories which face external threats.

We have made good progress, but much remains to be done. We will work with Territory Governments to implement priorities identified in this Paper in ways that are appropriate for each Territory. The agenda identified in this Paper will evolve as new challenges and opportunities emerge. We expect the relationships to continue to evolve. We hope this Paper will encourage wider interest in and support for the Territories, bringing in new ideas and enthusiasm.

The Government is both ambitious and optimistic for the future of our Territories. We believe the UK is important to the future of the Territories and that the Territories are an important part of the future of the UK.





# Annex

## Overseas Territories – Background Information

Anguilla .....	90
Bermuda .....	92
British Antarctic Territory (BAT) .....	94
British Indian Ocean Territory (BIOT) .....	96
Cayman Islands .....	98
Falkland Islands .....	100
Gibraltar .....	103
Montserrat.....	105
Pitcairn, Henderson, Ducie and Oeno .....	107
St Helena, Ascension and Tristan da Cunha.....	109
South Georgia and the South Sandwich Islands (SGSSI) .....	115
Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus (SBAs) .....	117
Turks and Caicos Islands .....	119
Virgin Islands (commonly known as the British Virgin Islands).....	122







## Anguilla

### General

Anguilla is the most northerly of the Leeward Islands in the Eastern Caribbean. It is a flat island with an area of some 91 sq km but limited natural resources. It has, however, one of the most important largely unbroken coral reefs in the Eastern Caribbean. Its coastal and marine biodiversity (including fish, seabirds and marine turtles) is the island's most important natural asset.

### Government

Colonised by British and Irish settlers in 1650, Anguilla has had an eventful shared history with its neighbour St Kitts and Nevis and was administered at times as a single colony and an associated state with St Kitts and Nevis. The Anguillians, believing their interests were being ignored and wishing to retain their direct links with Britain, sought separation at various times in the 1950s and 60s. This disquiet culminated in what is known as "the Anguilla revolution" of 1967. Anguilla came under direct UK administration in the 1970s, and eventually became a separate British Dependent Territory in 1980. Government is executed through a Governor appointed by the Crown, an Executive Council which has the general control and direction of government, and a House of Assembly. The Governor has reserved powers in respect of legislation, and is responsible for external affairs, offshore finance, defence and internal security (including the police force) and aspects of the public service. The Executive Council consists of the Chief Minister, not more than three other Ministers and the Attorney General and Deputy Governor. The House of Assembly has 12 members. Elections are held every five years and last took place in February 2010.



### Economy

Anguilla has built a reputation as a beautiful, safe, exclusive and high-end tourism destination. Tourism is the mainstay of the economy, although construction and financial services have also played roles in Anguilla's development.



Sandy Ground Bay, Anguilla  
Credit: Tony Bates

The international financial services industry has steadily grown over the last decade and Anguilla is now a major location for captive insurance vehicles – in 2010 it was ranked fifth in the world with 252 captives domiciled in the jurisdiction. The Financial Services Commission, the island's regulatory body, was established as an independent, self-funded statutory authority in 2004 and oversees all Anguilla's international financial services activities. Anguilla was assessed by the OECD Peer Review Group in 2011 and was successful in proceeding to Phase II of the

assessment programme. Anguilla's anti-money laundering and counter-terrorist financing systems were assessed in 2010 by the Caribbean Financial Action Task Force for compliance against the recognised international standard. The Task Force ranked Anguilla among the best in the region.

Anguilla graduated from UK bilateral development assistance in 2003 and then experienced economic growth averaging 14% per annum between 2003 and 2007. The global downturn starting in 2008 hit Anguilla's economy and public finances hard. Recently the UK has provided technical assistance from a regional risk management allocation to help Anguilla effectively manage its public finances and improve the effectiveness and efficiency of delivering public services.

>> Anguilla has one of the most important largely unbroken reefs in the Eastern Caribbean. Its coastal and maritime biodiversity is the island's most important natural feature. <<

## Key facts

> <b>Currency</b>	Eastern Caribbean Dollar
> <b>Population</b>	16,318 (estimated 2010)
> <b>Capital</b>	The Valley
> <b>Government Website</b>	<a href="http://www.gov.ai/">http://www.gov.ai/</a>



# Bermuda

## General

Bermuda, a group of over 130 islands and islets, lies 1,046 km east of the coast of North Carolina. The total land area is 54 sq km. The warming effect of the Gulf Stream makes Bermuda the most northerly group of coral islands in the world. Small surviving areas of natural habitat support 14 endemic plants and the Bermuda Cahow, the only endemic bird in Bermuda.

Approximately 65 per cent of the population are of African descent and the remainder of European extraction (including expatriates). Portuguese settlers from the Azores have been coming to Bermuda for about 150 years.



St Peter's Church in St George's, Bermuda is the oldest Anglican church in the world outside the United Kingdom.  
Credit: Tony Bates

## Government

Bermuda is Britain's oldest territory and its Parliament, which first met in 1620, is the oldest legislature in the Commonwealth outside the British Isles. It is a largely self-governing territory with a high degree of control over its own affairs. The Governor retains responsibility for external affairs, defence, including the armed forces, internal security and the police. Bermuda has two legislative chambers, the House of Assembly and the Senate. The last General Election was held in December 2007.



## Economy

Offshore finance (especially reinsurance) and tourism are the main pillars of the economy. There are more than 15,300 Bermuda-based international companies, 2650 local companies, 430 overseas partnerships and 940 other non-resident companies, many with a global business empire. They include subsidiaries of 75% of the Fortune 100 and their European equivalents. In insurance and reinsurance, Bermuda has an industry capital base exceeding US\$35 billion and gross premiums of US\$24 billion. It ranks with Lloyds of London and New York as a global leader. Tourism accounts for 15 per cent of Bermuda's overseas earnings. There are few natural resources and little manufacturing activity.

>> Bermuda is Britain's oldest territory and its Parliament, which first met in 1620, is the oldest legislature in the Commonwealth outside the British Isles <<

### Key facts

> <b>Currency</b>	Bermuda Dollar (parity with US\$)
> <b>Population</b>	64,722 (June 2011 estimate)
> <b>Capital</b>	Hamilton
> <b>Government Website</b>	<a href="http://www.gov.bm">http://www.gov.bm</a>



# British Antarctic Territory (BAT)

## General

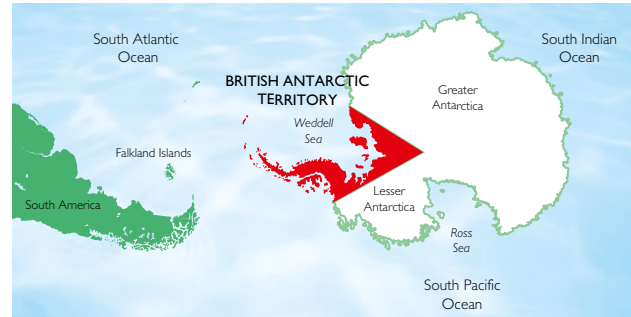
The British Antarctic Territory (BAT) comprises that sector of the Antarctic south of latitude 60°S and bounded by longitudes 20°W and 80°W. It is the UK's largest Overseas Territory covering around 1,700,000 sq km, but it has no permanent population. The UK has the longest established claim to territory in the Antarctic with letters patent having been issued in 1908.

Territorial sovereignty in Antarctica is however held in abeyance by the Antarctic Treaty 1959, which provides an internationally agreed regime for the governance of the continent. For just over 50 years now, the Antarctic Treaty has preserved Antarctica for peace and science and is arguably one of the world's most successful international agreements.

The Government of the Territory, in consultation with a range of stakeholders, has developed an ambitious rolling five year strategy, which sets out objectives and funding priorities. The objectives include ensuring security and upholding British sovereignty; raising awareness of British interests in Antarctica; protecting the environment; and delivering effective administrative and financial governance. These objectives are underpinned by the overarching FCO objective to ensure that the UK plays an active and influential role in upholding the Antarctic Treaty System. This strategy, covering 2009-2013, is reviewed annually and is available through [www.britishantarcticterritory.fco.gov.uk](http://www.britishantarcticterritory.fco.gov.uk).

The Government of the Territory takes pride in ensuring that the historic leadership shown by the UK in early Antarctic exploration and scientific endeavour is matched today by rigorous and effective governance and international engagement across the whole range of Antarctic issues.

The UK's presence in the Territory is primarily provided by the British Antarctic Survey (BAS). BAS has three research stations within the



Territory; two year-round, Rothera and Halley, plus a further summer-only station, Signy. The work of the stations is supported by two Royal Research Ships, the Ernest Shackleton and James Clark Ross and a fleet of five aircraft. The UK is also represented each year in Antarctica by the Royal Navy. The current Ice Patrol Vessel, HMS Protector, made her maiden Antarctic voyage during the austral summer 2011/12. As well as supporting the work of the FCO and BAS, the Royal Navy ships carry out extensive hydrographic surveying work and perform important inspections, environment and logistics work. An additional presence is provided by a summer-only team from the UK Antarctic Heritage Trust which runs the historic base at Port Lockroy, the most visited site in Antarctica.

## Government

In 1989 responsibility for administering the Territory was assumed by a Commissioner appointed by the Foreign Secretary. Previously it was a British Dependent Territory administered by the Falklands Islands (1962 – 1989) and a Dependency of the Falkland Islands (1908 – 1962). The Commissioner appoints such officers as the Chief Justice and Senior Magistrate, as required. He has powers to make laws, subject to certain conditions, and the BAT has a suite of its own laws, together with both judicial and postal administrations. Legislation enacted by the Territory is in line with, and implements, international regulations under the Antarctic Treaty System (i.e. the Antarctic Treaty and its Environmental Protocol, and the Convention on



the Conservation of Antarctic Marine Living Resources), as well as other relevant international instruments.

Antarctic Treaty Parties have recently agreed a new Annex to the Treaty's Protocol on Environmental Protection, which requires Antarctic operators to take all necessary remedial steps in the event of an environmental emergency. The UK is keen to be among the first to ratify the Annex, and is preparing a new Antarctic Bill that will be introduced as soon as Parliamentary time allows, both in recognition of the environmental importance of the Territory and as part of our continuing leading role in the Antarctic Treaty System.

### Economy

The Territory is self-financing; generating revenue primarily from the sale of stamps and coins and income tax from overwintering British Antarctic Survey scientists and others. The majority of British Antarctic Territory revenue is reinvested in projects which support the BAT strategy – focusing on protecting the environment, conserving British heritage and education and outreach.

### Environment

Environmental protection is an integral part of the Territory's strategy and amongst its highest priorities: the Antarctic Peninsula is one of the fastest warming, and therefore most rapidly changing, places on the planet.

## Key facts

> <b>Number of visitors</b>	26,000 (2010/11)
> <b>Indigenous human population</b>	0
> <b>Number of penguins</b>	20 million pairs (estimate)
> <b>Administration centre</b>	London (largest British science base in the Territory is Rothera Research Station)
> <b>Government Website</b>	<a href="http://britishantarcticterritory.fco.gov.uk/en/">http://britishantarcticterritory.fco.gov.uk/en/</a>



Iceberg formations, Ronge Island, British Antarctic Territory  
Credit: Paul Stansfield

We are working to develop a better understanding of the Territory's environment and to develop and implement the best Antarctic environmental practices. In addition, we are enhancing our expertise on tourism management and minimising human impact, along with identifying and developing protection and conservation measures for flora and fauna across the Territory. We are also proactively managing key Protected Areas in the Territory, identifying future environmental challenges (including climate change), and developing mitigation measures.

>> the Antarctic Peninsula is one of the fastest warming, and therefore most rapidly changing, places on the planet <<



## British Indian Ocean Territory (BIOT)

### General

BIOT is close to the very centre of the Indian Ocean, mid-way between Tanzania and Indonesia. Its nearest neighbours are the Maldives and Sri Lanka. The Territory covers 640,000 sq km of ocean (more than twice the size of the UK) but the land area is only 60 sq km. The largest and most southerly of some 55 islands, Diego Garcia, accounts for more than half the land area. The other islands are very small, none larger than Hyde Park.

The islands were uninhabited until the late 18th century. The French established coconut plantations using slave labour in 1793. After emancipation, many slaves became contract employees and remained on the islands. They were then referred to as Ilois but are now usually known as Chagossians.

The islands of the Chagos Archipelago have been British territory since 1814 when they were ceded to Britain with Mauritius (which then included the Seychelles). For administrative convenience, and following the French practice, they were administered as a dependency of Mauritius until 1965 when, with the full agreement of the Mauritian Council of Ministers, they were detached to form part of the newly established colony of the British Indian Ocean Territory. At the same time Britain paid £3 million to Mauritius in consideration of the detachment of the islands. Three other island groups, formerly part of the Seychelles, made up the rest of the Territory, but these were returned to the Seychelles when it gained independence in 1976. The Government of Mauritius claims sovereignty of the Territory. The UK does not recognise this claim but successive governments have given undertakings to the Government of Mauritius to cede the Territory to Mauritius when it is no longer required for defence purposes.



In 1966 the UK agreed with the US to make the BIOT available for the defence purposes of the two countries. The Crown purchased the freehold title to the land in the islands in 1967. The copra plantations were run down as their commercial future was already unviable, and the last of the contract workers and their children left the Territory in 1972/73. Successive British Governments have expressed regrets about the way resettlement was carried out. Britain made £650,000 available to the Government of Mauritius in 1973 and a further ex-gratia sum of £4 million in 1982 to the Ilois Trust Fund in order to assist the resettlement of the contract workers in Mauritius. The British Overseas Territories Act 2002 granted British citizenship to Overseas Territories citizens, including a large number of Chagossians. This gave them a right of abode in the UK. Some Chagossians have brought a case against the UK at the European Court of Human Rights for the right to return to BIOT and for further compensation.

The BIOT has no permanent population, only UK and US military personnel and the civilian employees of contractors to the military, who are mostly Filipino. The number of people on Diego Garcia varies significantly, depending on military needs. In early 2012 it was around 2,500. There are no inhabitants on the other islands. Access to the BIOT is restricted and a permit is required. There are no commercial flights to the BIOT and permits are only issued to yachts in safe passage. The British Indian Ocean Territory is not a tourist destination.

## Government

The BIOT is governed by a Commissioner, Deputy Commissioner and Administrator based in the FCO in London. The Commissioner's representative in Diego Garcia is a Royal Navy commander who combines this role with his military duties as Commander British Forces.

The constitution of the BIOT is set out in the British Indian Ocean Territory Order 1976. The 1976 Order gives the Commissioner full power to make laws for the Territory. Two Orders in Council in 2004 provided that there is no right of abode and imposed immigration controls.

In the Territory, the Commissioner's representative holds the office of Magistrate and is responsible for handling routine cases and also, through his subordinate officers, for the enforcement of both the criminal law and laws regulating matters such as customs, immigration and conservation.

A series of exchanges of notes between the UK and the US regulates matters arising from the use of the Territory for defence purposes. The current agreement runs until 2016 and allows for a roll-over for a further twenty years.

## Economy

There is no economy in the normal sense; and no industrial production or commercial agricultural activities. Since the declaration of the Marine Protected Area (MPA), no commercial fishing licences are sold.

The British military presence is funded by the Ministry of Defence.

The Commissioner proclaimed the BIOT Marine Protected Area (MPA) on 1 April 2010 to ensure the on-going protection of this unique environment of global significance. The BIOT MPA is currently the world's largest full no-take MPA. A Science Advisory Group was set up in 2011 to make recommendations on a science strategy for the Territory.

>> the Commissioner proclaimed the BIOT Marine Protected Area (MPA) on 1 April 2010 to ensure the on-going protection of this unique environment of global significance. The BIOT MPA is currently the world's largest. <<



Manta Ray, British Indian Ocean Territory  
Credit: Anne Sheppard



# Cayman Islands

## General

Discovered by Christopher Columbus in 1503 the three Cayman Islands (Grand Cayman, Cayman Brac and Little Cayman) are situated some 260 km north-west of Jamaica in the Caribbean Sea. The islands have an area of about 260 sq km. 'Cayman' comes from a Carib word for the marine crocodiles, once found on their shores. The vast majority of the population live on the largest of the three islands, Grand Cayman. English is the principal language.

## Government

The present Constitution came into force on 6 November 2009 and provides for a Ministerial system of Government. The Governor retains responsibility for aspects of the public service, defence, external affairs and internal security including the police.

The Legislative Assembly comprises the Speaker, fifteen elected members and two ex-officio members (the Deputy Governor and the Attorney General). Elections are held every four years, most recently in May 2009. The Constitution also provides for a Cabinet consisting of the Premier, four other Ministers (rising to six when the number of Members of the Legislative Assembly increases from fifteen to eighteen) and the two ex-officio members of the Legislative Assembly. The Governor presides at meetings of Cabinet. Cabinet has responsibility for the formulation of policy, except in the areas reserved to the Governor.



## Economy

International offshore finance and tourism are the major economic activities. In 2010, there were circa 300,000 stay-over visitors and some 1.5 million cruise ship visitors. At the end of that year there were 371 bank and trust companies, 739 captive insurance companies, 9,003 licensed or registered mutual funds and 91,206 registered companies in the Cayman Islands.

The principal sources of government revenue are import duties, company, bank and trust licence fees, work permit fees and stamp duties. There is no national insurance, no income or payroll tax, no company or corporation tax, no inheritance tax, no capital gains or gift taxes and no VAT. Although imports outstrip exports by about 100:1, the visible trade gap is more than offset by invisible earnings from the financial services and tourism sectors.

The Cayman Islands have done much over the years to protect their flora and fauna. The Islands have 25 endemic species of plants and reptiles, and over 200 species of birds. A botanical park and bird sanctuary on Grand Cayman provide safe environments for endangered species of birds and lizards. The National Trust is engaged in long-term projects to preserve the unique wildlife and flora indigenous to Cayman Brac.

>> The Islands have 25 endemic species of plants and reptiles, and over 200 species of birds. A botanical park and bird sanctuary on Grand Cayman provide safe environments for endangered species of birds and lizards <<



Seven Mile Beach, Cayman Islands  
Credit: Cayman Islands Department of Tourism

## Key facts

> <b>Currency</b>	Cayman Islands Dollar (fixed at 1 CI\$ = US \$1.25)
> <b>Population</b>	55,456 (2010)
> <b>Capital</b>	George Town (on Grand Cayman)
> <b>Government Website</b>	<a href="http://www.gov.ky">www.gov.ky</a>





# Falkland Islands

## General

The Falkland Islands are an archipelago of around 700 islands in the South Atlantic, the largest being East Falkland and West Falkland. They are situated about 770km (480 miles) north-east of Cape Horn and 480km (300 miles) from the nearest point on the South American mainland. The Islands have a total land area of 12,173 sq km (4,700 sq miles) – about the size of Northern Ireland – and a permanent population of 2,995 (2006 census). The capital is Stanley, which is the only town on the Islands, though it qualifies as a city by virtue of its cathedral. Elsewhere in Camp (the local term derived from Spanish for countryside (campo)), there are a number of smaller settlements.

The majority of the population of the Falkland Islands are British by birth or descent and many can trace their family origins in the Islands back to the early nineteenth century. There are Anglican, Roman Catholic and non-conformist churches on the Falklands.

There are over 250 species of plant in the Falkland Islands, of which 164 are recorded as native – including the Islands' national flower, the Pale Maiden. The Islands are also noted for their abundant range of wildlife, particularly the Rockhopper, Magellanic, Gentoo, King and Marconi penguins.



## Government

Navigators of several countries have been credited with first sighting the Falklands but the earliest sighting that has been conclusively authenticated was by the Dutch sailor Sebald van Weert in 1600. The first known landing was made in 1690 by a British naval captain, John Strong. He named the Islands after Viscount Falkland, First Lord of the Admiralty at the time. A British expedition reached West Falkland in 1765, and anchored in a harbour which it named Port Egmont. It took formal possession of it and of 'all the neighbouring islands' for King George III. The following year, another British expedition established a settlement of about 100 people at Port Egmont. This settlement was withdrawn on economic grounds in 1774, but British sovereignty was never relinquished or abandoned. There was no indigenous or settled population of the Islands before 1833, when British administration of the Islands was resumed and this has continued until the present day. The Falklands were invaded and illegally occupied by Argentine military forces on 2 April 1982. A British task force was dispatched immediately and, following a conflict in which over 900 British and Argentine lives were lost, the Argentine forces surrendered on 14 June 1982.

Argentina continues to assert a claim to sovereignty over the Falkland Islands. The United Kingdom has no doubt about its sovereignty over the Islands. The principle of self-determination, enshrined in the UN Charter, underlies our position. There can be no negotiation on the sovereignty of the Islands unless and until the Islanders so wish. The Islanders regularly make it clear that they wish to remain British. On 12 June 2012, The Falkland Islands Government announced its intention to hold a referendum on the political status of the Falkland Islands.

The present Constitution dates from January 2009. The Constitution recognises the Islanders' right to self-determination. Executive authority is vested in HM The Queen and exercised by a Governor on her behalf, with the advice of the Executive Council and Legislative Assembly, and in accordance with the Constitution. The Governor presides over an Executive Council composed of five members: three elected and two ex-officio (the Chief Executive, Financial Secretary). In addition, the Attorney General and the Commander of the British Forces in the Falkland Islands attend by invitation. The Legislative Assembly has eight members elected by universal adult suffrage as well as the two ex-officio members of the Executive Council. It is chaired by a speaker.

Elected Members have a substantial measure of responsibility for the conduct of their Territory's affairs. The Governor is obliged to consult the Executive Council in the exercise of his functions (except in specified circumstances, for example on defence and security issues, where he must consult and follow the advice of the Commander of the British Forces in the Islands) and on foreign affairs issues. Although he has the constitutional power to act against the advice of the Executive Council, he would be required, without delay, to report such a matter to the UK Government with the reasons for his action.



