

# OUR CONSTITUTION

*The government should now provide in a far more sincere manner, honestly that first report from 2003; and the Check-list which follows; along and all the changes that were made, as well as the additions that have been secretly made between 2006 and now, after Dr. Lewis broke the secrecy and presented what up to then had been the new draft.*

- 2.1 The method, timing and resources necessary for the carrying out of any Constitutional modernisation review should be agreed with OTD, before it begins, unless they are agreed as part of Country Policy Plans or similar exercises.**
- 2.2 The proposals should be consistent with the UK's international and treaty obligations.**
- 2.3 The proposals should promote more open, transparent and accountable government, and contribute to the fair and equitable exercise of power and delivery of public services.**
- 2.4 Consideration should be given to improvements to the operation and composition of the legislature and the promotion of democratic process**
- 2.5 The role of Executive Councils and the exercise of collective responsibility by the OT Ministers or Councillors who are members of them, for government policy and decisions should be explained and endorsed within the constitution.**
- 2.6 Proposals for change should encourage respect for the rule of law, the constitution and high standards in public life, incorporating reference to Codes of Conduct for Elected Representatives and officials.**
- 2.7 The proposals should promote representative and participative government and help enable all sectors of the community to influence government policy and practice. They should indicate whether reforms are necessary to constituency boundaries, the electoral system and the franchise.**
- 2.8 Proposals should help to support efforts to tackle and control international and domestic crime and corruption.**
- 2.9 Proposals should be consistent with the preservation and enhancement of the reputation of any international financial services industry for honest administration and probity, and should ensure the removal of any impediments to the efficient regulation of financial sectors including the exchange of information.**
- 2.10 Consideration should be given as to whether proposed constitutional changes are consistent with the requirement to establish Independent Regulatory Authorities in territories with financial services.**
- 2.11 Proposals should promote freedom of expression, opinion and association and the right to information, including improvements necessary for their delivery.**
- 2.12 Proposals should help to ensure high standards of justice and law enforcement and strengthen the delivery of and access to judicial services.**
- 2.13 Modern international standards of respect for human rights should be adopted consistent with the provisions of the European Convention on Human Rights (ECHR) enshrined in the Human Rights Act and other relevant International Conventions. There should be a machinery for the enforcement of these rights.**
- 2.14 Proposals should help to improve procedures for the administration and prudent management of government finance, including adequate independent audit.**
- 2.15 As sovereign power with ultimate responsibility for the United Kingdom Overseas Territories, HMG should have the powers necessary to discharge its responsibilities towards them, to implement the UK's international obligations and to minimise the risk of contingent liabilities.**

- 2.16 Consideration should be given to whether the executive or legislative powers held and exercised by the Governor are adequate in respect of:**
- (a) his responsibility under the constitution**
  - (b) the authorisation of expenditure required to enable him to discharge his responsibilities**
  - (c) finance**
  - (d) good government**
  - (e) periods of public emergency**
  - (f) public order**
  - (g) the passing or amendment of legislation, including the use of “a one line veto”**
  - (h) appointments to public offices**
  - (i) where relevant, oversight of offshore financial industries**
- 2.17 Does the constitution provide for a Register of Interests of all members of the Legislature/ Executive Councils and holders of prescribed public office? Can sanctions be imposed for failure to comply? If not, should appropriate measures be included?**
- 2.18 Does the constitution make provision for a Complaints Commissioner (Ombudsman) for individual complaints on maladministration? If not, should there be provision?**
- 2.19 Do the changes suggested by the OT government have the support of the majority of the population? What is the evidence for such support? Has there been extensive local consultation (with or without the assistance of a Constitutional Commissioner or Commission) followed by a debate in the legislature in which the suggested changes have been approved by motion?**

Check at the following and note that all we can do is make a request. Where is the authority or the responsibility or even a promise that the HMG must accede to the request. That means it could be 20 years before they take any action.

- (2) The Premier, if authorised by resolution of the Legislative Assembly adopted by a two-thirds majority of the elected members of the Assembly, may request discussion of amendment of this Constitution with Her Majesty’s Government in the United Kingdom.**

## CAN THE NEW CONSTITUTION BOAST THIS? BVI

The British Virgin Islands Constitutional Review Exercise, which resulted in the Virgin Islands Constitution Order 2007, was a process that took a full three years and included broad consultation and input.

The new Constitution represents progress for the people of the British Virgin Islands. It enshrines basic fundamental rights and freedoms that everyone is entitled to enjoy. It rebalances the relationship between the Government of the British Virgin Islands and our administering power, the United Kingdom.

Although it did not call for independence, it gave the people of the Virgin Islands greater autonomy and self-determination, helping us to shake of some of the remnants of colonialism.

The new Constitution represents significant advancement, although not short of independence as the Commissioners aspired, that puts the British Virgin Islands and its people a few steps closer to the independent eventuality, or some other more advanced mutually agreed acceptable status.

The words of the Commissioner in the first report of 2002. “The new Constitution must be based on principle and especially that fundamental principle of self-determination so vital to a people in a long and checkered march out of the night of slavery into the daybreak of real freedom.”

The following is what Governor Longrigg in 2001-2 had to say about the UK not discussing anything other than full independence - remain a Colony.

Governor Longrigg:

The idea of Free Association was discussed in London at the conference it was also discussed I think you may know in meetings earlier in Anguilla , the UK made pretty clear to all Overseas Territories that it does not support the idea of Free Associations in the sense of Free Associations means an agreement between the two parties as to how power to be distributed, and the UK is saying that it is very happy to grant independence whenever there is a clear majority in the territory in favour of this. But you cannot in a sense have your cake and eat it, you cannot have total independence in fact with out and maintain all the advantages of dependencies you have to in some senses. And if territories are going to remain Overseas Territories they are going to have to accept the UK...It have to reserve to itself .