Falkland Islands  
Credit: Overseas Territories Directorate

### **Economy**

Since 1982 the economy of the Islands has grown rapidly. Initially this was as a result of UK development aid, but by 1998 the Islands were self-sufficient in all areas except defence. The Falkland Islands Government's stated aim is to ensure a diverse and sustainable economy for the future. The latest Islands Plan (2010 – 2015) is available at their website: <http://www.falklands.gov.fk/>. It outlines their vision for improved financial management, quality of life and communications while ensuring a sustainable economy.

The role of tourism in the Islands' economy is also increasing. Tourist numbers continue to grow, with many attracted by the diverse wildlife. Besides the tourists who fly in to stay on the Islands, the number of cruise ship passengers making day trips to Stanley and the surrounding countryside has grown significantly.

Agriculture was the chief industry for most of the last century and remains an important part of the Islands' economy and culture. Though its contribution to GDP in recent years has been lower than the fisheries sector, it remains one of the largest sectors for employment outside of the public sector. The Government has recently encouraged the modernisation of this sector, for example setting up a modern abattoir designed to meet EU standards and strongly supporting

organic farming. Offshore oil exploration is underway in the Northern and Southern Basins of the Islands.

>> The Falkland Islands Government's stated aim is to ensure a diverse and sustainable economy for the future <<

## Key facts

> <b>Currency:</b>	Falkland Islands Pound (parity with Pound Sterling)
> <b>Population:</b>	2995 (2006 Census)
> <b>Capital:</b>	Stanley
> <b>Government Website:</b>	<a href="http://www.falklands.gov.fk/">http://www.falklands.gov.fk/</a>





# Gibraltar

## General

Gibraltar is a rocky peninsula rising from the south coast of Iberia. It has a total area of 5.8 sq km and is just under five km long from north to south. It has a land border with Spain.

The population (2010 figures) is 29,441, of whom 24,127 are Gibraltarians. Most Gibraltarians claim British, Genoese or Maltese ancestry. English is the official language, but Spanish is widely spoken. About four-fifths of the population are Roman Catholic, along with significant Protestant, Jewish, Hindu and Muslim communities.

## Government

Sovereignty of Gibraltar was ceded to the UK by Spain under the Treaty of Utrecht of 1713. Spain has, nonetheless, repeatedly sought to regain sovereignty. However Spanish pressure, including the closure of the border from 1969 until the early 1980s, has largely served to strengthen Gibraltarians' sense of identity. The UK Government has reaffirmed that it will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes, and that furthermore, the UK will not enter into a process of sovereignty negotiations with which Gibraltar is not content.



Gibraltar's current constitution dates from 2006. Following negotiations between the UK and Gibraltar, it was approved in a referendum on 30 November 2006 by over 60% of those who voted, and came into force on 2 January 2007. It modernised the UK-Gibraltar relationship, giving Gibraltar control over its internal affairs. The Governor remains responsible for external affairs, defence, internal security and ensuring good government, including responsibility for some public appointments, while the Government of Gibraltar has responsibility for all areas not specifically assigned to the Governor, including economic and environmental management and provision of education, healthcare and other social and public services.

Gibraltar's legislature, the Parliament, consists of 17 elected Members plus a Speaker. Elections take place every four years. The Territory consists of a single constituency and each elector may vote for up to ten candidates. The most recent elections were held on 8 December 2011.

Gibraltar is within the European Union by virtue of Article 355(3) of the Treaty on the Functioning of the European Union. However, under the UK's Act of Accession, Gibraltar is excluded from four areas of EU policy: the Common Customs Territory and Common Commercial Policy (and thus EU rules on the free movement of goods do not apply); the Common Agricultural Policy; the Common Fisheries Policy; and the requirement to levy VAT. Gibraltarians have rights of free movement within the EU. While the UK Government is ultimately responsible under the Treaty for the implementation of EU Law in Gibraltar, EU measures are in practice implemented within Gibraltar by means of legislation enacted by Gibraltar's Parliament.

## Economy

Since the late 1970s Gibraltar has diversified its economy, developed niche sectors which require little land but offer high added value, and adapted to reflect changing circumstances, including the re-opening of the border with Spain. Gibraltar has a thriving economy dominated by four main sectors. The financial services sector accounts for about 22% of GDP (2010 figures); it is regulated by the Gibraltar Financial Services Commission and conforms to EU standards. Retail/tourism makes up 25% of GDP – the Cruise Ship Terminal, which opened in 1997, received 303,371 visitor arrivals in 2010. Shipping accounts for 20% of GDP. The online gaming sector has also become a pillar of the economy in Gibraltar, accounting for a similar percentage (and around 2000 jobs). The former Royal Naval Dockyard is now privately owned and operated.

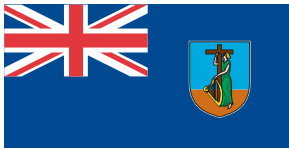


Rock of Gibraltar  
Credit iStockphoto

>> Gibraltar is a rocky peninsula rising from the south coast of Iberia <<

## Key facts

> <b>Currency:</b>	Gibraltar Pound (Pound Sterling notes & coins issued by the Government of Gibraltar)
> <b>Population:</b>	29,441 (2010)
> <b>Capital:</b>	Gibraltar
> <b>Government Website:</b>	<a href="http://www.gibraltar.gov.gi/">http://www.gibraltar.gov.gi/</a>



# Montserrat

## General

Montserrat is one of the Leeward Islands in the Eastern Caribbean, lying 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The island is 17 km long and 11 km wide, occupying an area of 102 sq km, entirely volcanic and very mountainous. Named after a monastery in Spain by Columbus during his second great voyage in 1493, the island became a British Colony in 1632. The first settlers were largely Irish. Montserrat was captured twice by the French for short periods but was finally restored to Britain in 1783.

English is the official language. Christianity is the principal religion and the main denominations are Anglican, Roman Catholic and Methodist.

The Soufriere Hills Volcano has been active since 1995, with a fluctuating level of activity. The capital, Plymouth and several other villages were destroyed in 1997. An area around the volcano, approximately two-thirds of the island, has been designated a Special Vulnerable Area and three areas around the coastline have been designated as Maritime Exclusion Zones. The volcano is closely monitored by the Montserrat Volcano Observatory. A Hazard Level System was introduced in August 2008 and information on the current hazard level can be found on the Observatory website ([www.mvo.ms](http://www.mvo.ms)). There has been no significant activity at the volcano since February 2010, representing the longest pause since the first volcanic eruptions in 1995.



Sunset at Woodlands Beach, Montserrat  
Credit: Tony Bates



## Government

Government is executed through a Governor appointed by the Crown, a Cabinet which has the general control and direction of government, and a Legislative Assembly. The Governor retains responsibility for external affairs, defence, internal security including the police, aspects of the public service and regulation of offshore finance. The Cabinet is chaired by the Governor and consists of the Premier and three other Ministers, as well as the Cabinet Secretary, Financial Secretary, Attorney General and Deputy Governor. The Legislative Assembly consists of nine elected members and the same ex-officio members as Cabinet. The Deputy Governor may attend but has no voting rights in the Legislative Assembly.

A new constitution for Montserrat came into force on 27 September 2011. The new constitution gives more power to the government of Montserrat in the field of international relations and strengthens and expands the fundamental rights and freedoms of those living in Montserrat, reflecting the European Convention on Human Rights and the International Covenant on Civil and Political Rights. The Constitution establishes a number of new Commissions to deal with complaints, integrity, mercy and elections. It establishes a National Advisory Council, and retains the existing Public Service Commission. These are all designed to enhance democracy and good government, and to give greater powers to local politicians and senior civil servants.

Elections are held every five years and last took place in September 2009.

### Economy

Montserrat's economy is dominated by the rebuilding of the island's infrastructure since the start of volcanic activity. A new capital is under development in the north of the island and work continues to re-house the population and government. Tourism and agriculture continue to show solid growth and contribute most to the economy outside the public sector and construction. Prospects for future growth are good, given the significant public investment in Little Bay town and port as well as ferry and air connections.

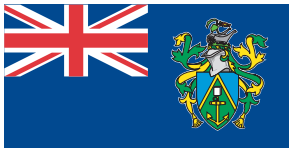
Montserrat aims to grow its declining and ageing population (4,922 in 2011 compared with 11,314 in 1991) back to pre-crisis levels. Currently around 25% of the population are immigrants, largely from other Caribbean countries. Approximately 10% of the population is in receipt of some form of social assistance scheme, all of which operate strict eligibility regimes.

The UK has provided financial support to Montserrat since the start of volcanic activity in 1995. This was initially in the form of humanitarian assistance and is now focussed on rebuilding public infrastructure and the provision of basic public services. Both the Government of Montserrat and the UK are working to develop the economy so Montserrat becomes self sufficient in the medium term.

>> Prospects for future growth are good, given the significant public investment in Little Bay town and port as well as ferry and air connections <<

### Key facts

> <b>Currency</b>	Eastern Caribbean Dollar
> <b>Population</b>	4922 (2011)
> <b>Capital</b>	Little Bay (planned)
> <b>Government Website</b>	<a href="http://www.gov.ms/">http://www.gov.ms/</a>



# Pitcairn, Henderson, Ducie and Oeno

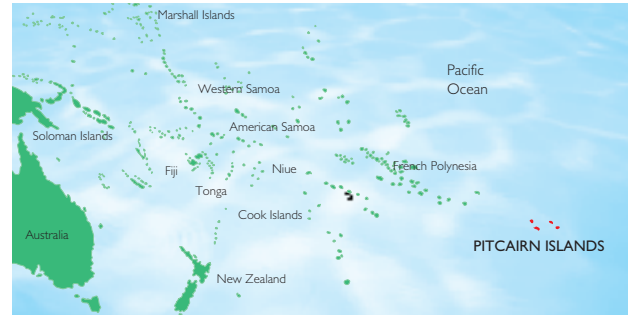
## General

The Pitcairn Islands comprise Pitcairn Island itself and three uninhabited islands, Henderson, Ducie and Oeno. Pitcairn is approximately three km long and 1.5 km wide. It was first settled in 1790 by some of the HMS Bounty mutineers and their Tahitian companions. Pitcairn was left uninhabited between 1856 and 1859 when the entire population was resettled on Norfolk Island. The present community are descendants from two parties who, not wishing to remain on Norfolk, returned to Pitcairn in 1859 and 1864 respectively.

The population totals only 54, all living in the only settlement, Adamstown. The official languages of Pitcairn are English and Pitkern, the latter becoming an official language by declaration of the Island Council in 1997. This is a mixture of English and Tahitian with the former predominating.

Henderson Island is the best example in the Pacific of a large raised coral atoll and is an important breeding ground for seabirds. Henderson has been designated as a UNESCO World Heritage Site. The UK and Pitcairn Governments have been working with the Royal Society for the Protection of Birds (RSPB) to safeguard Henderson's biodiversity through a project to remove non-indigenous rats.

>> Pitcairn was first settled in 1790 by some of the HMS Bounty mutineers and their Tahitian companions <<



## Government

Pitcairn is a British settlement under the British Settlements Act of 1887, although the Islanders usually date their recognition as a British Territory to a constitution of 1838 devised with the help of a visiting Royal Navy officer. The office of the Governor was established in 1970, after Fiji (whose Governor had been responsible for Pitcairn since 1952) became independent from the UK. The British High Commissioner to New Zealand is appointed concurrently as Governor (Non-Resident) of Pitcairn.

In September 2009, a consultation period began on a new Constitution better to meet the needs of Pitcairn in the 21st century. The new Constitution came into force in March 2010. For the first time the new Constitution included a fundamental rights chapter. It also established the role of the Island Council in the Constitution and obliges the Governor to consult with the Island Council before making laws (and, in cases where the Governor acts contrary to advice of the Island Council, entitles any member of the Council to submit his or her views on the matter to a UK Secretary of State). The new Constitution affirms the independent role of the Pitcairn courts and judicial officers and guarantees the independence of the public service. Pitcairn Islanders manage their internal affairs through the Pitcairn Island Council, for which elections are held every two years.

## Economy

The economy of Pitcairn is largely based on subsistence fishing, horticulture, and the sale of handicrafts. Pitcairn’s primary source of income was traditionally the sale of postage stamps, but a downturn in the market led to financial reserves being exhausted and Pitcairn now receives budgetary aid from the UK. The Pitcairn Government is trying to boost revenue through small business development, the sale of .pn domain names, honey production and by increasing tourism.

The population of the Territory is self-employed or works for local government. There is no formal taxation. The dwindling and ageing population of the Island has become an increasing concern. The UK is assisting the Pitcairn Government in developing plans to tackle population decrease and develop the Island’s economy and society.



Longboat shed, Pitcairn Island  
Credit: Ian Cramman

The UK has provided bilateral aid to Pitcairn since 2002/03. In 2010/11 this aid amounted to £2,447,000.

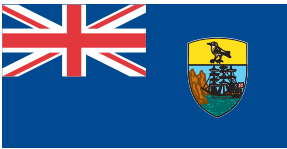
Over the last decade the UK Government has provided extensive development assistance for a range of projects designed to help provide an environment which encourages economic and social development and meet the reasonable assistance needs of the community. These have included a health centre, rebuilding the school, upgrading telecommunications and a sealed road from the jetty to the main settlement. A regular shipping service was established in December 2009 and this provides a necessary life-line in terms of freight and passenger services.

Work is also progressing on projects to provide sustainable wind energy and an alternate harbour to make the landing of supplies, tourists (particularly from cruise ships) and islanders easier and safer.

## Key facts

> <b>Currency:</b>	New Zealand Dollar
> <b>Population:</b>	54 (February 2012)
> <b>Administrative centre:</b>	Adamstown
> <b>Government Website:</b>	<a href="http://www.government.pn/">http://www.government.pn/</a>





# St. Helena, Ascension and Tristan da Cunha

St Helena, Ascension and Tristan da Cunha are three island territories which together form a single territorial grouping under the Crown.

## St Helena

### General

St Helena is a small island of volcanic origin in the South Atlantic with an area of 122 sq km. It is 1,930 km from the west coast of Africa and 2,900 km from South America. The nearest land is Ascension, 1,125 km away.

St Helena was discovered by the Portuguese navigator, Juan da Nova, on St Helena Day (21 May) 1502. Its existence was kept secret until the English seafarer Thomas Cavendish found it in 1588. In 1658, a Charter from Richard Cromwell, Lord Protector, authorised the British East India Company to colonise and fortify the Island, which it did the following year. Napoleon was exiled on St Helena from 1815 until his death there in 1821. It became a Crown Colony in 1834.

St Helena is currently accessible by sea only. In November 2011 a contract was signed between the St Helena Government and the construction company Basil Read to construct an airport. An airport could transform St Helena from an island in decline into a prosperous and thriving community. The UK Government will finance the airport and St Helena will do all it can to develop and eventually graduate from budgetary aid.



### Government

A new Constitution was introduced in 2009, containing a comprehensive suite of fundamental human rights, including provisions to guarantee a fair trial. The St Helena Constitution Order provides for a Legislative Council consisting of the Speaker, twelve elected members and three ex-officio members (the Chief Secretary, the Financial Secretary and the Attorney General). The last general election took place on 4 November 2009. The Governor enacts laws acting in his or her discretion. The Executive Council consists of five elected members of the Legislative Council and the ex-officio members. The Governor has responsibility for the conduct of government business relating to defence, external affairs, internal security including the police, shipping, finance, administration of justice, and aspects of the public service.

## Economy

St Helena's Gross Domestic Product (GDP) stood at £15.5 million in 2009/10. The economy has expanded sluggishly, averaging growth of 0.7% per annum over the past 10 years (in real terms). The main driver of growth has been financial support from the UK Government, with the public sector employing 44% of the working population.

In order to make the most of the airport development, the St Helena Government has embarked on a programme of far reaching reforms to open its economy up for tourism and to encourage greater levels of inward investment. These reforms are designed to make the island a more attractive place to live, invest, work and to visit. A ten-year Economic Development Plan is also being written that will outline what activities will be undertaken in the coming years to attract investors, develop tourism sites and critically to enable the people of the Territory to participate fully in the local private sector.

The total aid package from the Department for International Development averaged £23.5m a year over the three years from 2009/10 to 2011/12. DFID provides development support to St Helena to meet the reasonable assistance needs of citizens cost-effectively and to promote greater self-sufficiency. DFID's direct budgetary aid currently provides over half of the St Helena Government's recurrent budget but this proportion will decrease as the island's economy grows and revenues increase. Budgetary aid helps fund the delivery of basic public services such as health care, education and social security. DFID aid also maintains maritime access by subsidising the operation of the Royal Mail Ship St Helena. The final component of DFID's aid supports specific interventions, such as the provision of technical expertise, a project to modernise and increase efficiency in the public sector, and support to a number of infrastructure development projects.

## Key facts

> <b>Currency:</b>	Pound Sterling and St Helena Pound (at parity)
> <b>Population:</b>	4000 (2009/10)
> <b>Capital:</b>	Jamestown
> <b>Government Website:</b>	<a href="http://www.sainthelena.gov.sh/">http://www.sainthelena.gov.sh/</a>



Jamestown harbour, St Helena seen from Jacob's Ladder  
Credit: Chrystele Todd

>> Its existence was kept secret until the English seafarer Thomas Cavendish found it in 1588 <<





# Ascension

## General

Ascension is in the South Atlantic, some 1,125 km north-west of St Helena and around 3,200km east of Brazil. It covers an area of 90 sq km and is of volcanic origin. The last eruption was about 600 years ago.

Ascension was discovered in 1501 by the Portuguese and “found” again on Ascension Day 1503 by Alphonse d’Abuquerque, who named the island. In 1815, when Napoleon was a prisoner on St Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922 when it was made a Dependency of St Helena.

During the Second World War the US Government built ‘Wideawake’ airstrip on the island. In 1957 a US Air Force presence was re-established and the airstrip and ancillary facilities enlarged. It is now a missile tracking station and an airfield used by UK and US Air Forces. In 1982 it became the crucial stop for Royal Air Force flights to and from the Falklands. Ascension continues to provide a re-fuelling stop-over point for RAF flights to the Falklands and a small UK military presence to support these flights.

Ascension is also used by Cable and Wireless, the BBC and the Composite Signals Organisation as well as the Royal Air Force. These ‘user’ organisations financed all non-military activities on the island until 2001/2. A plebiscite was held on Ascension in 2002. 95% of those who voted chose the option of forming an Island Council. The first elections took place in November 2002. There is no indigenous population and no right of abode.



Ascension from the sea  
Credit: Colin Wells

Ascension has globally important populations of seabirds and turtles. In addition Ascension is home to many endemic species – 22 plant, 26 invertebrate and seven fish types. The Ascension Island Government funds a Conservation Department to protect the Island’s biodiversity with major partners such as the University of Exeter, Kew Gardens and the RSPB using funding from the UK and Ascension Governments, and the Darwin Fund. The central Green Mountain area is now a National Park.

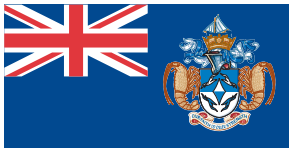
## Government

Executive authority for the Territory is exercised by the Governor resident on St Helena, either directly or through the resident Administrator of Ascension. There is an Island Council. The Governor receives advice from the Island Council and consults it when making laws. The composition and functions of the Island Council are prescribed by law. The current Island Council consists of five elected members plus three ex-officio members, the Administrator, the Attorney General and the Director of Financial Services. Ex-officio members have no vote.

>> Ascension has globally important populations of seabirds and turtles <<

## Key facts

> <b>Currency:</b>	Pound Sterling and St Helena Pound (at parity)
> <b>Population:</b>	873 [December 2011]
> <b>Capital:</b>	Georgetown
> <b>Government Website:</b>	<a href="http://www.ascension-island.gov.ac/">http://www.ascension-island.gov.ac/</a>



# Tristan da Cunha

## General

Tristan da Cunha is a small, isolated island of volcanic origin in the South Atlantic. It is almost circular in shape and has an area of 98 sq km. Gough Island, Inaccessible and Nightingale islands make up the Tristan da Cunha Group. A team of South African meteorologists live on Gough. Inaccessible and Nightingale are uninhabited. The nearest neighbours to the group are St Helena, 2,100 km to the north. Cape Town is 2,400 km to the east.

Tristan da Cunha was discovered in 1506 by the Portuguese navigator Tristao da Cunha who did not land but named the island after himself. It was garrisoned and possessed by the British in 1816.

There are no air services. Transport to and from the island is provided by nine return sailings a year from Cape Town by fishery concession vessels and a further annual visit by the South African research vessel, SA Agulhas. Due to heavy seas the harbour is accessible for only 60 to 70 days a year. Improvements to the harbour are vital to Tristan da Cunha's future.

The islands have very distinctive endemic flora and fauna and are important breeding grounds for many seabirds. Gough and Inaccessible Islands have UNESCO World Heritage Site designation. The volcano is still active and last erupted in October 1961. The population was evacuated to the UK, but returned in 1963.

## Government

Executive authority for the Territory is exercised by the Governor resident on St Helena, either directly or through the resident Administrator of Tristan. There is an Island Council. The Governor receives advice from the Island Council and consults the Island Council when making laws.

The composition and functions of the Island Council are prescribed by law. The Island Council consists of the Administrator, who is President, eight elected members, at least one of whom must be a woman and three members appointed by the Administrator. The Chief Islander is appointed by the President and is the councillor who declares himself or herself willing to act as Chief Islander and who receives the most votes for that post.

## Economy

Tristan da Cunha is largely self-sufficient. The economy relies predominantly on the income from the island's highly sustainable lobster fishery. Fluctuating market demand and prices for Tristan lobster has a direct effect on Territory revenue and government reserves have been substantially depleted in recent years.

Other sources of current income – a small scale tourist industry based on three or four tourist ships per annum and the sale of stamps and coins – are limited and further potential economic developments, such as the sale of mineral water, will require considerable capital investment.

Despite the economic challenges, the Tristan Government is committed to trying to balance its budget through efficiencies and effective management of the finances.

Annual bilateral assistance to Tristan da Cunha is modest and consists of support for the provision of medical care and assistance with education, public works and government reform. In addition the UK has funded several repairs to Tristan's harbour, and is working with the Tristan Government in developing a longer term plan for the harbour.

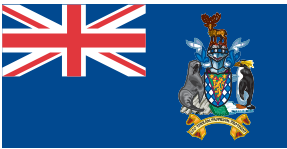


Chief islander surveys Nightingale Island  
Credit: Sean Burns

## Key facts

> <b>Currency:</b>	Pound Sterling
> <b>Population:</b>	261 (February 2012)
> <b>Capital:</b>	Edinburgh of the Seven Seas
> <b>Government Website:</b>	<a href="http://www.tristandc.com/government.php">http://www.tristandc.com/government.php</a>

>> The economy relies predominantly on the income from the island's highly sustainable lobster fishery <<

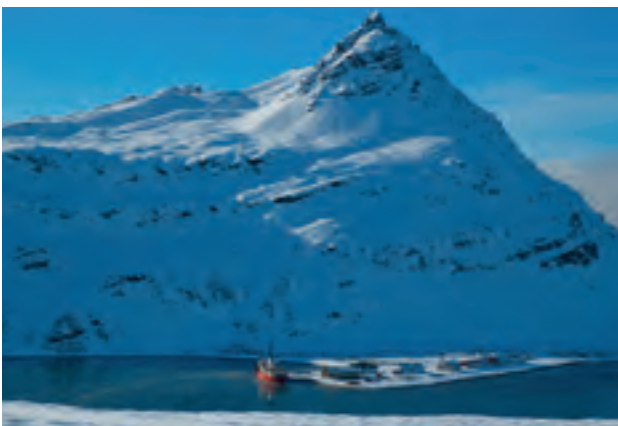


## South Georgia & the South Sandwich Islands (SGSSI)

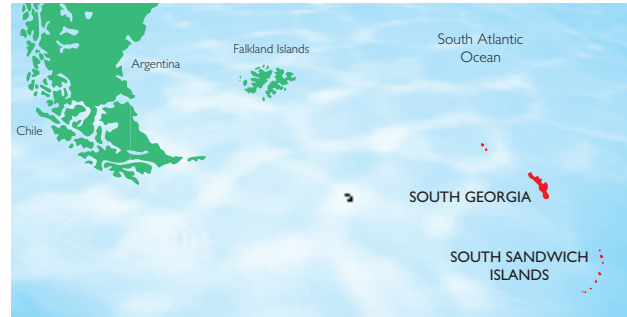
### General

South Georgia is situated 1290 km south east of the Falkland Islands and occupies an area of 3,755 sq km. It is a mountainous sub-Antarctic island, more than half of which is permanently ice covered, with Mount Paget rising to 2,934m. The South Sandwich Islands lie 760 km south east of South Georgia and comprise a chain of eleven small volcanic islands stretching over 240 km. The climate is wholly Antarctic and the islands may be surrounded by pack ice during the winter months. The SGSSI maritime zone occupies in excess of 1,000,000 sq km of the Southern Ocean, equivalent to over four times the terrestrial area of the United Kingdom.

Captain Cook claimed South Georgia for the UK in 1775, the year in which he also discovered the South Sandwich Islands. SGSSI has a rich heritage. Its unique natural environment is internationally recognised and featured in the BBC's *Frozen Planet* series in 2011. South Georgia has a prominent history as the gateway to Antarctica for polar explorers, including Sir Ernest Shackleton. It was also a centre for land-based whaling during the early 20th Century, which provides much of the cultural heritage of the island.



King Edward Point, South Georgia  
Credit: Dr Martin Collins



The Territory is internationally recognised for its biological importance, and sustains major populations of seabirds and mammals, including globally threatened species. The South Sandwich Islands represent a maritime ecosystem scarcely modified by human activities, their only inhabitants being millions of breeding penguins and other seabirds. The principles of environmental protection and sustainable ecosystem management are enshrined within the Government of SGSSI's legislation and policies including measures to protect against invasive and non-native species that threaten the natural environment. A programme to eradicate rats – which pose one of the greatest threats – from South Georgia is currently underway.

>> The Territory...sustains major populations of seabirds and mammals, including globally threatened species <<

## Government

SGSSI has been under continuous British administration since 1908 apart from a short period of Argentine occupation in 1982. SGSSI has been a separate UK Overseas Territory since 1985, before which it was a Dependency of the Falkland Islands. There is no indigenous population, although South Georgia is home to two scientific bases maintained by the British Antarctic Survey, as well as SGSSI Government representatives based at the Administrative Centre, King Edward Point.

SGSSI has its own constitution and is administered by a Commissioner, who is currently the person who holds the office of Governor of the Falkland Islands, based in Stanley. The Commissioner is supported by officials of the Government of SGSSI. The Government of SGSSI is responsible for making its own laws which cover the principal activities of the Territory. This legislation is in line with, and implements, regulations under the Antarctic Treaty System (including the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)) and other international agreements. The UK retains overall responsibility for good governance, defence and foreign policy. In consultation with stakeholders the Government of SGSSI and the UK have developed complementary rolling five year strategies which underpin our respective activities.

## Economy

SGSSI is self-financing and generates income primarily through fisheries and tourism. Fishing is the lifeblood of the economy and generates over 75% of the Territory's revenue. The toothfish fishery exceeds the standards laid down by CCAMLR and is the third highest scoring Marine Stewardship Council certified fishery in the world. Its management is underpinned by scientific research, much of it conducted on South Georgia. The Government of SGSSI also issues a range of stamps and coins annually which generated over £150,000 in revenue in 2010. Tourism contributes over 15% of revenues and over 7000 visitors arrive in South Georgia every year, many of them en route to the Antarctic Peninsula.

## Key Facts

> <b>Currency:</b>	Pound Sterling
> <b>Indigenous Human Population:</b>	0
> <b>Macaroni Penguin Population:</b>	1 million breeding pairs (estimate)
> <b>Administrative Centre:</b>	King Edward Point
> <b>Government website:</b>	<a href="http://www.sgisland.gs">www.sgisland.gs</a>



# Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus (SBAs)

## General

The SBAs are those areas of Cyprus that remained under British sovereignty when the 1960 Treaty of Establishment created an independent Republic of Cyprus (RoC). The SBAs cover around 256 square kilometres. Most of this land (some 60%) is privately owned by Cypriot nationals. The British population of the SBAs is around 7,500 and includes Service personnel, UK-based civilians and their families. In addition there is a population of around 10,000 Cypriots. The Cypriots living in the areas are recognised residents of the SBA but are European Union (EU) and RoC citizens.

There are two locations: the Western Sovereign Base Area (or WSBA), which consists of Episkopi and Akrotiri stations, and the Eastern Sovereign Base Area (or ESBA), which consists of Dhekelia station and Ayios Nikolaos. As such, the SBAs have never been part of the RoC, they are not on temporary loan, nor have they been ceded to the UK. The SBAs are run as military bases, not colonial territories. It is because of this military focus that the SBAs are administered by the Ministry of Defence, and not the Foreign and Commonwealth Office, which administers other overseas territories.

There are in most areas no entry or exit controls between the SBAs and the rest of Cyprus, and the boundary itself is marked only by inconspicuous pillars. Although there is free access to the majority of SBA Territory, access to the military bases is restricted.

## Government

Under the 1960 Treaty of Establishment, the bases remain sovereign British territory under the Crown unless the Government of the United Kingdom, in view of changes in its military requirements, decide to divest itself of the sovereignty or effective control over the SBAs or any part thereof. The military requirement for the bases still exists and there are no plans to withdraw from the SBAs.



Aerial view of Sovereign Base Areas  
Credit: Crown Copyright (Ministry of Defence)

Civil government of the SBAs is the responsibility of the Administrator, and is carried out by the SBA Administration on his behalf. The philosophy for the administration of the SBAs was stated by the UK Government in 1960 through an appendix to the Treaty of Establishment known as Appendix O. Appendix O declared that the UK's key policy objectives in administering the Areas were:

- > The effective use of the SBAs as military bases;
- > Full co-operation with the Republic of Cyprus;
- > Protection of the interests of those resident or working in the SBAs;

Legislation in the SBAs is made by the Administrator but, in general, mirrors the RoC's laws, in line with the UK's declaration that the laws applicable to the Cypriot population of the SBAs would be, as far as possible, the same as in the Republic.



When Cyprus joined the EU in May 2004, the SBAs did not become part of the EU but Protocol 3 to the 2003 Accession Treaty, acknowledging the open boundaries, applied specific provisions of the EU Treaties to the SBAs mainly in the areas of Agriculture & Fisheries, Social Security, and Customs and Fiscal. The ESBA and corridor road that links Dhekelia to Ayios Nikolaos is a de facto EU external border, bringing immigration and customs responsibilities for the SBA administration.

### **Economy**

The UK Government declaration accompanying the Treaty of Establishment currently restricts the establishment of civilian commercial or industrial enterprises within the SBAs, unless they are connected with military requirements but British Forces Cyprus and the Sovereign Base Areas Administration do provide some direct local employment opportunities.

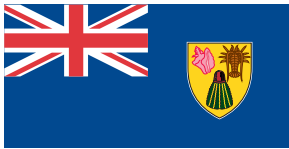
### **The Cyprus Review 2011**

In May 2011, in order to implement the SDSR conclusions, the Defence Secretary announced that a review of the British SBAs in Cyprus would be undertaken. On announcing its completion in December 2011, the Defence Secretary confirmed Her Majesty's Government's enduring commitment to the SBAs in Cyprus. The key considerations in affirming this commitment were:

- The SBAs, situated in a region of geo-political importance, remain high priority for the UK's long-term national security interests.
- The SBAs provide an adaptable and capable Forward Mounting Base, the utility of which has been amply demonstrated: for example in aircraft basing during the Libya campaign and as a logistic hub for operations in Afghanistan.
- In addition, the SBAs are expected to make a significant contribution to the logistic drawdown from Afghanistan, as well as to wider humanitarian and conflict prevention activities in the region. They also continue to provide excellent training opportunities for the Armed Forces.

This announcement offered a timely opportunity to put the necessary financial support for the SBAs – and access to wider Government expertise – in place. The MOD will continue to work closely with Other Government Departments to ensure there are sustainable plans to support the SBAs, including by means of ensuring that the SBAs are treated equitably with other Overseas Territories.





# Turks and Caicos Islands

## General

The Turks and Caicos Islands (TCI) form the south-eastern extremity of the Bahamas chain and lie north of Haiti and south-east of Miami. The Territory comprises some 40 islands and cays. Six islands are permanently inhabited: Grand Turk – the capital; Salt Cay; South Caicos; Middle Caicos; North Caicos; and Providenciales.

TCI Islanders account for about one third of the total population: there are many immigrants from other Caribbean Islands and North America as well as significant numbers of illegal migrants. English is the main language. The main religion is Christianity.

Juan Ponce De Leon discovered the islands in 1512. Locals claim that the islands were the first landfall of Christopher Columbus in 1492. For several centuries the islands changed hands between the French, Spanish and British. They remained virtually uninhabited until 1678 when they were settled by a group of Bermudians who started to extract salt and timber. The islands became part of the Bahamas in 1799. In 1848 the islanders were granted separate colonial status with an elected Legislative Board and an administrative President. From 1872 until 1962 the islands were part of Jamaica. In 1959 an Administrator for TCI was appointed. From 1965 until 1973 the Governor of the Bahamas was also the Governor of TCI. Since 1973 the islands have had a Governor in their own right

## Government

In 2009 a Commission of Inquiry concluded that there was a high probability of systemic corruption among Ministers, members of the legislature and public officials in the former TCI Government. As a result of these findings, parts of the Constitution providing for Ministerial Government and the House of Assembly as well as the automatic right to trial by jury were suspended. Powers and functions previously exercised by Ministers are – at the time of



publication – exercised by the Governor acting in his discretion. A Special Investigation and Prosecution Team (SIPT) consisting of former police officers, lawyers and senior counsel from the UK was appointed to investigate matters identified in the 2009 Commission of Inquiry report. A prominent international law firm was appointed to carry out civil recovery work.

An FCO/DFID joint Written Ministerial Statement in December 2010 set out eight milestones that would have to be met before elections could take place:

- > implementation of a new Turks and Caicos Islands Constitution Order, in support of recommendations of the Commission of Inquiry, which underpins good governance and sound public financial management;
- > introduction of a number of new Ordinances, including those making provision for: (i) the electoral process and regulation of political parties; (ii) integrity and accountability in public life; (iii) public financial management;
- > establishment of robust and transparent public financial management processes to provide a stable economic environment and a strengthening of the Turks and Caicos Islands Government's capacity to manage its public finances;
- > implementation of budget measures to put the Turks and Caicos Islands Government on track to achieve a fiscal surplus in the financial year ending March 2013;
- > implementation of a transparent and fair process for acquisition of Belongership;

- > significant progress with the civil and criminal processes recommended by the Commission of Inquiry, and implementation of measures to enable these to continue unimpeded;
- > implementation of a new Crown Land policy;
- > substantial progress in the reform of the Public Service.

On 12 June 2012 the UK Government announced that it judged there had been significant and sufficient progress on the eight milestones and on putting in place robust financial controls and set 9 November as the date for elections.

### Economy

In the last thirty years TCI has developed from being dependent on budgetary aid and technical assistance from the UK (until 2003) to a territory with a booming economy based primarily on tourism, with a small financial services sector. The Territory has become a popular up market holiday destination. By 2007 TCI had a per capita income of US\$23,768. Growth hit a peak of 15% per annum.

However in 2008 TCI's economy was hit by the global financial crisis and by Hurricane Ike which caused widespread damage. The economy suffered further in 2009 when the gross mismanagement of public finances, corrupt practices and unsustainable levels of debt servicing were revealed following the suspension of parts of the Constitution. In 2011, in response to the unfolding financial plight of the Turks and Caicos Islands Government, DFID put in place a

five year guarantee with commercial lenders, to provide the TCI Government with access to a maximum capital amount of US\$260 million over the guarantee period. A Chief Financial Officer was appointed to meet the urgent task of addressing the TCI Government's structural deficit. Once the Territory is in fiscal surplus it will be able to start to pay off its debt and should, after the five year period is over, if not before, be able to secure new and reduced bank lending without the need for a UK Government guarantee.



Holiday Resort, Turks and Caicos Islands  
Credit: iStockphoto

### Key facts

> <b>Currency:</b>	US\$
> <b>Population:</b>	36,600 (2008 est)
> <b>Capital:</b>	Cockburn Town, Grand Turk
> <b>Government Website:</b>	<a href="http://www.gov.tc">http://www.gov.tc</a>

In 2011 the tourism sector began to recover, and in 2012 arrivals were around 10% up from the previous year. The extension of the runway at Providenciales Airport and further development on Grand Turk as a destination for cruise ships should ensure that TCI's tourism market remains buoyant. Foreign investors, mainly from North America and the UK, play a significant role in the Islands' economic life particularly in the development of tourism resorts and real estate.

Since the suspension of parts of the constitution in 2009, the UK has funded a wide range of technical assistance in the key areas highlighted in the Commission of Inquiry report, including public financial management, Crown Land, Public Sector Reform, legislative drafting, Immigration and Customs. Canada has provided and funded the Commissioner and Deputy Commissioner of Police for two years.

>> The Territory has become a popular up market holiday destination <<



## Virgin Islands (commonly known as the British Virgin Islands)

### General

The Virgin Islands comprises over 60 islands, islets and cays situated in the north-eastern arc of the Caribbean archipelago covering a geographical area of 152 sq km. The Territory is located about 97 km east of Puerto Rico. The main islands of Tortola, Virgin Gorda, Anegada and Jost Van Dyke are home to most of the Territory's 29,000 people. The capital, Road Town, is located on the main island of Tortola.

The population is predominantly of African descent. The remainder are of European, American and Asian extraction. Approximately half the population are immigrants from other Caribbean islands. The majority of the population is Christian. English is the main language and Spanish is the second most widely used language.



### Government

Discovered by Christopher Columbus in 1493, the islands came into British possession in 1666 when planters took control from the original Dutch settlers, and have been a British colony since 1672. The Constitution provides for a Cabinet comprising the Premier, four other Ministers and one ex-officio member, the Attorney General. Cabinet is responsible for the formulation and implementation of policy, though the Governor has responsibility for external affairs, defence, internal security, aspects of the public service and the administration of the courts. The House of Assembly comprises 13 elected members, nine representing individual districts and four elected by a territory-wide vote. The Attorney General, an appointed official, is also an ex-officio member of the House of Assembly. Elections are held at least every four years and the last election took place in November 2011.



Roadtown  
Credit: Tony Bates

### Economy

The main pillars of the economy are financial services and tourism. The financial services sector has grown rapidly in the last decades and now generates about 60% of total government revenue. The Territory specialises in international business companies and has a dominant share of around 45% of the global market for this product. By the end of 2011 there were in excess of 450,000 registrations. Tourism accounts for 30% of GDP.

The Territory is known for its numerous white sand beaches as well as being one of the world's greatest sailing destinations. Agriculture and manufacturing each account for less than 5% of GDP.

>> The Territory specialises in international business companies and has a dominant share of around 45% of the global market for this product. <<

### Key facts

Currency:	US Dollar
Population:	29,537 (2010 estimate)
Capital:	Road Town (Tortola)
Government Website:	<a href="http://www.bvi.org.uk/">http://www.bvi.org.uk/</a>

**Front cover photographs**

*Left:*

Hamilton, Bermuda  
Credit: Alfred Wekelo

*Right:*

Neko Harbour, British Antarctic Territory  
Credit: iStockphoto





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**Our Ref: OP/C4/001**

16<sup>th</sup> October, 2020

His Excellency the Governor  
Mr. Augustus J. U. Jaspert  
Governor of the Virgin Islands  
Office of the Governor  
Road Town  
Tortola VG1110  
British Virgin Islands

Dear Governor Jaspert:

**RE: Public Service Transformation**

Good day and God's blessings to you and your family.

Thank you for your similarly-captioned letter of 1<sup>st</sup> October, 2020, and the attachments, namely the Memorandum from the Deputy Governor dated 23<sup>rd</sup> September, 2020; the Public Service Transformation Framework; Overview of the Skills Profile 2019; and the results of the Civil Service People Survey 2018.

As I have intimated on diverse prior occasions, my Government remains in full commitment to the transformation of the Public Service into a modern, efficient, effective and accountable organization, which delivers high quality services to the citizens and residents of the Virgin Islands, while providing a hospitable and enabling work environment that fosters engagement among the staff.

I wish to clarify, first of all, that my Government's concerns with respect to the current proposed Public Service Transformation Programme (PSTP) as it relates to the Constitution are not, as purported in your letter and the Deputy Governor's Memorandum, solely on the basis of the impending Constitutional Review or the various areas where there is a divergence of views between the Governor's Group and the elected Government in how the provisions of the Virgin Islands Constitution Order 2007 are being interpreted and applied by you and by the Government of the United Kingdom whose interests you primarily represent.

Indeed, as we all agree, we must proceed with the guidance of the Constitution. Over time, a practice has developed that has lent to the usurping of Constitutional functions of the elected Government by the Governor's Group, and we must take steps to correct this anomalous practice as a matter of Good Governance. The Virgin Islands Constitution Order 2007 is clear that the powers of the Governor, some of which are assigned to the Deputy Governor, is limited only to the appointment of Public Officers in conjunction with the Public Service Commission and the terms and conditions of their engagement. Delivery of administrative services to the public is vested with the Ministries, with the Ministers in the lead.

While the human resource functions of the Governor's Group do form part of the Public Service transformation agenda, the vast majority of this exercise pertains to the reform of the practices, processes and procedures for enhancing the administrative functions within the various Ministries to improve the effectiveness of the delivery of services by the Ministries to their clients - the public – in accordance with the national vision. Ministers report to the Premier. The national vision is the remit of the elected Government, which is determined and executed by the Premier and his Ministers. This structure emanates from the Virgin Islands Constitution Order 2007 and hence, any programme for the execution of the Government's agenda and the related administration thereof lies clearly with the Premier as the Head of the elected Government.

Further, the Preamble to the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter, which informs the former, provide the contextual framework for the interpretation of the Constitution.

The United Kingdom, in the Virgin Islands Constitution Order 2007, has explicitly affirmed "that the people of the Virgin Islands have generally expressed their desire to become a self-governing people and to exercise the highest degree of control over the affairs of their country at this stage of its development." The UK Government has further attested that one of the pillars of the modern partnership with the Virgin Islands is the principle of self-determination.

Under Article 73 (b) of the United Nations Charter, the UK Government has "accept(ed) as a sacred trust the obligation to promote to the utmost... to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions..."

These are not new provisions or obligations, nor are they new to the relationship between the UK Government and the elected Government of the Virgin Islands, and all genuine effort must be made to ensure that all Constitutional actors perform their respective roles within these tenets. This framework establishes and entrenches administrative boundaries which the framers of the Constitution, in their wisdom, saw it necessary to protect, therefore they must be upheld.

In my previous correspondences, I pointed out that based on the current allocation of Ministerial responsibilities there are areas in the PSTP that are inadvertently listed for execution by the Governor's Group and which need to be restored under the Ministry where they substantively reside. These include matters pertaining to the BVI Tourist Board, which is a portfolio under the Premier's Office, and the Public Service Eyes Programme which is a Television Product established under the Premier's Office where GIS is a programme.

The Archives and Records Management Act is another area that is inadvertently being referred to as the responsibility of the Governor's Group, but which ought to properly reside with the Government Ministries, namely the Premier's Office. Archives and Records Management is indelibly linked to the cultural identity of the people of the Virgin Islands, which is the essence of the Virgin Islander. It encompasses the political advancement, economic empowerment, historical and economic connection to the British Virgin Islands and its people, not the Governor's Group. Certainly, Human Resources records should stay with Governor's Group, as this is not the remit of the Government of the Virgin Islands, but other records should be with the people's democratically elected Government. This too is recognized by both the Preamble of the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter which speak of the cultural identity of Virgin Islanders.

There are other tasks such as development of the Ministerial Code that do not belong in the PSTP since this is a function that should properly be with the House of Assembly (HOA) since Ministers are Constitutionally accountable to the HOA. Certain legislative functions are also listed in the PSTP under the Governor's Group, but legislative functions lie with the HOA, not the Governor's Group. Failure to correct these issues would run the risk of offending the HOA. These include legislation for putting institutions in place. The proper approach is for the Premier' Office to lead these items, collaborating with the HOA as appropriate.

While we are all keen for the transformation of the Public Service to be done, you would agree that we must strive to get it right and we must stay within the Constitutional roles. Given the UK Government's role and commitments as expressed in the Virgin Islands Constitution Order 2007 and Article 73 of the United Nations Charter, which is to support the democratically elected Government of the Virgin Islands and the people of the Territory in our journey of self-determination through self-government, it is important that the PSTP continues without the blurring or crossing of administrative boundaries.

In this instance, this requires the tasks within the PSTP to be led and coordinated by the respective branches that are responsible for them; which is for the Governor's Group to manage the aspects of the programme pertaining to terms and conditions of employment of Public Officers consistent with its Constitutional remit, and the Premier's Office leading and coordinating the Ministry projects aimed at achieving improved functionality, strategic structure and operational effectiveness and efficiency where the Premier is the leader of Government Business and ultimately responsible to the HOA.

Again, I reiterate my support for achieving a meaningful transformation of the Public Service in line with the National Vision of the Government and people of the Virgin Islands.

Do have a blessed day.

Respectfully,

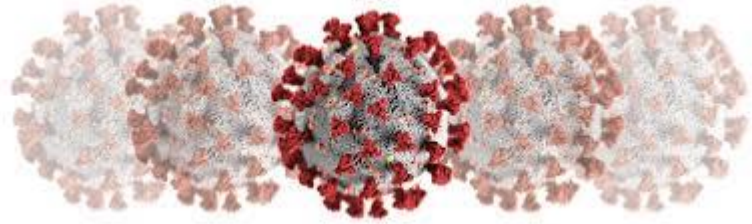


Andrew A. Fahie  
Premier and Minister of Finance

cc: Baroness Elizabeth Sugg, Minister for the Overseas Territories  
Mr. Ben Merrick, Director of the UK Foreign and Commonwealth Office  
All Cabinet Members (and Cabinet Secretary)  
Junior Ministers  
Mr. David Archer Jr., Deputy Governor  
Mr. Glenroy A. Forbes, Financial Secretary  
Mrs. Carolyn O'Neal-Morton, Permanent Secretary, Premier's Office  
Mrs. Sharleen Dabreo-Lettsome, Permanent Secretary, Deputy Governor's Office



GOVERNMENT OF THE  
**VIRGIN ISLANDS**  
Ministry of Health  
and Social Development



# COVID-19

## COORDINATION AND PLANNING

Presented to the Virgin Islands Cabinet  
by Petrona N. Davies, Permanent Secretary  
16 March 2020

# TIMELINE

- 31 December 2019 Outbreak of a new virus reported in Wuhan, Hubei Province, China.
- January 2020 Pandemic Committee and Quarantine Authority convened.
- 30 January 2020 the World Health Organization declared the outbreak a “**public health emergency of international concern**” (PHEIC).
- 3 March 2020 first meeting of the NEOC.
- 4 March 2020 HEOC stood up.
- 11 March 2020 the WHO officially declared COVID-19 a pandemic.
- 15 March 2020 153 517 cases confirmed globally, no confirmed cases of in the BVI.



# LEGAL PROVISIONS

## Public Health Ordinance (Cap. 194)

The Minister's functions include: 4. (1) (a) **the prevention, treatment, limitation and suppression of disease...**

9. (1) Except as the Minister may otherwise direct, the **Chief Medical Officer** shall discharge the functions conferred on the Minister under this Ordinance and every... public health officer shall discharge functions under this Ordinance **as directed by the Minister or the Chief Medical Officer** and in so doing shall be deemed to be acting under the authority of this Ordinance.





# LEGAL PROVISIONS

## Public Health Ordinance (Cap. 194)

13. (1) Where any Board or Committee established under this Ordinance reports to the Minister –

(b) that any part of the country appears to be **threatened with or affected by any communicable disease of epidemic proportions**, and that measures apart from or in addition to those specifically provided for in this Ordinance should be taken promptly,

the Minister may by Order published in the Gazette direct the enforcement of any measures recommended...or any other measures that he thinks expedient...





# LEGAL PROVISIONS

## Public Health Ordinance (Cap. 194)

14. Minister may prohibit the assembly of persons.
15. Minister may order closure of public places or schools.
16. Power of entry. (Chief Medical Officer or any person authorised in writing by the Minister)



# LEGAL PROVISIONS

## Quarantine Act, 2014

5. (1) Where in the opinion of the Quarantine Authority a health emergency exists, the Quarantine Authority may, with the approval of the Minister, by Order signed by the Chairman [CMO], **direct special measures to be taken during the continuance of that emergency...**

74. (1) Every member of the Police Force shall enforce compliance with this Act...and for such purpose any member of the Police Force may board any vessel or aircraft and may enter any premises without a warrant.



# PREPARING FOR LARGE-SCALE COMMUNITY TRANSMISSION

## WHO GUIDANCE NOTE: 28 FEBRUARY 2020

### Priority areas:

- **Incident management, planning and multisectoral coordination**
- Surveillance and risk assessment
- Laboratory
- Clinical management and health-care services
- Infection prevention and control
- Non-pharmaceutical public health measures
- Risk communication
- Points of entry
- Operational logistics

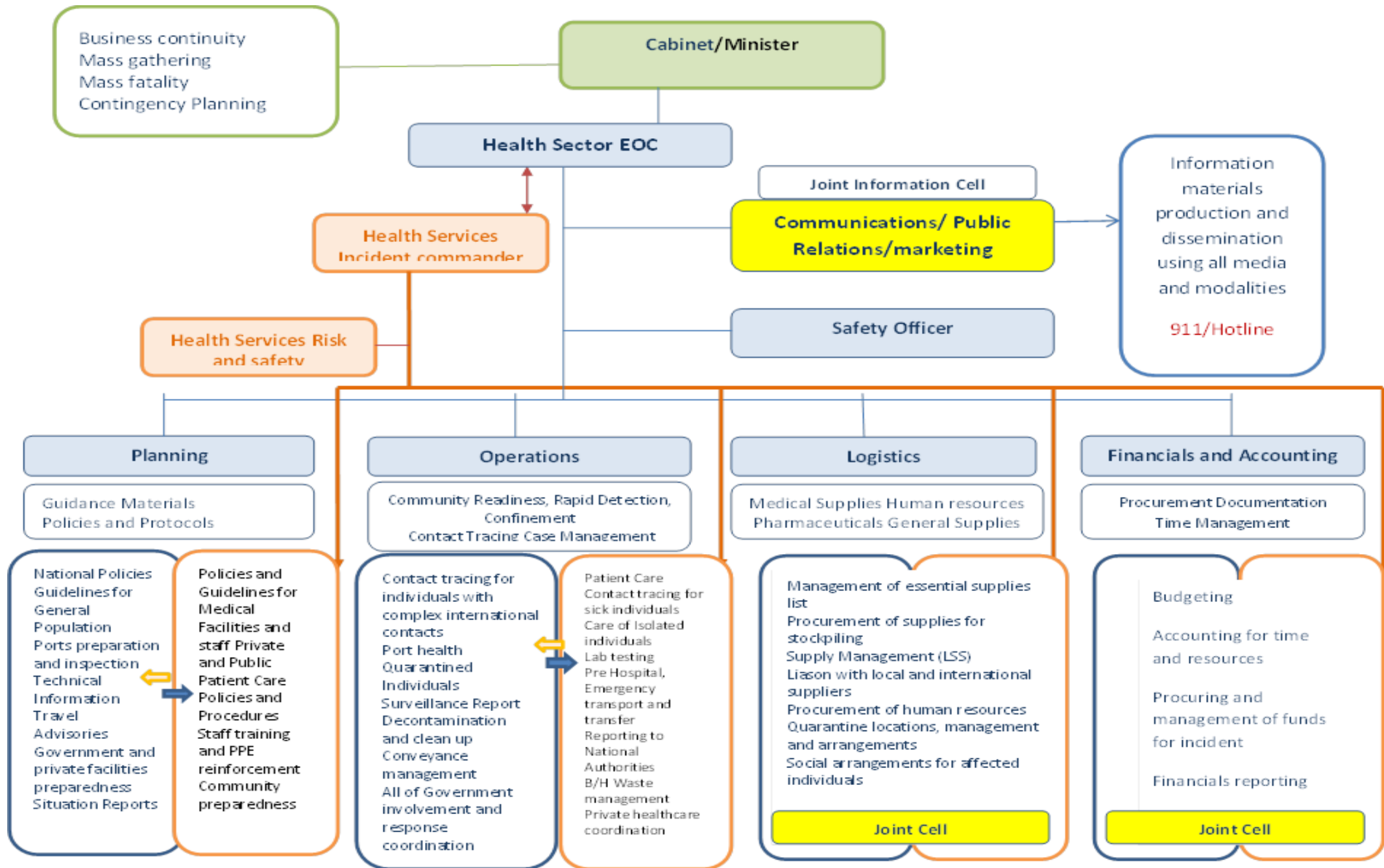


# INCIDENT MANAGEMENT, PLANNING AND MULTISECTORAL COORDINATION

**National public health emergency management mechanisms** should be activated to provide coordinated management of the evolving situation.

## **Recommended actions:**

- Ensure that the national public health emergency plan is activated and in use.
- Ensure that an incident management system (IMS) and an emergency operations centre (EOC) for event management are activated and in use.
- Ensure multisectoral coordination mechanisms managed by national emergency platforms are in place between government departments, agencies, civil society organizations and other relevant bodies. All sectors should be prepared **to support the implementation of public health measures and the health sector response** and to maintain essential business continuity.





**FactsNotFear**  
CORONAVIRUS

**THANK YOU**





**Foreign, Commonwealth  
& Development Office**

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Hon. Andrew A Fahie  
Premier and Minister of Finance  
Premier's Office  
Government of the Virgin Islands  
Road Town, Tortola

9 April 2021

Dear Hon. Premier,

Thank you for your letter of 9 March about the Drugs (Prevention of Misuse) Amendment Act, 2020 (DPMA).

I have serious concerns about the potential effects of the DPMA, particularly the impact it could have on the trade of illegal drugs. The seizure of over 2,000 kilos of cocaine in November last year, 250 kilos in January and an additional 500 kilos last month, is indicative of a serious and sustained level of narcotics trafficking. Whilst the seizures involve cocaine, not cannabis, they demonstrate the BVI's vulnerability to drug traffickers in the region.

I am concerned at the scale and frequency of such events, and was particularly worried by the arrests of serving police officers in connection with the seizures. I believe that it would be prudent to consider the detail of the upcoming report from the Commission of Inquiry before reaching a decision on the DPMA, given that the terms of reference are potentially relevant to my concerns.

I note your reference to Bermuda's 2017 Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act. I am sure you will agree the two Territories differ significantly, and face different challenges. Context must be taken into account in my decision.

Finally, I would like to take this opportunity to commend the BVI's health professionals, for their continuing response to COVID-19. It is testament to them, and the protocols that your Government have put in place, that the BVI has had so few cases. I am pleased that the UK will be able to provide enough vaccinations for the adult population, and it is reassuring to know that over 8,000 people in BVI have already received their vaccinations. Global vaccination coverage is essential in tackling the virus, and I am proud of the way that the UK and BVI continue to work in partnership to respond to this pandemic.

**THE RT HON DOMINIC RAAB MP**



House of Commons  
Foreign Affairs Committee

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# **Global Britain and the British Overseas Territories: Resetting the relationship**

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**Fifteenth Report of Session 2017–19**







House of Commons  
Foreign Affairs Committee

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# Global Britain and the British Overseas Territories: Resetting the relationship

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**Fifteenth Report of Session 2017–19**

*Report, together with formal minutes  
relating to the report*

*Ordered by the House of Commons  
to be printed 13 February 2019*

## The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign and Commonwealth Office and its associated public bodies.

### Current membership

[Tom Tugendhat MP](#) (*Conservative, Tonbridge and Malling*) (Chair)

[Ian Austin MP](#) (*Labour, Dudley North*)

[Chris Bryant MP](#) (*Labour, Rhondda*)

[Ann Clwyd MP](#) (*Labour, Cynon Valley*)

[Mike Gapes MP](#) (*Labour (Co-op), Ilford South*)

[Stephen Gethins MP](#) (*Scottish National Party, North East Fife*)

[Ian Murray MP](#) (*Labour, Edinburgh South*)

[Priti Patel MP](#) (*Conservative, Witham*)

[Andrew Rosindell MP](#) (*Conservative, Romford*)

[Mr Bob Seely MP](#) (*Conservative, Isle of Wight*)

[Royston Smith MP](#) (*Conservative, Southampton, Itchen*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Tom Goldsmith and Hannah Bryce (Clerks), Dr Ariella Huff and Ashlee Godwin (Senior Committee Specialists), Dr Matthew Harries, Emma Makey, Dr Eoin Martin and Hannah Stone (Committee Specialists), Ffion Morgan (Committee Researcher), Clare Genis (Senior Committee Assistant), Zara Emmett (Committee Assistant) and Estelle Currie (Media Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Foreign Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6105; the Committee's email address is [fac@parliament.uk](mailto:fac@parliament.uk).

You can follow the Committee on Twitter using [@CommonsForeign](#).

# Contents

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<b>Summary</b>	<b>3</b>
<b>Introduction</b>	<b>5</b>
<b>1 The OTs and the FCO</b>	<b>7</b>
Whether the FCO is the right fit for the OTs	7
The FCO's view	9
The way forward: Possible alternatives to the FCO	10
<b>2 The OTs and Parliament</b>	<b>13</b>
The Sanctions and Anti-Money Laundering Act	13
How the OTs are represented in Parliament	15
<b>3 UK funding for the OTs</b>	<b>18</b>
Current spending on the OTs	18
Official development assistance for the OTs	19
Spending on the environment	21
Brexit and EU funding for the OTs	21
The FCO's vision for funding the OTs	22
<b>4 Points of friction in UK/OT relations</b>	<b>24</b>
OT grievances with the UK: citizenship and the NHS	24
OT divergence from the UK: same-sex marriage and belongingship	25
<b>5 Conclusion</b>	<b>28</b>
<b>Conclusions and recommendations</b>	<b>29</b>
<b>Formal minutes</b>	<b>33</b>
<b>Witnesses</b>	<b>39</b>
<b>Published written evidence</b>	<b>40</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>43</b>



## Summary

The British Overseas Territories (OTs) are a set of largely self-governing territories spanning nine time zones, from the Atlantic to the Pacific, the Antarctic to the Caribbean. These territories are not part of the UK and each has its own constitution, but all share a bond with the UK and a pride in their deeply-rooted British identities. For the Overseas Territories, Global Britain is a living reality and they have a valuable part to play in it.

On the whole, OT-UK relations are stable but there is some appetite for reform in a number of areas. The FCO's role as the lead department for the OTs is one such area. Some OTs feel that it is inappropriate for a department responsible for foreign relations to also have responsibility for governing British territories and many OT governments feel that they are being managed by FCO officials rather than treated as partners, and that their voices are not being heard elsewhere in Whitehall. That is why we are recommending that the Government commission an independent review into cross-government engagement with the OTs and the FCO's management of its responsibilities towards the OTs and to consider the costs, benefits and risks of moving primary responsibility for the OTs away from the FCO.

The UK's relationships with the OTs were placed under strain in May 2018 by the passage of the Sanctions and Anti-Money Laundering Act (SAMLA), which requires the OTs to publish registers of beneficial ownership. Some OTs say that this will impact their financial services sectors and make them less competitive. We believe it is a matter of national security, because there is evidence to suggest that money tied to autocratic regimes has been connected to OT-registered companies, and that considerations of competitiveness cannot prevent action. The public in the UK and elsewhere have a right to see beneficial ownership information and we are calling on the Foreign Secretary to lay out plans for achieving this.

Beyond the specifics of SAMLA, some OTs say that its consideration and passage raised wider questions about Parliament's relationship with the OTs. There is little appetite in the OTs for major change, such as the OTs sending MPs to Westminster, but most agree that there needs to be greater scope for Parliament to examine OT issues, particularly given the cross-departmental nature of the Government's engagement with the OTs. We therefore think the time is right to consider establishing a new formal mechanism by which the members of relevant select committees can scrutinise the UK Government's administration of, expenditure on and policy towards the OTs.

In the long term, rethinking how the Government and Parliament interact with the OTs will help to ensure that the UK's bonds with the OTs remain strong. There are also steps both sides can take in the short-term. On the one hand, the UK Government needs to ensure that those who should be able to claim British Overseas Territories citizenship can do so and that OT citizens can access NHS treatment in the UK when they need to. On the other hand, belonging and its equivalents are wrong: we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office. The UK Government should initiate a consultation with the elected governments of the OTs and agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territory citizens to be able

to vote and hold elected office. Moreover, those OTs that have not yet legalised same-sex marriage should move towards doing so. These steps can ensure that the concept of Global Britain can be underpinned by shared values and commitments.

Streamlining funding for the OTs is another way in which their relationships with the UK can be strengthened. For some, this means having certainty about the long-term outlook for funding large-scale infrastructure developments, for others it means helping to tackle climate change and continuing and expanding the Government's Blue Belt programme, which helps to conserve the OTs' globally significant environments. That is why we are recommending that the UK Government set up a dedicated development and stimulus fund for the OTs.

## Introduction

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1. The British Overseas Territories (the OTs) are spread across four oceans and nine time zones, from Bermuda in the Atlantic to Pitcairn in the Pacific.<sup>1</sup> Most of the OTs are permanently inhabited and largely self-governing. They are not part of the United Kingdom, but the UK has an obligation under article 73 of the United Nations Charter to provide for the wellbeing of their inhabitants.<sup>2</sup> The total population of the UK Overseas Territories is only about 250,000, but they encompass some of the greatest biodiversity in the world. The largest continuous marine protected area in the world surrounds the Chagos Islands and the UK has plans to develop two further marine protection zones around Pitcairn and Ascension. Henderson Island and parts of Tristan da Cunha are UNESCO World Heritage Sites.

2. Numerous UK government departments work in or on the OTs, notably the Department for International Development (DFID), which spends more than any other department on the OTs. It is the FCO, however, that is ultimately responsible for managing the UK's international obligations towards the OTs and its relationships with their elected governments.<sup>3</sup> It is the FCO that appoints the UK civil servants who serve as governors of the OTs, acting as liaison between the UK and the territory and bearing responsibility for its good governance and security.<sup>4</sup> It is also the FCO that convenes the OTs Joint Ministerial Council, a forum that brings together UK Ministers and the elected leaders and representatives of the OTs and which meets in full once a year.

3. The UK's relationships with the OTs have been under the spotlight in recent years for several reasons: the Brexit vote in 2016 and its potentially seismic impact for several OTs; Hurricanes Irma and Maria in 2017, which had a devastating impact on several OTs in the Caribbean; and the consideration in and approval by Parliament in 2018 of the Sanctions and Anti-Money Laundering Act, requiring registers of beneficial ownership to be published in the OTs, which some OTs describe as unconstitutional. In the light of these developments and the questions they have raised about the UK's relationships with the OTs, we launched an inquiry into the future of the OTs in July 2018, the first major OTs inquiry by the Foreign Affairs Committee since 2008.<sup>5</sup>

4. There has been significant interest in this inquiry from across the OTs. The scale of engagement in the inquiry reflects something that was reiterated to us on numerous occasions by OT leaders and representatives: they are proud to be British Overseas

---

1 They are: Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, St Helena (with Ascension Island and Tristan da Cunha), South Georgia & the South Sandwich Islands, the Sovereign Base Areas, and the Turks & Caicos. For a summary of each territory's constitutional relationship with the UK, see the Island Rights Initiative's [report](#) and [factsheets](#) on mapping the UK's responsibilities for human rights in the OTs and Crown Dependencies (December 2018).

2 United Nations Charter, Chapter XI, [Article 73](#).

3 This applies to the permanently inhabited OTs (Anguilla, Bermuda, BVI, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, St Helena, Ascension Island and Tristan da Cunha, and the Turks & Caicos). The British Antarctic Territory, the British Indian Ocean Territory and South Georgia & the South Sandwich Islands do not have permanent populations. They are governed by an FCO official who serves as Commissioner. The Falkland Islands' governor fulfils this role for South Georgia. The exceptions are the Sovereign Base Areas, which have a permanent population but are administratively treated as Cypriot territory. They are managed by the Ministry of Defence.

4 For an overview of the role of a governor, see the FCO's response, dated 12 September 2018, to [FOI request 0885-18](#), regarding the role of the Governor of the Cayman Islands.

5 Foreign Affairs Committee, [Overseas Territories](#) (7th report of session, 2007-2008).



Territories; they have a very strong sense of British identity (although this varies in depth and strength between the Overseas Territories); and they care greatly about maintaining their bonds with the UK and ensuring that their relationships with the UK Government and Parliament are resilient and fit for purpose. The evidence we received suggests that for many people in the OTs, Global Britain is a living reality. These territories are not part of the UK, but they see themselves as members of a global British family. The strength of this identity was summed up by Eric Bush, the Cayman Islands’ government’s representative in the UK, who told us: “We were settled by the British, and being British is in our DNA—it is who we are”.<sup>6</sup>

5. Yet this is not a universal feeling. In oral evidence, former Governor of Bermuda George Fergusson told us that the UK’s relationships with the OTs are “almost fated to be difficult” and that “there will always be a degree of confusion and pushing and pulling” between the UK and the OTs.<sup>7</sup> According to Fergusson, this is because the OTs differ in what they want from the UK. Some want more autonomy from the UK; some want to be closer to the UK; others are happy with the status quo. Mr Fergusson concluded that there “will always be something around, but I don’t think the relationship is too bad”.<sup>8</sup> Dr Peter Clegg from the University of the West of England echoed this view. He said that there is little appetite in the OTs for independence, suggesting a general satisfaction with the status quo, but, he added, there are occasional “difficult periods” in UK-OT relations.<sup>9</sup> The evidence we received suggests that we are in one of those periods and that the long-standing assumption that the UK can take a hands-off approach and bear little cost or liability is under strain. This tension has arisen not least because some OTs want the UK to do more, in terms of financial support, for example, but do not want the UK Government and Parliament to interfere in what they see as their internal affairs.

6. During the course of this inquiry we received evidence from numerous elected leaders and representatives and members of the public about issues of importance to individual territories. These territory-specific issues are beyond the scope of this report, but we are grateful to those who have brought them to our attention and we have reported the evidence we have received on these issues to the House. In the very final stages of the inquiry we were alerted to a recent influx of irregular migrants from Haiti into the Turks and Caicos’ territorial waters. We intend to pursue this issue with FCO Ministers.

7. We would like to thank those who participated in this inquiry and provided invaluable oral and written evidence, including the elected leaders and representatives of Anguilla, Ascension Island, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Montserrat, Pitcairn, St Helena, Tristan da Cunha and Turks and Caicos.

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6 [Q43](#)

7 [Q9](#) Mr Fergusson was also non-resident Governor of Pitcairn between 2006 and 2010.

8 [Q9](#)

9 [Q72](#)

# 1 The OTs and the FCO

8. The FCO inherited responsibility for the OTs from the Colonial Office in 1968, via the short-lived Commonwealth Office. The OTs' relationships with the UK have changed significantly since then. Most notably, in 2002 these territories, which had been colonies and later dependencies, were recategorised as Overseas Territories. This was intended to reflect a more modern relationship with the UK, based on partnership rather than dependency. Reflecting this modern partnership, 2002 also saw the creation of British Overseas Territories Citizenship, which placed OTs citizenship on an equal footing with British citizenship. Despite these and numerous other attempts to modernise the relationship, George Fergusson told us that the FCO's role "has not been seriously reviewed" since it inherited it from the Colonial Office.<sup>10</sup> The evidence we received suggests that many in the OTs believe it is now time to reconsider that role.

## Whether the FCO is the right fit for the OTs

9. Several of the written submissions we received from members of the public suggested that they consider it disrespectful for a department responsible for foreign relations to also have responsibility for the OTs. For example, the submission we received from Andrew Fahie, the then-Leader of the Opposition in the British Virgin Islands (BVI), was based on feedback from public forums. In it he said that many people had "expressed the view that administering the OTs by lumping them with all other foreign interests is axiomatic to a modern relationship" and that "moving the administration of the OTs from the FCO should be a serious first step in modernising the relationship".<sup>11</sup> The submission we received from Shirley Osborne, Speaker of the Montserrat Legislative Assembly, was similarly based on feedback collected in public forums. It said: "Participants universally agreed that the FCO is not the appropriate body to be administering the affairs of the Overseas Territories".<sup>12</sup> This view was echoed in written submissions and oral evidence by several OT governments. Donaldson Romeo, Premier of Montserrat, said:

Many people question the very fact that the FCO is the primary interface between the UK and its Territories. This stems from the fact that Montserrat and the other Territories are legally British Territories and populated for the most part by British citizens. As such, Montserrat is neither foreign nor Commonwealth.<sup>13</sup>

10. Similarly, the Chief Minister of Anguilla, Victor Banks, said: "We are not foreign; neither are we members of the Commonwealth, so we should have a different interface with the UK that is based on mutual respect".<sup>14</sup> Derek Thomas, a member of St Helena's Legislative Assembly, said: "We would like to be not treated as foreigners, but recognised

10 George Fergusson ([OTS0110](#))

11 Virgin Islands Public Meetings ([OTS0047](#)). This submission was made in September 2018. Mr Fahie was succeeded as Leader of the Opposition by Ronnie Skelton in December 2018.

12 The Office of the Montserrat Legislative Assembly ([OTS0093](#)). See also: Mr Kedrick Malone ([OTS0100](#)).

13 Office of the Premier of Montserrat ([OTS0082](#))

14 [Q162](#)

and acknowledged as British citizens”.<sup>15</sup> Eric Bush, speaking on behalf of the Cayman Islands’ government, also said: “The Cayman Islands and, indeed, other OTs are not foreign”.<sup>16</sup>

11. Not all OT governments agreed that the FCO was an unsuitable department for the OTs. In its written submission, the Falkland Islands’ government said that the people of the territory do not see themselves as foreign but that, “whilst it may seem strange for our constitutional relationship with the UK to be managed by the Foreign and Commonwealth Office, on reflection it is a logical home given the unique status of the Overseas Territories”.<sup>17</sup> Teslyn Barkman, a member of the Islands’ Legislative Assembly, expanded upon this in oral evidence: “Certainly we don’t feel like a foreign entity. We are British and we are a part of the UK British family”. But, she said, “there is great strategy in having the Foreign Office. It has a base globally around the world that is useful to someone as logistically and geographically distinct as the Falkland Islands”. She added: “Certainly we cannot think of where we would fit better”.<sup>18</sup>

12. Some OT governments told us that they are not only concerned about the principle of being managed by a foreign ministry, but also by the practice of engaging with the FCO through its Overseas Territories Directorate (OTD). Some suggested that, while an increasing number of UK departments are involved with the OTs, OT governments’ access to Whitehall tends to be limited to the OTD rather than Ministers and their voices are not being heard. In its written submission, for example, the Cayman Islands’ government said that its relationship with the OTD was of “questionable efficacy” and added: “We are often left with the impression there is a view the British Overseas Territories are to be administered, rather than treated with respect as self-governing representative democracies in their own right”.<sup>19</sup> In her submission, Blondel Cluff, CEO of the West India Committee, wrote:

The FCO acts as the lead department for the territories, although BOTs are entitled to access all HMG departments directly. A cross-Whitehall panel has been established to nurture direct access to all departments, but generally, enquiries tend to be referred back to OTD. Consequently, aside from short presentations made at Joint Ministerial Councils or politically led interaction, there is seldom any in-depth dialogue beyond OTD.<sup>20</sup>

13. Falkland Islands’ Assembly Member Teslyn Barkman told us that “the Falkland Islands have repeatedly demonstrated that we are a reliable, responsible and valued member of the UK family” but, she said, this partnership is not reflected in the way they interact with the Government. “Rather than being seen as partners”, she said, “we are in some ways more managed by officials in the FCO”.<sup>21</sup> Ms Barkman concluded that “the relationship that the Falkland Islands wants to see is one that gives us greater ministerial contact”.<sup>22</sup> Other OT governments told us that they want the way in which the FCO appoints officials in the OTs, such as governors, to be reformed. The Turks and Caicos

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15 [Q196](#)

16 [Q43](#)

17 Falkland Islands Government ([OTS0124](#))

18 [Q185](#), [Q186](#)

19 Cayman Islands Government ([OTS0109](#))

20 The West India Committee ([OTS0053](#))

21 [Q164](#)

22 [Q180](#)

Premier, Sharlene Cartwright-Robinson, said that she wants “to see the involvement of UK Overseas Territories in the selection of Governors”, while Anguilla’s Chief Minister, Victor Banks, said that he wants to see candidates for these roles to be chosen “from a wider base of skills and experience, beyond that of the UK civil service”.<sup>23</sup>

14. The situation is different for the governments of OTs that receive official development assistance (ODA). They told us that the problem is not that their relationship with the Government is dominated by FCO officials but that the FCO is not assertive enough. In practice, DFID is the dominant department. In his written submission, Donaldson Romeo, the Premier of Montserrat, said: “DFID officials are too involved in the decision-making process in Montserrat, and sometimes unfairly impose their will on the Government of Montserrat. This makes for an unhealthy relationship”.<sup>24</sup> This was echoed by Janice Panton, Montserrat’s representative in the UK, who told us: “It is rather difficult for us because the FCO should govern and DFID should provide aid, but what we see is that aid and governance come mainly from DFID”.<sup>25</sup> Councillor Derek Thomas from St Helena, which is also ODA-eligible, said: “We are in receipt of foreign aid from the UK through DFID, but we are British, not a foreign country. Decisions are made by DFID on our future funding, yet we are not involved in that process”.<sup>26</sup>

## The FCO’s view

15. In October 2018, we asked the Foreign Secretary if he thought the FCO was the right department for the OTs. He said that this is a time when “we are thinking big thoughts about how things happen going forward” and that he was happy to look at any proposals for constitutional change, so long as it was done with the consent of the OTs.<sup>27</sup> Two weeks later, the FCO’s Permanent Secretary, Sir Simon McDonald, told us that he hoped that the OTs could “continue to be handled from the FCO” and that “our increasingly good performance will be part of making the case for that effectively”.<sup>28</sup> When we asked Sir Simon if another department, such as the Cabinet Office, would better suit the cross-departmental nature of HMG’s relationships with the OTs, he said: “I am sure the case could be made, but in the Cabinet Office there are even more distractions than there are in the Foreign Office”.<sup>29</sup>

16. Sir Simon told us that the FCO had “underinvested” in the OTs in recent years but that that is changing. Building resilient OTs is now one of the department’s top nine priorities, as outlined in its latest single departmental plan.<sup>30</sup> Moreover, the PUS told us, the OTs would be in “the first line” in extra work the FCO would be doing under its plans for a post-Brexit Global Britain agenda, for which it had secured extra funding in 2018. Sir Simon elaborated what this would mean in practice:

We are doing it territory by territory, but in the first place we are reinforcing the offices of governors with extra staff. As you know, in many places they are very, very small staffs—one or two people—so getting an extra few

23 [Q162](#), [Q165](#)

24 Office of the Premier of Montserrat ([OTS0082](#))

25 [Q90](#)

26 [Q196](#)

27 [Q383](#) [Oral evidence from the Foreign Secretary, 31 October 2018]

28 [Q94](#) [FCO budget and capacity, and annual report 2017–2018, 13 November 2018]

29 [Q95](#) [FCO budget and capacity, and annual report 2017–2018, 13 November 2018]

30 Foreign and Commonwealth Office [single departmental plan](#), section 3.3 [accessed 21/01/2019]

bodies from head office is an initial part. I want to look at the relationship in a more fundamental way because that is a part of fulfilling our global responsibilities.<sup>31</sup>

17. In December 2018, we also asked the FCO Minister responsible for the OTs, Lord Ahmad, if his department was the right fit for the OTs. He said that, “in terms of where ultimate responsibility should sit, I think that is less important than what the approach of Her Majesty’s Government is”. He added that “the overall approach of the Government should be cross-Government” and that “we have installed that mechanism and governance structure in our dealings with the Overseas Territories”.<sup>32</sup> Lord Ahmad also referred to a particular advantage of managing the OTs from the FCO: the ability to plug them into the FCO’s wider work, to integrate them into UK policy towards the Caribbean and to raise their profile in the Commonwealth, something some OT leaders and representatives told us was important to them. Lord Ahmad went on to say:

I feel very strongly as a Minister—I include not just myself in this, but others too—that when we go and talk about the British family, that must be inclusive of the British Overseas Territories. Having geographical Ministers responsible for different parts of the world should complement representing the Overseas Territories’ interests in respect of regions. That is the view I have.<sup>33</sup>

### The way forward: Possible alternatives to the FCO

18. The OTs’ struggle to be heard in Whitehall may stem from the fact that, while the officials in the OTD are dedicated and knowledgeable, their work is segregated from the FCO’s core responsibilities. They may, in short, be ill-placed to access or influence other parts of Whitehall on the OTs’ behalf. George Fergusson told us that it is “quite a difficult thing for a small part of the Foreign Office, which otherwise does not do domestic policy, to tap into other Whitehall departments”. He suggested that “the Cabinet Office would find it slightly easier to get other Whitehall departments to pay attention to territories”.<sup>34</sup> In his written submission, Mr Fergusson further argued that the Cabinet Office would be “better placed to engage with other specialist parts of Whitehall to make relevant expertise and support available to the OTs”. He proposed that the Cabinet Office’s UK Governance Group absorb the OTs Directorate and the Ministry of Justice’s Crown Dependencies Team to “create a group big enough to allow for the development of a specialist career path with a core of expertise”. He added:

In organisational terms, carrying out the UK Government’s constitutional roles for OTs and managing relationships with the Crown Dependencies fits more logically and coherently alongside the management of the UK Government’s other constitutional relationships. This should also help clarify in Whitehall, and beyond, what the UK’s responsibilities are towards OTs.<sup>35</sup>

31 [Q89](#) [FCO budget and capacity, and annual report 2017–2018, 13 November 2018]

32 [Q267](#)

33 [Q267](#)

34 [Q14](#)

35 George Fergusson ([OTS0110](#)). Mr Fergusson suggests that responsibility for the Sovereign Base Areas in Cyprus should remain with the Ministry of Defence.

This suggestion was echoed by the Anguillan Chief Minister, Victor Banks, who said: “I would like us to consider a more appropriate department to interface with Anguilla, such as the Cabinet Office”.<sup>36</sup> In its submission, the Cayman government proposed that “the Cabinet Office should designate one Minister to be regularly accountable to Parliament” for the OTs; that the Cabinet Office should assume responsibility for the annual OTs-UK Joint Ministerial Council; and that it should “work to integrate the British Overseas Territories requirements into the existing COBR Civil Contingencies frameworks”.<sup>37</sup>

19. Some want to go a step further by setting up a department dedicated to the OTs. Feedback from public forums in Montserrat indicates that there is public demand there for a “dedicated Ministry, Minister or other comparable office” for the OTs.<sup>38</sup> Similarly, the Montserrat Premier suggested that thought be given “to whether the OTs should have their own department at the top level of the UK Government”.<sup>39</sup> Others argued that this is not necessary. In its submission, the RSPB—which runs extensive programmes in the OTs—argued that it is more important to share knowledge and awareness of the OTs across Whitehall:

Whilst there is relatively significant resource within the capable Overseas Territories Directorate of the FCO, most other Whitehall Departments have a chronic lack of Overseas Territory capacity. Whilst other Departments now at least have a named civil servant with part-time OT responsibility, their capacity is normally spread over many other policy areas as well. They also lack any detailed understanding of the Territories, with no visits to Territories to see situations on the ground. This makes providing any level of tailored and impactful support almost impossible to achieve.

20. The RSPB recommended that this “good governance challenge” be addressed through the establishment of “a ‘One British Realm’ Knowledge Exchange programme” to facilitate and fund “long-term (1–2 year) placements between the UK and the Overseas Territories, both in Government and in civil society”. This, it argued, would benefit good governance in the OTs and address a knowledge deficit in the UK, and “it would be a practical means of bringing the important political sentiment that the UK and OTs are part of ‘one family’ to life”. This would, according to the RSPB, mirror the practice in the French government relating to its OTs.<sup>40</sup>

**21. Some of the Overseas Territories feel that the Foreign and Commonwealth Office should not be the lead UK department for the OTs. Some believe that this arrangement reinforces the perception that the OTs are foreign and that it is not fit for purpose given the cross-government nature of the UK Government’s modern relationship with the OTs. However, not all OTs agree and some feel that the FCO has long experience of working with the OTs, it has expertise in managing relationships with the countries that surround the OTs, and it deals on a daily basis with international treaty obligations relevant to the OTs. It is time for the UK Government to seriously engage with this issue and to do so in a fair and transparent manner. *Before the next full meeting of the OTs***

36 [Q162](#)

37 Cayman Islands Government ([OTS0109](#))

38 The Office of the Montserrat Legislative Assembly ([OTS0093](#))

39 Office of the Premier of Montserrat ([OTS0082](#)). This is the practice in France, which established a Ministry for Overseas France in 2012. In France’s OTs, this Ministry exercises the powers exercised by the Ministry of the Interior in metropolitan France. See: Embassy of France ([OTS0128](#))

40 RSPB ([OTS0070](#))



*Joint Ministerial Council the Government should therefore commission an independent review into cross-government engagement with the OTs and the FCO's management of its responsibilities towards them. Drawing on international comparisons, this review should consider alternatives to the FCO and assess the costs, benefits and risks associated with moving primary responsibility for the OTs away from the FCO. The findings of the review should be presented to the House and shared with the elected OT governments as soon as is feasible.*

22. *There is a widespread feeling in the OTs that the quality and quantity of their communications with UK Government departments needs to improve. The OTs' needs extend far beyond the FCO and their voices must be heard elsewhere in Whitehall. Towards this end, the FCO should draw up plans for a secondment programme between government departments in the UK and the OTs, including assessing the likely costs and level of interest in UK Government departments. The FCO should include specific proposals, costs and a timeline for this in its response to this report.*

23. *The FCO must ensure that the officials it appoints in the Overseas Territories have the skills necessary both to build constructive relationships with the OT governments and to ensure that the territory's governance meets the highest standards. In its response to this report, the FCO should explain the processes it has in place for advertising and recruiting for positions in the OTs, such as governorships, and what it does to consult the OT governments on these appointments. The FCO should also outline the training it provides to the officials it appoints in the OTs, both in advance of and during their postings, and how it assesses their performance.*

24. *There is no single name that properly describes the UK, the Overseas Territories and the Crown Dependencies as a collective family of nations and territories. In its response to this report the FCO should lay out plans for a consultation on whether there should be a name and what such a name should be.*

25. *The people of the Overseas Territories are deeply proud of their British heritage and continue to feel a strong sense of loyalty to the Crown and a close bond with the United Kingdom. The flying of the flags of all Overseas Territories and Crown Dependencies in Parliament Square for the weekend of the Queen's Birthday Parade, "Trooping the Colour" and for all State Visits since 2012, has been a source of enormous pride in the OTs. To many in the OTs, this symbolised that they were fully part of the British family and gave them long overdue recognition. However, their request to lay a Poppy Wreath on Remembrance Sunday at the National Service of Remembrance at the Cenotaph in Whitehall has not been accepted, thus far. There is a unanimous wish amongst the governments of the OTs that as their citizens have fought and died in the service of the Crown in various conflicts over the centuries, that they too should be able to pay tribute in the same way as Commonwealth nations, whose representatives lay a wreath each year at the Cenotaph. Since 2014, the Ambassador of Ireland has also been invited to lay a wreath in memory of Irish citizens who have served in the British Armed Forces, yet the OTs and the Crown Dependencies are still denied that same right. The Committee believes that it is time for this anomaly to be rectified. Before Remembrance Sunday 2019, the Foreign Secretary should explore the possibility of extending an invitation to each OT to send a representative to lay their own wreath, or at the very least one wreath laid by a different OT representative each year.*

## 2 The OTs and Parliament

26. As the FCO acknowledged in 2012, the UK Parliament has, as a matter of constitutional law, unlimited powers to legislate for the OTs.<sup>41</sup> In practice it tends only to legislate in areas that are reserved to the UK, such as foreign policy and national security, and not in areas devolved to the OTs without their consent. The passage of the Sanctions and Anti-Money Laundering Act 2018, however, is an indication of the complexity of separating reserved and devolved matters. Sanctions and anti-money laundering (AML) measures are a tool of foreign policy and national security, but they are largely implemented by the financial services industry, which is a devolved matter. This specific piece of legislation, which may impact the financial services sector in the OTs, has placed a strain on Parliament's relationships with the OTs, but the evidence we have received suggests that there are concerns within some OTs that go deeper than the material impact on financial services. This Act has raised questions about whether and how the OTs' voices can be heard in Parliament when they are not directly represented in either House.

### The Sanctions and Anti-Money Laundering Act

27. The Sanctions and Anti-Money Laundering Act (SAMLA), which became law in May 2018, makes provision for an independent post-Brexit sanctions and AML regime. It requires the Foreign Secretary to assist the OTs to establish publicly-accessible beneficial ownership registers and allows for the Foreign Secretary to impose them by Order in Council if the OTs do not do so by 31 December 2020.<sup>42</sup> The need for this measure was highlighted to us by Transparency International and Global Witness, who told us that “there is a clear correlation between corruption cases and the use of the secretive corporate vehicles based in the [OTs]” and that “transparency about the beneficial owners of these companies has been identified as an important part of the solution to tackling the laundering of corrupt and illicit funds”. They point to evidence uncovered in the UK of: a company registered in BVI providing financial services to North Korea's main arms dealer; the use of front companies in offshore locations including BVI to register North Korean ships; and the use of a BVI-registered company by the man once in charge of Muammar Gaddafi's long-range missiles programme to buy properties in the UK.<sup>43</sup>

28. This link between OT-registered companies and money tied to autocratic regimes echoes the evidence we received during our inquiry into Russian corruption in the UK. In that inquiry journalist Juliette Garside, who investigated the Panama papers and Paradise papers for the Guardian, told us that, “in Russia, one of the names for a shell company—one of the words people use—is BVI”, while Tom Keatinge, from RUSI's Centre for Financial Crime and Security Studies, told us that “the OTs seemingly have a free rein to benefit from their association with the UK without adhering to the expectation and standards increasingly required of those operating within the UK itself”.<sup>44</sup> This suggests that the lack of publicly available and transparent information on OT-registered companies has foreign policy and national security implications. The evidence we received from some OTs, however, suggests that they see it solely as a financial services matter, which is a devolved area.

41 FCO White Paper, [the Overseas Territories: Security, Success and Sustainability](#) (2012), p. 14.

42 [Sanctions and Anti-Money Laundering Act](#) (2018), section 51

43 Transparency International UK and Global Witness ([OTS0016](#))

44 [Moscow's Gold: Russian Corruption in the UK](#) (15 May 2018), p. 22



29. For some OTs, SAMLA is not a problem. The Gibraltar government told us that it is already committed to publishing a register.<sup>45</sup> Anguilla’s representative, Blondel Cluff, told us that Anguilla “has no problem with the beneficial ownership requirements stipulated by the UK” and is “working closely with HMG on a limited budget to upgrade its technology for recording and reporting beneficial ownership”.<sup>46</sup> Other governments, notably Bermuda, BVI and the Cayman Islands, strongly oppose SAMLA. These territories’ economies depend heavily on financial services, both in terms of jobs and tax revenue.<sup>47</sup> Some politicians in these territories have been heavily critical of the legislation. For example, on 24 May, the day after SAMLA was passed into law, the Deputy Premier of BVI, Kedrick Pickering, is reported to have told an audience at a public rally in the BVI capital, Road Town, that “we have declared open war against the UK”. According to local media reports, he “then told members of the BVI public to prepare for battle and stay tuned for various strategies”.<sup>48</sup>

30. Dr Elise Donovan, BVI’s representative in the UK, told us that people who register companies in BVI are doing so because they want privacy not secrecy, that BVI has a strong reputation as a reputable financial services centre, and that it has Financial Action Task Force-compliant due diligence systems in place to verify ownership information and share it with law enforcement agencies in the UK and elsewhere when requested.<sup>49</sup> Dr Donovan added that publishing registers of beneficial ownership before it is a global norm would make BVI uncompetitive. She also indicated that the BVI government would “explore the options” in terms of publication of the registers before the end of 2020, as envisaged in SAMLA:

The position has been clearly stated publicly by the British Virgin Islands Premier, Dr D. Orlando Smith OBE, who has said that the BVI will explore all opportunities and positions to protect the interests of our financial services industry, which, as I have pointed out, accounts for 33% of our GDP and 60% of our Government revenues. We respect the UK Parliament, but we will explore the options, including legal options, as the Premier has said, unless it becomes a global standard so that we do not feel that we are being put in a disadvantageous position. We do not feel that public registries are the solution for detecting and deterring financial crime.<sup>50</sup>

31. This echoes what Bermuda told us in writing. When we asked the Bermudan Premier David Burt if Bermuda intended to publish a register, we were told that: “Bermuda is committed to meeting any properly adopted, global standard for such matters and will work with the UK Government as necessary once such a standard is promulgated”.<sup>51</sup> The Cayman Islands’ government’s UK representative, Eric Bush, told us that Cayman would only publish a register once it had become a global standard.<sup>52</sup>

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45 HM Government of Gibraltar ([OTS0107](#))

46 The West India Committee ([OTS0053](#))

47 For background information on these territories’ financial services sectors, see: International Financial Centres Forum ([OTS0094](#))

48 BVI News, ‘UK put on notice, BVI has ‘declared war’—Pickering’, 25 May 2018

49 [Qq103–106](#)

50 [Q111](#)

51 Government of Bermuda ([OTS0130](#))

52 [Q56](#)

32. In 2016 the OTs committed to establishing central registers of beneficial ownership by June 2017 and by late 2017 the FCO said that all of them had either done so or were on track to do so.<sup>53</sup> This enables relevant law enforcement agencies in the UK and elsewhere to request beneficial ownership information from the OTs if they have grounds to do so, though Eric Bush indicated that this happens rarely.<sup>54</sup> Yet, when Lord Ahmad appeared before us in December 2018, he told us that it could be 2023 before registers were published.<sup>55</sup> The Minister said that the Government was providing the OT governments with any technical and other assistance they need to publish registers and that he and his officials had had constructive conversations with OT governments about this, including the BVI government. Lord Ahmad added that, “we have also been very clear that the law has been passed and there is a requirement now for public registers in all our Overseas Territories”.<sup>56</sup> FCO Minister for Europe and the Americas Sir Alan Duncan subsequently confirmed to the House that 2023 was the goal for introducing registers but, he said, “a lot of work has already been done so that they could perhaps be in place before that date”.<sup>57</sup>

**33. Parliament has judged public registers of beneficial ownership to be a matter of national security. Those who seek to undermine our security and that of our allies must not be able to use the OTs to launder their funds. We cannot wait until public registers are a global norm and we cannot let considerations of competitiveness prevent us from taking action now. The lowest common denominator is not enough. While law enforcement agencies in the UK appear to have made relatively little use of their powers to request company information from the OTs, it is vital that this information can be accessed by the public, both in the UK and in countries where public money has been stolen by kleptocrats whose actions harm the UK and its allies. We welcome the FCO’s assurances that it is working with the OTs to help them implement the Sanctions and Anti-Money Laundering Act. We commend the constructive approach the FCO has taken on this, despite the language used by some OT politicians. We profoundly regret, however, that public registers may not be published before 2023. It is simply not acceptable that this will be long after the deadline set out in the Act. *The Foreign Secretary, in co-operation with the elected governments of the OTs, should lay out before the Summer recess a clear and detailed timetable for the publication of registers of beneficial ownership in each OT.***

## How the OTs are represented in Parliament

34. Some OTs told us that SAMLA raised questions about the principles underpinning their relationships with Parliament. The Cayman Islands’ government said that once the public registers issue is resolved, it wants a conversation with Parliament about how it engages with the OTs and that:

We would particularly like this to include a conversation on sanctions against individual members, parliamentary committees, and [All Party Parliamentary Groups], who are found to have either failed to engage with

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53 FCO response to FOI request [0896-17](#), 6 October 2017

54 [Qq64-65](#)

55 [Q221](#)

56 [Q228](#)

57 [Oral answers to questions](#), 22 January 2019, Hansard vol 653, column 120

the Government of the Cayman Islands in relation to reports or inquiries which directly affect our reputation, or who have misused parliamentary privilege to malign our Islands without a sufficient factual basis.<sup>58</sup>

Other OT leaders and representatives similarly said that SAMLA raised points of principle. Turks and Caicos Islands Premier Sharlene-Cartwright Robinson said: “Today, it is financial services; tomorrow, it is something else. That is our concern”.<sup>59</sup> Montserrat Premier Donaldson Romeo said: “Montserrat is not as affected as other territories. However, we support their positions in principle, in that our main concern is that legislation without consultation is not right”.<sup>60</sup> The Falkland Islands told us that “There is a growing concern amongst many UK Overseas Territories, including the Falkland Islands, with regard to the manner with which some legislation is imposed on us from Westminster”.<sup>61</sup>

35. Some members of the public also told us in writing that it is time to rethink the principles of Parliament’s relationships with the OTs. Benjamin Roberts from Turks and Caicos said that it reflected badly on the UK that “in this 21st century, a territory such as [TCI] and all its citizenry have no representation in their so called ‘Mother of Parliaments’”. Jerzy Kolodziej, also from TCI, said: “the UK apparently reserves power to make and unmake law for the Turks and Caicos despite there being no representation of the democratic interests of the islands themselves”. Tari Trott from Bermuda said: “I, along with many people in Bermuda, believe it is time for the [OTs] to be represented in the House of Commons”, while Sylvia Gabriel from Montserrat said: “The UK parliament is our ultimate parliament so we should have pro-active representation in that body”.<sup>62</sup> The Montserrat Premier told us that it was “a commonly held view” on the island that “there ought to be some direct representation for the Territories either collectively or individually in the UK parliament”.<sup>63</sup> The BVI Leader of the Opposition told us that the BVI public’s view was similar:

The Overseas Territories have no direct representation in Parliament which has ultimate authority over its affairs and can pass any law that can impact the Overseas Territories disproportionately as seen with the recent [SAMLA]. A modern relationship requires each OT with a representative government to have direct representation in a body that, until independence is obtained, can make any law it pleases. There was great support for the Overseas Territories legislatures to have a veto power over laws passed by the British Parliament affecting them directly in the same way that English MPs have a veto power over laws passed affecting England.<sup>64</sup>

This echoed former BVI representative Kedrick Malone, who wrote that “the ability of the UK Parliament to legislate for the OTs should be eliminated” and that in devolved areas, Parliament’s “over-reach” should be restricted.<sup>65</sup>

36. The Danish and French overseas territories send members to their metropolitan parliaments. In Denmark’s case, Greenland and the Faroe Islands each send two members

58 Cayman Islands Government ([OTS0109](#))

59 [Q173](#)

60 [Q173](#)

61 Falkland Islands Government ([OTS0106](#))

62 Benjamin Roberts ([OTS0036](#)); Mr Jerzy Kolodziej ([OTS0080](#)); Mr Tari Trott ([OTS0058](#)); Sylvia Gabriel ([OTS0071](#)).

63 Office of the Premier of Montserrat ([OTS0082](#))

64 Virgin Islands Public Meetings ([OTS0047](#))

65 Mr Kedrick Malone ([OTS0100](#))

to the 179-seat parliament while French OTs send 27 members to the 577-seat lower house and 11 members to the 348-seat upper house, with the number depending on the size of the territory's population.<sup>66</sup> Referring to examples like this, Lawrence Sticca from Bermuda told us that he felt strongly that OTs should “be given a seat in the UK Parliament and House of Lords, just as the French and Dutch are, to give a voice to the mother country in the affairs of the [OTs]”.<sup>67</sup>

37. The elected leaders and representatives of the OTs that appeared before us had mixed views on sending MPs to Parliament. Anguilla's Chief Minister Victor Banks said that he thought it should happen, that “we need to have a voice in the House of Commons so that we can be represented by a person or persons who understand us”.<sup>68</sup> Sharlene Cartwright-Robinson said: “there is no appetite in Turks and Caicos for it”.<sup>69</sup> Teslyn Barkman from the Falkland Islands said: “Currently we can appeal to 650 Members of Parliament, whereas we would be funnelling and bottlenecking our issues from a vast number of [OTs], or even a singular territory, through one”.<sup>70</sup> The elected leaders and representatives of Anguilla, the Falkland Islands, Montserrat, St Helena and TCI did agree, however, that a Parliamentary committee dedicated to the OTs might be “a positive way forward”, as St Helena's Councillor Thomas put it.<sup>71</sup>

**38. We are aware that many people in the Overseas Territories feel that they do not receive the attention in Parliament that they might expect and that the Foreign Affairs Committee has not carried out a major OTs inquiry since 2008. Given the competing pressure of other policy areas, and the requirement to scrutinise the whole gamut of the Foreign Office's work, it is difficult to envisage another major OTs inquiry in this Parliament. This fails to do justice to the range and complexities of the issues facing the OTs, individually and collectively. Mindful of this, we believe the time is right to give serious consideration to establishing a formal mechanism by which members of the Foreign Affairs, Justice, International Development, EFRA and other relevant Committees are able collectively to scrutinise the UK Government's administration of, spending on and policies towards the OTs.**

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66 Royal Danish Embassy, UK ([OTS0117](#)); Embassy of France ([OTS0128](#))

67 Mr Lawrence Sticca ([OTS0084](#))

68 [Q190](#)

69 [Q192](#)

70 [Q191](#). See also: Falkland Islands Government ([OTS0124](#))

71 [Q215](#)

### 3 UK funding for the OTs

39. The UK bears contingent liability for all OTs but most of them do not receive direct financial assistance from the UK and, in theory, those that do are on a path to financial self-sufficiency. In practice, the situation is more complicated. Some OTs, such as the Cayman Islands and the Falkland Islands are self-sufficient and proud of it.<sup>72</sup> Many others, however, are self-sufficient but in a precarious economic position without UK aid. Anguilla's government is struggling to stimulate the economy without help; in BVI and Turks and Caicos catastrophes such as Hurricane Irma have severely impacted their economies and made them vulnerable.<sup>73</sup> Then there are the OTs—Montserrat, Pitcairn, St Helena and Tristan da Cunha—that do receive UK financial support, in the form of official development assistance, but struggle to see how they could move beyond aid without significant investment in infrastructure. Cutting across all of this is an issue that all OTs are vulnerable to and none can tackle alone: climate change. The UK is spending money to help the OTs prepare for and mitigate the effects of climate change but many of them feel that the situation is getting worse and their capacity to manage it could be even more difficult without EU environmental funding.

#### Current spending on the OTs

40. UK Government spending on the OTs is complicated. Denmark provides its overseas territories, Greenland and the Faroe Islands, with annual block grants.<sup>74</sup> The UK does not and UK spending on the OTs is spread across several government departments and cross-government funds. While the FCO does not provide a total figure and some spending is spread across several years, the evidence provided by the Department indicated that the Government will spend just over £152 million on the OTs in the financial year 2018–2019, not including a one-off figure of £70 million pledged to help territories impacted by Hurricanes Irma and Maria in 2017.<sup>75</sup>

41. In this financial year (2018–19), FCO spending on the OTs will amount to just over £23 million, not including programme spending under the cross-government Conflict, Stability and Security Fund (CSSF) in which the FCO is the sole or lead department.<sup>76</sup> Of this £23 million, £16.3 million is from the Global Britain Fund. The FCO did not provide a detailed breakdown of this spending but said it would support “key objectives”, such as “de-mining in the Falkland Islands, operation costs for the British Indian Ocean Territory and the provision of additional disaster resilience equipment and infrastructure for vulnerable Caribbean territories”. Of the remaining FCO spending on the OTs, the largest item is the cost of running and staffing governors' offices. In addition, Sir Simon MacDonald told us, additional funding is coming on stream to increase governors' offices' staffing. Lord Ahmad told us that this would amount to just under £800,000.<sup>77</sup>

72 [Q76](#)

73 The West India Committee ([OTS0053](#)); British Virgin Islands Government ([OTS0079](#)); [Q165](#)

74 Royal Danish Embassy, UK ([OTS0117](#))

75 Foreign and Commonwealth Office ([OTS0120](#))

76 Of the headline figure of £23 million, just under £1.8 million will be spent on the cost of running governors' offices, £500,000 on running the OTs Directorate in London, and £4.3 million on salaries, in territory and in London.

77 [Q89](#) [FCO budget and capacity, and annual report 2017–2018, 13 November 2018]; Foreign and Commonwealth Office ([OTS0132](#))

42. The FCO is not the only department that spends money on the OTs, nor the department that spends the most on them. Three other departments will spend £95 million between them on the OTs: the Department for International Development (DFID) will spend £75 million; the Department for the Environment, Food and Rural Affairs (DEFRA) will spend £2.75 million; and the Ministry of Defence (MOD) will spend just under £18 million.<sup>78</sup> In addition, £34.5 million of CSSF funding will go to the OTs, for specific programmes in Anguilla, Ascension Island and BVI (for which the FCO is solely responsible) and two cross-cutting programmes (involving the FCO as well as five other departments and arms-length bodies).

## Official development assistance for the OTs

43. DFID will spend roughly £75 million in 2018–19 on programmes in Montserrat, Pitcairn, St Helena and Tristan da Cunha, which qualify for official development assistance (ODA). According to the OTs legal expert Susie Alegre, the OTs are ill-placed to engage with DFID on this because the department’s core work—eradicating poverty in aid-eligible countries—does not sit easily with the bespoke long-term needs of small OTs, which may need the kind of significant capital investment that DFID is not well-placed to deliver. She said:

On the international development question, there is a real need for clarification about what it means to be supporting the Overseas Territories that need development support, because it is not at all the same as development for developing countries and never will be. They are British territories: many of them are not going to be in the position to be standing on their own two feet with a wonderful, sustainable economy because of their size and remoteness. That is quite a difficult thing for DFID to deal with.<sup>79</sup>

44. This view appeared to be borne out in the evidence we received from Montserrat. It will receive £65 million in ODA between 2016 and 2019, making it the largest ODA recipient of the OTs. It was on a path to self-sufficiency until a series of natural disasters in the 1990s, including eruptions from the Soufrière Hills volcano, which rendered two-thirds of the island uninhabitable and decimated its economy. It has since received an estimated £450 million from the UK but there appears to be no end in sight for UK aid spending on the island. Its representative, Janice Panton, told us that the island still lacks a hospital and a year-round port and its government depends on UK aid for 60% of current expenditure. She described this as a “hand to mouth” existence, adding: “It would seem that we have been receiving funds, but we are ticking over; we are not really developing”.<sup>80</sup> The Premier, Donaldson Romeo, also told us that “we still struggle to put in place ‘catalytic’ initiatives to spark self-sustaining, inclusive growth”.<sup>81</sup> Joseph Eaton Farrell, a member of the opposition in the island’s Legislative Assembly, told us that there is a desire to “advance to a more financially sustainable regime as soon as possible” but, he said, this will require what he called a “development stimulus package”.<sup>82</sup>

78 The MOD will spend just under £18 million on the costs of running the military facilities in the British Indian Ocean Territory and the Sovereign Base Areas in Cyprus.

79 [Q13](#)

80 [Q92](#)

81 Donaldson Romeo ([OTS0111](#))

82 Hon Joseph Eaton Farrell ([OTS0024](#))



45. St Helena, Tristan da Cunha and Pitcairn similarly need significant UK aid. In St Helena the UK recently spent nearly £300 million on an airport but the St Helena government told us that the island still has critical infrastructure gaps.<sup>83</sup> Moreover, in its submission, the St Helena Chamber of Commerce said that local businesses invested heavily in anticipation of the airport leading to an economic boost, but this never materialised, making the situation even worse:

Raised expectations and a willingness on the part of many local enterprises to undertake significant investment in order to make a difference and be ‘air access ready’—in an attempt to grow St Helena’s economy and reduce our reliance upon aid—have turned to ashes, leaving many businesses in debt, or facing severe cash flow problems and, in some instances, both.<sup>84</sup>

Councillor Derek Thomas told us that the St Helena government’s capacity to achieve the goal of financial self-sufficiency is limited because it is not offered sufficient input into funding decisions taken by DFID officials. In the longer-term, he said, if St Helena’s economy does grow, there is a worry that it will no longer qualify for ODA but will be too poor to manage without it. He said that people on the island, “fear a future where the people of St Helena are plunged back into severe poverty, but we lack the means to safeguard against that”.<sup>85</sup>

46. Tristan da Cunha is also in a precarious financial position. Ian Lavarello, the Chief Islander, told us that its only harbour, which is its sole link to the outside world for 51 weeks a year, is not sufficiently robust to cope with Atlantic storms. He said that DFID’s policy is to “patch and mend” but that, what is needed is a new harbour, at a cost of between £80 and £90 million.<sup>86</sup>

47. Ascension Island does not receive ODA because there is no right of permanent abode. It too, however, appears to need the UK’s help. According to Councillor Kitty George, a member of the Island Council, its government “will become bankrupt in the next few years”. It has reserves of £10 million but it is spending £1.5 million of this a year due to the deteriorating economy.<sup>87</sup> There are two reasons for this. The first is connectivity. The island has been largely cut off because its main military runway was shut for repairs in 2017 and may not be operational for several years. As a result, the Falkland Islands’ airbridge to the UK, which used to transit via Ascension, now transits via Cape Verde, leaving Ascension reliant on a monthly flight to St Helena. This has, according to Councillor George, strangled the tourism industry. Ascension’s other problem is the potential cost of enforcing a marine protected area in its exclusive economic zone, which could cost its government up to £360,000 a year.<sup>88</sup>

**48. The Committee notes that the Overseas Territory of St. Helena includes the separate and distinct territories of Ascension Island and Tristan da Cunha. These are both inhabited territories with a population that is not directly connected to St. Helena and have their own identities, elected governments and flags. Therefore, Ascension Island**

83 [Q213](#)

84 [St Helena Chamber of Commerce \(OTS0028\)](#)

85 [Q196](#)

86 [Qq208–212](#)

87 [Q196](#)

88 [Ascension Island Council \(OTS0119\)](#). The BBC World Service has a relay station on the island, which also supplies water and electricity. Its manager told us that the island’s connectivity issues are making it increasingly difficult for the company contracted to operate it to manage. See: Paul Mildon ([OTS0121](#))

**and Tristan da Cunha should be treated with equality as British Overseas Territories in their own right and the FCO should change their status to this effect. However, this change should not necessarily imply that the practice of St. Helena, Ascension Island and Tristan da Cunha sharing the same Governor should come to an end.**

## Spending on the environment

49. The UK Government has devoted increased resources to OTs' environment management in recent years, reflecting their globally-significant ecological richness.<sup>89</sup> The RSPB told us that many OTs' economies are "heavily dependent on natural resources", both in terms of fishing and mineral extraction, adding that eco-tourism "is likely to be an ever-increasing component of OT livelihoods" and that "sustainable use of their natural resources is a near existential question for many of these communities". The RSPB also argued that ecosystem-based approaches to building resilience can be cost-effective, durable and sustainable in the face of increasingly damaging hurricane seasons, but that OT governments' capacity is limited, and they need technical and funding support from the UK Government and from NGOs in the UK.<sup>90</sup>

50. The UK Government supports environmental management and climate change mitigation in the OTs through the Darwin Plus Fund—which funds projects working on environment and climate change issues in the OTs between £100,000 and £300,000—and Blue Belt—a £20 million programme running between 2016 and 2020 aimed at implemented tailored marine management strategies.<sup>91</sup> In its submission, the RSPB commented that there is a need for larger-scale funding.<sup>92</sup>

## Brexit and EU funding for the OTs

51. Some of the evidence we received suggests that the OTs' ability to manage their environments and mitigate the impact of climate change may be hampered by the loss of EU funding, particularly the roughly £1 million a year the OTs receive from the EU's BEST (Biodiversity and Ecosystem Services in Territories) Initiative. The government of St Helena, for example, told us that "Protecting the environment is a key consideration for St Helena, and the EU has been instrumental in assisting in the many projects designed to do just that". It adds that "this crucial funding must continue".<sup>93</sup> The government of Gibraltar told us that the UK Government "has so far failed to identify a source of funding that would fill this gap". The BVI government said that "the EU has been critical in the provision of funding for projects focusing on climate change, disaster preparedness and

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89 The UK Overseas Territories Conservation Forum told us that the OTs account for 94% of the biodiversity for which the UK is internationally responsible and while there are 90 endemic species in Great Britain, there are 3,300 in the OTs. The South Georgia Heritage Trust told us that the OTs in the South Atlantic are "home to the greatest density of seabirds on the planet". See: UK Overseas Territories Conservation Forum ([OTS0114](#)); South Georgia Heritage Trust ([OTS0050](#))

90 RSPB ([OTS0070](#))

91 Foreign and Commonwealth Office ([OTS0103](#))

92 RSPB ([OTS0070](#))

93 St Helena Government ([OTS0061](#)). The importance of EU funding was echoed by a joint written submission the geographers Dr Alasdair Pinkerton from the University of London and Dr Matthew Benwell from Newcastle University. See: Dr Alasdair Pinkerton & Dr Matthew C. Benwell ([OTS0069](#))



the conservation of its biodiversity” and added that “the UK Government should prepare for how this unfunded liability will be met”.<sup>94</sup> The Falkland Islands government said that it hopes to be able to continue accessing these EU funds.<sup>95</sup>

52. As well as BEST, some OTs receive aid from the EU’s European Development Fund. Dr Peter Clegg told us that they will likely incur significant losses if they are cut off from it. He said that this is true both for “relatively poor Territories such as Pitcairn and Anguilla” and for others, including BVI and the Cayman Islands, that do not qualify for ODA from the UK.<sup>96</sup> Susie Alegre told us that OTs such as Turks and Caicos receive “significant funding from the EU for things like infrastructure and education that, at present, the UK Government would not fund”.<sup>97</sup>

### The FCO’s vision for funding the OTs

53. The Government has pledged to match EU funding for the OTs up until 2020, including in the event of a no-deal.<sup>98</sup> In terms of environmental funding, the FCO acknowledges the significance of EU funds and says it is “considering how environmental funding for OTs can best be provided following our departure”. Beyond this, the FCO told us that it plans to “review objectively the way in which the UK Government’s commitments to the OTs is most effectively discharged, taking account of the costs and benefits of the current arrangements”.<sup>99</sup> When we asked Lord Ahmad if the UK would fund the harbour that Tristan da Cunha says is essential for the island’s survival he said:

There are various capital programmes that we receive quite regularly from various Overseas Territories, including Tristan, as you pointed out. Previously and historically, it would be fair to say that we have not perhaps looked at it as a complete overall Government approach. Most recently, I have had constructive discussions with the Secretary of State for International Development to look at the whole issue of ODA funding for our Overseas Territories, and to look at longer-term capital programmes and support.<sup>100</sup>

Following up on this, the FCO’s OTs Director, Ben Merrick, acknowledged that the cost of a harbour would be significant and that, “in the context of a business case, we look at these things very carefully from an economic point of view, and obviously a developmental point of view”.<sup>101</sup> Lord Ahmad concluded: “if one were to say, ‘What do I aspire to as the Minister responsible for Overseas Territories?’ it is to create economies that are self-sustaining and growing”.<sup>102</sup>

**54. The UK has a duty under international law to provide for the development of the OTs, but it also has a responsibility to UK taxpayers to ensure that the considerable amount of money it spends on the OTs is not wasted. This means not only transparency and accountability in day-to-day spending, but also ensuring that capital investment is genuinely capable of delivering the Government’s long-term objective to ensure**

94 HM Government of Gibraltar ([OTS0107](#)); British Virgin Islands Government ([OTS0079](#))

95 Falkland Islands Government ([OTS0106](#))

96 Dr Peter Clegg ([OTS0020](#))

97 Ms Susie Alegre ([OTS0052](#))

98 Foreign and Commonwealth Office ([OTS0132](#))

99 Foreign and Commonwealth Office ([OTS0103](#))

100 [Q260](#)

101 [Q261](#)

102 [Q262](#)

that the OTs are financially self-sufficient. We are seriously concerned by evidence suggesting that, despite significant capital investment in some OTs in recent years, much more remains to be done to provide infrastructure in OTs such as Montserrat, Tristan da Cunha and St Helena, with no clear end in sight.

55. *The Government must offer clarity on its long-term vision for the funding of the OTs, including replacing any lost EU funding, and continuing and expanding Blue Belt funding after 2020. Towards this end, the Government should explore options for a dedicated development and stimulus fund for the OTs, which would allow for the long-term, sustainable development of aid-dependent territories; help to stimulate the economies of those who need a stimulus but do not qualify for official development assistance; and help territories that are otherwise financially self-sufficient respond to crises such as hurricanes. This long-term vision must be based on a clear-eyed assessment of how the UK will balance the needs of individual OTs against value for money for UK taxpayers. There must be scope to ask hard questions about the long-term sustainability and viability of individual OTs without further significant levels of UK capital investment. If the Government does not think significant capital investment is possible, then it must be frank about what it will spend and towards what end.*

56. **The UK Government must clarify the UK's future relationship with the European Union as soon as possible and analyse the impact on the OTs, what funding will be required to ensure the OTs are not losing out, and what input the OTs will have on the replacement of EU funding in the future.**

## 4 Points of friction in UK/OT relations

57. Many of the issues that elected leaders, representatives and members of the public in the OTs brought to our attention are structural, from the OTs' struggle to be heard in Whitehall, to the difficulties associated with being understood in Parliament when they are not directly represented in either House, and the challenge of securing long-term funding. The solutions to these problems need to be considered carefully and in good time. There are, however, more immediate problems that must be addressed soon. From the OTs' perspective, two such problems are: anomalies in the rules around claiming citizenship by descent and access to NHS services in the UK. From the UK perspective, two prominent points of divergence that are causing friction in its relationships with some OTs are: same-sex marriage and belongingship.

### OT grievances with the UK: citizenship and the NHS

58. The issue of citizenship by descent stems from an anomaly in the British Nationality Act, which means that fathers with British Overseas Territories Citizenship cannot pass it on to children born outside the OTs between 1948 and 2006, if they were not married to the child's mother at the time of birth.<sup>103</sup> In May 2018, the Joint Committee on Human Rights described this anomaly as an unacceptable form of discrimination, while Montserrat's representative, Janice Panton, said it "has caused a lot of anguish among some parents".<sup>104</sup> Lord Ahmad was not able to indicate when the matter would be resolved. He said that "discussions are ongoing across Government on this".<sup>105</sup>

59. In terms of access to NHS services, Blondel Cluff, Anguilla's representative in the UK, told us that no more than four patients in Anguilla can receive NHS treatment in the UK each year, even though the island's population has increased 125%, from under 7,000 to 15,000, since the quota began in 1985. As a result, she said, "a British citizen's life chances are diminished simply by residing in a BOT".<sup>106</sup> In his written submission, former BVI representative in the UK Benito Wheatley described the quota, which also applies to BVI, as "inexplicable", especially because "the overall number of persons in the OTs who require such attention is miniscule".<sup>107</sup> The Chief Islander of Tristan da Cunha, Ian Lavarello, told us that it is in an even worse position because it is "one of a handful of OTs currently excluded from participation in the scheme that allows referral of complex medical cases to the NHS".<sup>108</sup>

**60. The Government should urgently address concerns in the OTs about the issue of citizenship by descent and anomalies in the British Nationality Act that have taken too long to resolve. It should also consider options for removing quotas on the number of people in the OTs that can access NHS services in the UK when their own health systems cannot provide the care and treatment they need. This may be difficult from a bureaucratic point of view but it is an important test of the FCO's ability to fight the OTs' corner in the UK.**

103 See: Campaign for British Citizenship ([OTS0011](#))

104 [Q87](#); Joint Committee on Human Rights, [Proposal for a draft British Nationality Act 1981 \(Remedial\) Order 2018](#), 23 May 2018, para 79

105 Foreign and Commonwealth Office ([OTS0132](#))

106 The West India Committee ([OTS0053](#))

107 Benito Wheatley ([OTS0095](#))

108 Chief Islander of Tristan da Cunha ([OTS0026](#))

## OT divergence from the UK: same-sex marriage and belonging

61. From a UK perspective, a notable point of divergence and friction is same-sex marriage, which has been legalised in all but the five OTs in the Caribbean (Anguilla, BVI, the Cayman Islands, Montserrat, and Turks and Caicos), though this bar is currently being challenged in the courts in the Cayman Islands.<sup>109</sup> This means not only that same-sex couples cannot marry, it can also lead to restrictions on the ability of OT citizens to bring their same-sex spouse to live permanently in the territory, even if the couple was legally married outside the territory. The implications of this were outlined to us in a submission from Dr James Reeve, while the NGO Colours Cayman told us in its written submission that this puts OTs like the Cayman Islands in breach of international law.<sup>110</sup> Despite this, Dr Peter Clegg told us, opposition to legalising same-sex marriage in the Caribbean OTs is strong:

It is certainly a problematic issue across the Caribbean, including within the Overseas Territories. It is divergent from the UK policy and approach in general. There are heated discussions, but there are certain actors within Overseas Territory societies and the Caribbean more generally, including church groups, who have fought and are fighting very strongly against any change to legislation.<sup>111</sup>

We asked the elected leaders of Anguilla, Montserrat and TCI if they intended to legalise same-sex marriage. The TCI Premier said: “We consult our people when we make major changes—that is what I will say”. The Montserrat Premier said that it was important for the UK to recognise that “as separate territories, with ethnic diversity from your territory and cultural differences, we ought to be allowed to make decisions on matters such as same-sex marriages”. Anguilla’s Chief Minister said: “This is a cultural issue in our part of the world, and it is necessary to have consultation”.<sup>112</sup> We asked the BVI and Cayman Islands governments in writing to tell us if they would legalise same-sex marriage. BVI told us that its constitution defines marriage as between a man and a woman.<sup>113</sup> The Cayman government did not respond.

62. In its submission, the FCO notes that progress towards same-sex marriage is “notably slower” in the Caribbean OTs than elsewhere and that “rights to same sex marriage are being contested”. It adds that the Government “has been clear that the OTs must fulfil their international obligations on the issue of LGBT equality. Encouraging legislative change continues to be a priority”.<sup>114</sup>

**63. It is time for all OTs to legalise same-sex marriage and for the UK Government to do more than simply support it in principle. It must be prepared to step in, as it did in 2001 when an Order in Council decriminalised homosexuality in OTs that had refused to do so. The Government should set a date by which it expects all OTs to have legalised same-sex marriage. If that deadline is not met, the Government should intervene through legislation or an Order in Council.**

109 Pink News, ‘[The UK has neglected LGBT+ people in British Overseas Territories in their hour of need](#)’, (12 February 2018)

110 Colours Cayman ([OTS0022](#)); Dr James Reeve ([OTS0083](#))

111 [Q54](#)

112 [Q181](#)

113 British Virgin Islands Government ([OTS0127](#))

114 Foreign and Commonwealth Office ([OTS0103](#))

64. The other point of divergence between the UK and many OTs is belongership. This status, or some variant of it, is enshrined in the constitutions of Anguilla, Bermuda, BVI, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat and Turks and Caicos. The term used to describe it varies; in the Falkland Islands, it is called Falkland Islands status, and Gibraltar and TCI have equivalents. In general, those who do not have belongers status, or the equivalent, cannot vote or hold elected office, even if they are permanently resident British Overseas Territories or UK citizens. In the case of the Turks and Caicos Islands, for example, its government says a belonger is “an individual who is free from immigration restrictions in relation to the amount of time they may remain in the islands”. According to the TCI government, “only belongers have all the rights normally associated with citizenship, such as voting”.<sup>115</sup>

65. We asked some OT leaders and representatives about belongership when they appeared before us. The Anguillan, Falkland and TCI leaders and representatives said it was possible to obtain but they did not say that they planned to repeal it. Teslyn Barkman from the Falkland Islands said: “There is a certain importance in enshrining what it is to be a Falkland Islander, so we have to put these gates up somewhere in terms of voting or being able to buy land or sell it on”.<sup>116</sup> We asked the Bermuda, BVI and Cayman governments the same in writing. Bermuda said it was a devolved matter; the BVI government said that its constitution “recognizes the distinctive character and culture of the BVI and seeks to ensure its protection”.<sup>117</sup> Cayman did not respond.

66. In its written submission, the FCO points to its 2012 OTs White Paper, which expressed the hope that the OTs would extend the franchise to non-belongers:

In some OTs, the size of the electorate is small compared with the overall population, with ‘belongership’ a constitutional prerequisite to qualify as an elector and to stand for election. The 2012 White Paper stated the UK Government’s belief that people who have made their permanent home in the OTs should be able to vote, but recognises the desire of island communities to maintain their cohesion and hence the need for a reasonable qualifying process. We hope for progress on this point in the future.<sup>118</sup>

Lord Ahmad told us that “The principle of the White Paper remains the case” but that the OTs “feel very strongly about the issue” and that it is “an issue that they should be ruling on”. He added that he did not intend to intervene.<sup>119</sup>

**67. Belongership and its equivalents are wrong. While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office. This elevates one group of British people over another and risks undermining the ties that bind the UK and the OTs together in one global British family. The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territory citizens to be able to vote**

115 Turks and Caicos’ government: [Essential dimensions of immigration](#) [accessed 21/01/2019]. For individual perspectives see: Russell David ([OTS0006](#)); Mr Christopher Marshall ([OTS0034](#))

116 [Q183](#)

117 Government of Bermuda ([OTS0130](#)); British Virgin Islands Government ([OTS0127](#))

118 Foreign and Commonwealth Office ([OTS0103](#))

119 [Q242](#), [Q246](#)

*and hold elected office in territory. In its response to this report the FCO should lay out a timetable for this consultation process and set a deadline for phasing out discriminatory elements of belonging, or its territory-specific equivalents.*

## 5 Conclusion

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68. Since the start of our Global Britain inquiry, we have repeatedly argued that the FCO needs to move forward by looking back. We have said that the FCO should resume responsibility for the UK's international trade and its relations with the EU and set the strategic direction of the UK's foreign policy as it did before so many other departments became involved in international relations. When it comes to the Overseas Territories, however, the FCO needs to do the opposite; it needs to give up rather than reclaim responsibility. In other policy areas the FCO must return to form but with the OTs it is stuck in the past. This is reinforcing the sense that many in the OTs have that they are not just far away from Britain but foreign. That is why we are calling on the UK Government to commission an independent review into cross-government engagement with the OTs and the FCO's management of its responsibilities towards them.

69. Parliament has a role to play too. It must ensure that, while the people of the OTs are not directly represented in Parliament, there is a forum for the effective scrutiny of the decisions taken in London that impact them directly. That is why we think the time is right to consider establishing a new formal mechanism by which the members of relevant select committees can scrutinise Government administration, expenditure and policy in relation to the OTs. Taken together, these and the other recommendations in this report can help to ensure that the bonds between the UK and the British Overseas Territories are strengthened and that together we can truly be a Global Britain.



# Conclusions and recommendations

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## The OTs and the FCO

1. Some of the Overseas Territories feel that the Foreign and Commonwealth Office should not be the lead UK department for the OTs. Some believe that this arrangement reinforces the perception that the OTs are foreign and that it is not fit for purpose given the cross-government nature of the UK Government's modern relationship with the OTs. However, not all OTs agree and some feel that the FCO has long experience of working with the OTs, it has expertise in managing relationships with the countries that surround the OTs, and it deals on a daily basis with international treaty obligations relevant to the OTs. It is time for the UK Government to seriously engage with this issue and to do so in a fair and transparent manner. *Before the next full meeting of the OTs Joint Ministerial Council the Government should therefore commission an independent review into cross-government engagement with the OTs and the FCO's management of its responsibilities towards them. Drawing on international comparisons, this review should consider alternatives to the FCO and assess the costs, benefits and risks associated with moving primary responsibility for the OTs away from the FCO. The findings of the review should be presented to the House and shared with the elected OT governments as soon as is feasible* (Paragraph 21)
2. *There is a widespread feeling in the OTs that the quality and quantity of their communications with UK Government departments needs to improve. The OTs' needs extend far beyond the FCO and their voices must be heard elsewhere in Whitehall. Towards this end, the FCO should draw up plans for a secondment programme between government departments in the UK and the OTs, including assessing the likely costs and level of interest in UK Government departments. The FCO should include specific proposals, costs and a timeline for this in its response to this report.* (Paragraph 22)
3. *The FCO must ensure that the officials it appoints in the Overseas Territories have the skills necessary both to build constructive relationships with the OT governments and to ensure that the territory's governance meets the highest standards. In its response to this report, the FCO should explain the processes it has in place for advertising and recruiting for positions in the OTs, such as governorships, and what it does to consult the OT governments on these appointments. The FCO should also outline the training it provides to the officials it appoints in the OTs, both in advance of and during their postings, and how it assesses their performance.* (Paragraph 23)
4. There is no single name that properly describes the UK, the Overseas Territories and the Crown Dependencies as a collective family of nations and territories. *In its response to this report the FCO should lay out plans for a consultation on whether there should be a name and what such a name should be.* (Paragraph 24)
5. The people of the Overseas Territories are deeply proud of their British heritage and continue to feel a strong sense of loyalty to the Crown and a close bond with the United Kingdom. The flying of the flags of all Overseas Territories and Crown Dependencies in Parliament Square for the weekend of the Queen's Birthday Parade, "Trooping the Colour" and for all State Visits since 2012, has been a source of enormous pride in the OTs. To many in the OTs, this symbolised that they were fully



part of the British family and gave them long overdue recognition. However, their request to lay a Poppy Wreath on Remembrance Sunday at the National Service of Remembrance at the Cenotaph in Whitehall has not been accepted, thus far. There is a unanimous wish amongst the governments of the OTs that as their citizens have fought and died in the service of the Crown in various conflicts over the centuries, that they too should be able to pay tribute in the same way as Commonwealth nations, whose representatives lay a wreath each year at the Cenotaph. Since 2014, the Ambassador of Ireland has also been invited to lay a wreath in memory of Irish citizens who have served in the British Armed Forces, yet the OTs and the Crown Dependencies are still denied that same right. The Committee believes that it is time for this anomaly to be rectified. *Before Remembrance Sunday 2019, the Foreign Secretary should explore the possibility of extending an invitation to each OT to send a representative to lay their own wreath, or at the very least one wreath laid by a different OT representative each year.* (Paragraph 25)

### The OTs and Parliament

6. Parliament has judged public registers of beneficial ownership to be a matter of national security. Those who seek to undermine our security and that of our allies must not be able to use the OTs to launder their funds. We cannot wait until public registers are a global norm and we cannot let considerations of competitiveness prevent us from taking action now. The lowest common denominator is not enough. While law enforcement agencies in the UK appear to have made relatively little use of their powers to request company information from the OTs, it is vital that this information can be accessed by the public, both in the UK and in countries where public money has been stolen by kleptocrats whose actions harm the UK and its allies. We welcome the FCO's assurances that it is working with the OTs to help them implement the Sanctions and Anti-Money Laundering Act. We commend the constructive approach the FCO has taken on this, despite the language used by some OT politicians. We profoundly regret, however, that public registers may not be published before 2023. It is simply not acceptable that this will be long after the deadline set out in the Act. *The Foreign Secretary, in co-operation with the elected governments of the OTs, should lay out before the Summer recess a clear and detailed timetable for the publication of registers of beneficial ownership in each OT.* (Paragraph 33)
7. We are aware that many people in the Overseas Territories feel that they do not receive the attention in Parliament that they might expect and that the Foreign Affairs Committee has not carried out a major OTs inquiry since 2008. Given the competing pressure of other policy areas, and the requirement to scrutinise the whole gamut of the Foreign Office's work, it is difficult to envisage another major OTs inquiry in this Parliament. This fails to do justice to the range and complexities of the issues facing the OTs, individually and collectively. Mindful of this, we believe the time is right to give serious consideration to establishing a formal mechanism by which members of the Foreign Affairs, Justice, International Development, EFRA and other relevant Committees are able collectively to scrutinise the UK Government's administration of, spending on and policies towards the OTs. (Paragraph 38)

## UK funding for the OTs

8. The Committee notes that the Overseas Territory of St. Helena includes the separate and distinct territories of Ascension Island and Tristan da Cunha. These are both inhabited territories with a population that is not directly connected to St. Helena and have their own identities, elected governments and flags. Therefore, Ascension Island and Tristan da Cunha should be treated with equality as British Overseas Territories in their own right and the FCO should change their status to this effect. However, this change should not necessarily imply that the practice of St. Helena, Ascension Island and Tristan da Cunha sharing the same Governor should come to an end. (Paragraph 48)
9. The UK has a duty under international law to provide for the development of the OTs, but it also has a responsibility to UK taxpayers to ensure that the considerable amount of money it spends on the OTs is not wasted. This means not only transparency and accountability in day-to-day spending, but also ensuring that capital investment is genuinely capable of delivering the Government's long-term objective to ensure that the OTs are financially self-sufficient. We are seriously concerned by evidence suggesting that, despite significant capital investment in some OTs in recent years, much more remains to be done to provide infrastructure in OTs such as Montserrat, Tristan da Cunha and St Helena, with no clear end in sight. (Paragraph 54)
10. *The Government must offer clarity on its long-term vision for the funding of the OTs, including replacing any lost EU funding, and continuing and expanding Blue Belt funding after 2020. Towards this end, the Government should explore options for a dedicated development and stimulus fund for the OTs, which would allow for the long-term, sustainable development of aid-dependent territories; help to stimulate the economies of those who need a stimulus but do not qualify for official development assistance; and help territories that are otherwise financially self-sufficient respond to crises such as hurricanes. This long-term vision must be based on a clear-eyed assessment of how the UK will balance the needs of individual OTs against value for money for UK taxpayers. There must be scope to ask hard questions about the long-term sustainability and viability of individual OTs without further significant levels of UK capital investment. If the Government does not think significant capital investment is possible, then it must be frank about what it will spend and towards what end.* (Paragraph 55)
11. The UK Government must clarify the UK's future relationship with the European Union as soon as possible and analyse the impact on the OTs, what funding will be required to ensure the OTs are not losing out, and what input the OTs will have on the replacement of EU funding in the future. (Paragraph 56)

## Points of friction in UK / OT relations

12. The Government should urgently address concerns in the OTs about the issue of citizenship by descent and anomalies in the British Nationality Act that have taken too long to resolve. It should also consider options for removing quotas on the number of people in the OTs that can access NHS services in the UK when their

own health systems cannot provide the care and treatment they need. This may be difficult from a bureaucratic point of view but it is an important test of the FCO's ability to fight the OTs' corner in the UK. (Paragraph 60)

13. It is time for all OTs to legalise same-sex marriage and for the UK Government to do more than simply support it in principle. It must be prepared to step in, as it did in 2001 when an Order in Council decriminalised homosexuality in OTs that had refused to do so. *The Government should set a date by which it expects all OTs to have legalised same-sex marriage. If that deadline is not met, the Government should intervene through legislation or an Order in Council.* (Paragraph 63)
14. Belongership and its equivalents are wrong. While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office. This elevates one group of British people over another and risks undermining the ties that bind the UK and the OTs together in one global British family. *The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territory citizens to be able to vote and hold elected office in territory. In its response to this report the FCO should lay out a timetable for this consultation process and set a deadline for phasing out discriminatory elements of belongership, or its territory-specific equivalents.* (Paragraph 67)

# Formal minutes

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**Wednesday 13 February 2019**

Members present:

Tom Tugendhat, in the Chair

Chris Bryant	Priti Patel
Ann Clwyd	Andrew Rosindell
Mike Gapes	Mr Bob Seely
Stephen Gethins	Royston Smith
Ian Murray	

The following declarations of interest relating to the inquiry were made:

**Tuesday 16 October 2018**

Andrew Rosindell declared a non-pecuniary interest as a participant of the following groups:

Chairman of the All-Party Parliamentary Group for the Caribbean

Chairman of the British-Pacific Islands All-Party Parliamentary Group

Chairman of the United Kingdom Overseas Territories All-Party Parliamentary Group

Chairman of the British-Montserrat All-Party Parliamentary Group

Chairman of the Pitcairn Islands All-Party Parliamentary Group

Chairman of the British-Switzerland All-Party Parliamentary Group

Chairman of the Central America All-Party Parliamentary Group

Chairman of the Liechtenstein All-Party Parliamentary Group

Chairman of the Isle of Man All-Party Parliamentary Group

Chairman of the Channel Islands All-Party Parliamentary Group

Chairman of the Commonwealth All-Party Parliamentary Group

Chairman of the Canada All-Party Parliamentary Group

Chairman of the Conservative Friends of Gibraltar

Chairman of the Chagos Islands (British Indian Ocean Territory) All-Party Parliamentary Group

Parliamentary Advisor of the Friends of the British Overseas Territories

Vice Chairman of the All-Party Parliamentary Group for the Cayman Islands

Vice Chairman of the All-Party Parliamentary Group for Denmark

Vice Chairman of the All-Party Parliamentary Group for Bermuda

Co-Chairman of the British-Irish Parliamentary Assembly

Governor of the Westminster Foundation for Democracy

Chairman of the UK-Norfolk Island Friendship Group

Secretary of St Helena All-Party Parliamentary Group

Secretary of Falkland Islands All-Party Parliamentary Group

He also declared an interest as a participant in two trips in 2018 to the Cayman Islands and Gibraltar funded by the governments of the Cayman Islands and Gibraltar respectively.

Mike Gapes declared a non-pecuniary interest in relation to the Committee's inquiry into the future of the Overseas Territories as Chairman of the All-Party Parliamentary Group on Anguilla. He also declared an interest as a participant in a trip to Gibraltar in 2018 funded by the government of Gibraltar.

Ian Murray declared an interest in relation to the Committee's inquiry into the future of the Overseas Territories as a participant on a visit to the Falkland Islands in 2013 funded by the government of the Falkland Islands.

Declarations of interest were also repeated on 5 December 2018 and 18 December 2018.

Draft Report (*Global Britain and the British Overseas Territories: Resetting the relationship*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 32 read and agreed to.

Paragraph 33 read.

Amendment proposed, to leave out from "funds" in line 3 to "while" in line 5.—(*Andrew Rosindell*.)

Question put, That the amendment be made.

The Committee divided.

Ayes, 1	Noes, 8
Andrew Rosindell	Chris Bryant
	Ann Clwyd
	Mike Gapes
	Stephen Gethins
	Ian Murray
	Priti Patel
	Mr Bob Seely
	Royston Smith

Question accordingly negatived.

Amendment proposed, in line 8, to leave out first “public” and insert “law enforcement authorities”.—(*Andrew Rosindell*.)

Question put, That the amendment be made.

The Committee divided.

Ayes, 1	Noes, 8
Andrew Rosindell	Chris Bryant
	Ann Clwyd
	Mike Gapes
	Stephen Gethins
	Ian Murray
	Priti Patel
	Mr Bob Seely
	Royston Smith

Question accordingly negatived.

Paragraph agreed to.

Paragraphs 34 to 37 read and agreed to.

Paragraph 38 read, amended and agreed to.

Paragraphs 39 to 62 read and agreed to.

Motion made, to leave out paragraph 63 and insert the following new paragraph:

“The UK Government should work in close co-operation and mutual respect with the elected governments of all OTs, to ensure that the rights and freedoms of all British citizens are equal across all jurisdictions within the “UK family”, including marriage, and encourage the OTs to bring about legislative change that may be necessary to achieve this.”—(*Andrew Rosindell*.)

Question put, That the new paragraph be read a second time.

The Committee divided.

Ayes, 4	Noes, 5
Priti Patel	Chris Bryant
Andrew Rosindell	Ann Clwyd
Mr Bob Seely	Mike Gapes
Royston Smith	Stephen Gethins
	Ian Murray

Question accordingly negatived.

Motion made, to leave out paragraph 63 and insert the following new paragraph:

“It is time for those Overseas Territories that have not yet legalised same-sex marriage to do so, to help ensure that the UK and the OTs are bound together by a common set of values. The UK Government must do more than simply support same-sex marriage in

principle and should be ready to intervene if necessary, as it did in 2001 when an Order in Council decriminalised homosexuality in those OTs that had not done so already. Working co-operatively with the OT governments and civil society groups in the OTs, the Government should set a deadline by which it expects all OTs to have legalised same-sex marriage. The Government should lay out a timetable for this in its response to this report.”—(*The Chair*.)

Question put, That the new paragraph be read a second time.

The Committee divided.

Ayes, 1	Noes, 8
Mr Bob Seely	Chris Bryant
	Ann Clwyd
	Mike Gapes
	Stephen Gethins
	Ian Murray
	Priti Patel
	Andrew Rosindell
	Royston Smith

Question accordingly negated.

Question put, That paragraph 63 stand part of the Report.

The Committee divided.

Ayes, 7	Noes, 2
Chris Bryant	Andrew Rosindell
Ann Clwyd	Royston Smith
Mike Gapes	
Stephen Gethins	
Ian Murray	
Priti Patel	
Mr Bob Seely	

Paragraph accordingly agreed to.

Paragraphs 64 to 66 read and agreed to.

Paragraph 67 read, as follows:

“Belongership and its equivalents are wrong. There can be no excuse for denying any British Overseas Territories or UK citizen the right to vote and run for office if they are legally resident in a territory. It is time to phase out belongership and its equivalents. If individual OTs are not willing to do so, the UK should intervene. The FCO should carry out an audit of each territory with a belongership system and what limitations this places on those that are resident and hold UK or BOT citizenship but do not hold belonger status. This should include territory-specific equivalents to belongership, such as Bermudian Status and Falkland Islands Status.”

Motion made, to leave out paragraph 67 and insert the following new paragraph:

“The status of a believer or its equivalent is seen by many as giving a permanent special status to one group of British people against another, who may also be British, but who were not born in the territory. The Committee accepts that small communities such as OTs need different rules to protect them from a possible large influx of people who do not have roots from the territory gaining disproportionate influence, before they have shown a long-term commitment to the well-being of that territory. However, all British citizens must eventually be entitled to qualify for equal citizenship of an OT, following a reasonable period. The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is pathway for all British citizens to be able to vote and stand for office in a British Overseas Territory, with the aim of ensuring equal rights for all British people whichever part of the “UK family” they may originate from. Any legislative change to existing laws should only happen through persuasion and via the elected parliaments and assemblies of each OT. It would be wrong of the UK to impose radical changes against the wishes of the people of the territories and their elected governments.”—(*Andrew Rosindell*.)

Question put, That the new paragraph be read a second time.

The Committee divided.

Ayes, 1	Noes, 8
Andrew Rosindell	Chris Bryant
	Ann Clwyd
	Mike Gapes
	Stephen Gethins
	Ian Murray
	Priti Patel
	Mr Bob Seely
	Royston Smith

Question accordingly negated.

Amendment proposed, to leave out from “wrong” in line 1 to end and insert:

“While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office. This elevates one group of British people over another and risks undermining the ties that bind the UK and the OTs together in one global British family. The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territory citizens to be able to vote and hold elected office in territory. In its response to this report the FCO should lay out a timetable for this consultation process and set a deadline for phasing out discriminatory elements of belonging, or its territory-specific equivalents.”—(*The Chair*.)

The Committee divided.



Ayes, 5	Noes, 3
Ann Clwyd	Chris Bryant
Mike Gapes	Stephen Gethins
Priti Patel	Andrew Rosindell
Mr Bob Seely	
Royston Smith	

Question accordingly agreed to.

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 5	Noes, 3
Ann Clwyd	Chris Bryant
Mike Gapes	Stephen Gethins
Priti Patel	Andrew Rosindell
Mr Bob Seely	
Royston Smith	

Paragraph, as amended, accordingly agreed to.

Paragraphs 68 and 69 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fifteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 26 February at 2.15pm]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 16 October 2018

*Question number*

**Susie Alegre**, Director, Island Rights Initiative, and **George Fergusson**, former Governor of Bermuda and (non-resident) Governor of Pitcairn [Q1–38](#)

**Dr Peter Clegg**, Associate Professor in Politics and International Relations, University of the West of England, and **Eric Bush**, Cayman Islands Representative to the UK and EU, and Chair, UK Overseas Territories Association [Q39–86](#)

### Tuesday 6 November 2018

**Elise Donovan**, British Virgin Islands Government representative in the UK and the EU, and **Janice Panton**, Montserrat Government representative in the UK [Q87–140](#)

**Jonathan Hall**, Head, UK Overseas Territories Unit, Royal Society for the Protection of Birds, and **Dr Mike Pienkowski**, Chair, UK Overseas Territories Conservation Forum [Q141–161](#)

### Wednesday 5 December 2018

**Hon. Victor F. Banks**, Chief Minister of Anguilla, **Hon. Donaldson Romeo**, Premier of Montserrat, **Hon. Sharlene Cartwright-Robinson**, Premier of the Turks and Caicos Islands, and **Hon. Ms. Teslyn Barkman**, Member of the Falkland Islands Legislative Assembly [Q162–195](#)

**Councillor Leslie Jaques OBE**, Government of Pitcairn Islands, **Councillor Derek Thomas**, Member of the St Helena Legislative Assembly, **Mr Ian Lavarello**, Chief Islander of Tristan da Cunha, and **Councillor Keturah George**, Ascension Island Council [Q196–220](#)

### Tuesday 18 December 2018

**Lord Ahmad of Wimbledon**, Minister of State for the Commonwealth and the UN, and **Ben Merrick**, Director, Overseas Territories, Foreign and Commonwealth Office [Q221–298](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

OTS numbers are generated by the evidence processing system and so may not be complete.

- 1 Alquimi Renewables, LLC and Thermal Energy Partners LLC ([OTS0009](#))
- 2 Anguilla Christian Council (ACC) ([OTS0104](#))
- 3 Anguilla Finance ([OTS0048](#))
- 4 Anne Cassell ([OTS0029](#))
- 5 Ascension Island Council ([OTS0119](#))
- 6 Avaline Potter ([OTS0059](#))
- 7 Benito Wheatley ([OTS0095](#))
- 8 Benjamin Roberts ([OTS0036](#))
- 9 British Virgin Islands Government ([OTS0079](#))
- 10 British Virgin Islands Government ([OTS0127](#))
- 11 Campaign for British Citizenship ([OTS0011](#))
- 12 Cane Garden Bay Baptist Church ([OTS0054](#))
- 13 Capt. Colin Fergus ([OTS0064](#))
- 14 Caribbean Conservation Network ([OTS0078](#))
- 15 Cayman Finance ([OTS0074](#))
- 16 Cayman Islands Government ([OTS0109](#))
- 17 Chief Islander of Tristan da Cunha ([OTS0026](#))
- 18 Colours Cayman ([OTS0022](#))
- 19 Colours Cayman ([OTS0031](#))
- 20 David Brandt ([OTS0097](#))
- 21 Denzil West ([OTS0075](#))
- 22 Dominic Thomas-James ([OTS0018](#))
- 23 Donaldson Romeo ([OTS0111](#))
- 24 Dr Alasdair Pinkerton & Dr Matthew C. Benwell ([OTS0069](#))
- 25 Dr James Reeve ([OTS0083](#))
- 26 Dr Leonardo Raznovich ([OTS0122](#))
- 27 Dr Peter Clegg ([OTS0020](#))
- 28 Elected Members of the St Helena Legislative Council ([OTS0049](#))
- 29 Embassy of France ([OTS0128](#))
- 30 Equality & Human Rights Commission, St Helena ([OTS0013](#))
- 31 Falkland Islands Government ([OTS0106](#))
- 32 Falkland Islands Government ([OTS0124](#))
- 33 Foreign and Commonwealth Office ([OTS0103](#))

- 34 Foreign and Commonwealth Office ([OTS0120](#))
- 35 Foreign and Commonwealth Office ([OTS0123](#))
- 36 Foreign and Commonwealth Office ([OTS0132](#))
- 37 Friends of the British Overseas Territories (FOTBOT) ([OTS0089](#))
- 38 George Fergusson ([OTS0110](#))
- 39 Government of Bermuda ([OTS0130](#))
- 40 Government of the British Virgin Islands ([OTS0115](#))
- 41 Harv Edge ([OTS0108](#))
- 42 HM Government of Gibraltar ([OTS0107](#))
- 43 Hon Joseph Easton Farrell ([OTS0024](#))
- 44 International Financial Centres Forum ([OTS0094](#))
- 45 Jean Kelsick ([OTS0055](#))
- 46 John Knox ([OTS0002](#))
- 47 Kattina Anglin ([OTS0096](#))
- 48 Montserrat Association for Persons with Disabilities ([OTS0012](#))
- 49 Mr Christopher Marshall ([OTS0034](#))
- 50 Mr Jamal Smith ([OTS0027](#))
- 51 Mr Jerzy Kolodziej ([OTS0080](#))
- 52 Mr John Turner ([OTS0005](#))
- 53 Mr Kedrick Malone ([OTS0100](#))
- 54 Mr Lawrence Sticca ([OTS0084](#))
- 55 Mr Lee Ingham ([OTS0060](#))
- 56 Mr Michael Jarvis ([OTS0008](#))
- 57 Mr Peter Moll ([OTS0035](#))
- 58 Mr Peter Sanderson ([OTS0081](#))
- 59 Mr Tari Trott ([OTS0058](#))
- 60 Mr Timothy Adam ([OTS0101](#))
- 61 Mrs Dancia Penn ([OTS0085](#))
- 62 Mrs Medita Wheatley ([OTS0086](#))
- 63 Mrs Tecla Henry-Benjamin ([OTS0091](#))
- 64 Ms Dorothea Hodge ([OTS0090](#))
- 65 Ms Kavita Frary ([OTS0062](#))
- 66 Ms Shelley Harris ([OTS0056](#))
- 67 Ms Shirley Osborne ([OTS0092](#))
- 68 Ms Susie Alegre ([OTS0052](#))
- 69 New Zealand High Commission, UK ([OTS0116](#))
- 70 Office of the Premier of Montserrat ([OTS0082](#))
- 71 Oxfam GB ([OTS0072](#))

- 72 Paul Mildon ([OTS0121](#))
- 73 Poiesis Techne Ltd & Archer's Mark International Ltd ([OTS0125](#))
- 74 Professor Nicola Barker ([OTS0015](#))
- 75 Professor Robert Marsh, Professor Emma Tompkins and Dr Yue Zhang ([OTS0112](#))
- 76 Rodney Smith ([OTS0038](#))
- 77 Royal Danish Embassy, UK ([OTS0117](#))
- 78 RSPB ([OTS0070](#))
- 79 Rt Hon Dr Lowell Lewis ([OTS0017](#))
- 80 Russell David ([OTS0006](#))
- 81 South Georgia Heritage Trust ([OTS0050](#))
- 82 St Helena Chamber of Commerce ([OTS0028](#))
- 83 St Helena Government ([OTS0061](#))
- 84 St Helena Government ([OTS0129](#))
- 85 St Helena Tourism Association ([OTS0025](#))
- 86 Sylvia Gabriel ([OTS0071](#))
- 87 Tabitha Sprague ([OTS0066](#))
- 88 Terence Silcott ([OTS0021](#))
- 89 The Honourable Everard Trenton Richards ([OTS0040](#))
- 90 The Office of the Montserrat Legislative Assembly ([OTS0093](#))
- 91 The West India Committee ([OTS0053](#))
- 92 Tom Keatinge ([OTS0118](#))
- 93 Transparency International UK ([OTS0126](#))
- 94 Transparency International UK and Global Witness ([OTS0016](#))
- 95 Turks and Caicos Forum ([OTS0037](#))
- 96 Turks and Caicos Islands Human Rights Commission ([OTS0041](#))
- 97 UK Chagos Support Association ([OTS0073](#))
- 98 UK Overseas Territories Conservation Forum ([OTS0114](#))
- 99 UK Overseas Territories Conservation Forum ([OTS0067](#))
- 100 United Kingdom Overseas Territories Association ([OTS0113](#))
- 101 Vernon Jeffers ([OTS0042](#))
- 102 Virgin Islands Public Meetings ([OTS0047](#))
- 103 Youth Alliance ([OTS0065](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2017–19

First Report	Violence in Rakhine State and the UK's response	HC 435
Second Report	The future of UK diplomacy in Europe	HC 514
Third Report	Kurdish aspirations and the interests of the UK	HC 518
Fourth Report	2017 elections to the International Court of Justice	HC 860
Fifth Report	The UK's response to hurricanes in its Overseas Territories	HC 722
Sixth Report	Global Britain	HC 780
Seventh Report	Global Britain and the 2018 Commonwealth Summit	HC 831
Eighth Report	Moscow's Gold: Russian Corruption in the UK	HC 932
Ninth Report	The FCO's preparations for the 2018 World Cup	HC 1011
Tenth Report	Global Britain and the Western Balkans	HC 1013
Eleventh Report	UK arms exports during 2016	HC 666
Twelfth Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention	HC 1005
Thirteenth Report	Global Britain: Human rights and the rule of law	HC 874
Fourteenth Report	Global Britain: FCO Skills	HC 1254
First Special Report	The United Kingdom's relations with Russia: Government Response to the Committee's Seventh Report of Session 2016–17	HC 322
Second Special Report	The UK's relations with Turkey: Government Response to the Committee's Tenth Report of Session 2016–17	HC 333
Third Special Report	'Political Islam', and the Muslim Brotherhood Review: Government Response to the Committee's Eighth Report of Session 2016–17	HC 334

Fourth Special Report	Violence in Rakhine State and the UK's response: Government Response to the Committee's First Report	HC 868
Fifth Special Report	The future of UK diplomacy in Europe: Government response to the Committee's Second Report	HC 918
Sixth Special Report	Kurdish aspirations and the interests of the UK: Government response to the Committee's Third Report	HC 983
Seventh Special Report	2017 elections to the International Court of Justice: Government response to the Committee's Fourth Report	HC 1012
Eighth Special Report	Article 50 negotiations: Implications of "No Deal": Government response to the Committee's Ninth Report	HC 1053
Ninth Special Report	The UK's response to hurricanes in its Overseas Territories: Government response to the Committee's 5th Report	HC 1052
Tenth Special Report	Global Britain: Government response to the Committee's 6th Report	HC 1236
Eleventh Special Report	Global Britain and the 2018 Commonwealth Summit: Government response to the Committee's 7th Report	HC 1427
Twelfth Special Report	Moscow's Gold: Russian Corruption in the UK: Government response to the Committee's 8th Report	HC 1488
Thirteenth Special Report	The FCO's preparations for the 2018 World Cup in Russia: Government response to the Committee's 9th Report	HC 1507
Fourteenth Special Report	Global Britain and the Western Balkans: Government Response to the Committee's Tenth Report	HC 1572
Fifteenth Special Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention: Government response to the Committee's Twelfth Report	HC 1719
Sixteenth Special Report	Global Britain: Human rights and the rule of law: Government response to the Committee's Thirteenth Report	HC 1759
Seventeenth Special Report	Global Britain and the Western Balkans: Supplementary Government response to the Committee's Tenth Report	HC 1760
Eighteenth Special Report	UK arms exports during 2016: Government Response to the Committees' First Joint Report	HC 1789
Nineteenth Special Report	Delivering Global Britain: FCO Skills: Government Response to the Committee's Fourteenth Report	HC 1937