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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

British Virgin Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 5 December 2023. Further details are contained in previous working papers, available from www.un.org/dppa/decolonization/en/documents/workingpapers.



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The Territory at a glance

Territory: The British Virgin Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor John James Rankin (since January 2021).

Geography: Located approximately 100 km east of Puerto Rico and 25 km from the United States Virgin Islands, the Territory comprises a group of some 60 islands, islets and cays that form an archipelago with the United States Virgin Islands. Twenty of the islands are inhabited. The major islands are Tortola, Virgin Gorda, Anegada and Jost Van Dyke.

Land area: 153 km²

Exclusive economic zone: 80,117 km²

Population: 33,595 (2021)

Life expectancy at birth: 77.4 years; 74.4 years for men and 81.3 years for women.

Language: English

Capital: Road Town, located on the largest island, Tortola.

Head of territorial Government: Premier Hon. Natalio Wheatley (since May 2022).

Main political parties: National Democratic Party; Virgin Islands Party; Progressives United; Progressive Virgin Islands Movement.

Elections: Most recent: 25 February 2019; next: 2023.

Legislature: 15-member unicameral House of Assembly.

Gross domestic product per capita: \$31,343 (2021, Ministry of Finance estimate).

Economy: Financial services and tourism.

Main trading partners: The United States of America, the United Kingdom and the Caribbean countries and territories.

Unemployment rate: 5.5 per cent (2019 estimate).

Monetary unit: United States dollar (\$).

Brief history: The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous peoples of the region. The Dutch established the first permanent European settlement in 1648. British planters took control of the islands in 1666, and the Territory attained the status of a British colony. Ministerial Government was brought into effect in the 1967 Constitution under the new position of Chief Minister.

I. Constitutional, political and legal issues

1. In accordance with the Virgin Islands Constitution Order 2007, the British Crown appoints a governor whose responsibilities include defence, internal security, external affairs, the terms and conditions of service for persons in the public service and the administration of the courts. In some areas of external affairs that relate to certain matters falling within ministerial portfolios, the Constitution provides for the territorial Government to have delegated responsibility. The United Kingdom of Great Britain and Northern Ireland has reserved powers to make laws for the peace, order and good government of the British Virgin Islands. In terms of external relations, the territorial Government is entrusted to negotiate treaties in specific areas, such as matters related to the offshore financial services industry.

2. The 2007 Constitution provided for a more formally structured cabinet-style Government for the executive branch. The Cabinet consists of the Governor; the Premier, appointed by the Governor from among the locally elected members of the House of Assembly; four other Ministers, appointed by the Governor on the advice of the Premier; and one ex officio member, namely, the Attorney General. The Governor presides over the Cabinet but does not have a voting right. The agenda is agreed upon by the Cabinet Steering Committee, consisting of the Governor, the Premier and the Cabinet Secretary. The House of Assembly consists of the Speaker, the Attorney General (ex officio) and 13 elected members – 9 from one-member electoral districts and 4 representing the Territory at large. The Constitutional Review Commission was established in 2022 to conduct a full review of the 2007 Constitution. The Commission held its first meeting on 18 July 2022, and public consultations commenced on 1 November 2022.

3. General elections are constitutionally mandated to be held at least once every four years. Nine district candidates are elected on the basis of a simple majority, with four elected on a territory-wide “at large” basis. Persons voting must be 18 years of age or over and have “belonger” status. Belonger status includes the right to work without a permit and the right to vote. According to the administering Power, the 2022 Commission of Inquiry (see para. 5) found that applications for belongership based on tenure are measured against a 20-year residence requirement, which Cabinet has required to be applied since 2004, although it is contrary to the statutory criteria in section 16 (3) of the 1977 Immigration and Passport Act of the Virgin Islands. The Commission found this policy to be unlawful. In the light of recommendations made by the Commission, the territorial Government has committed to a review of the existing policy and processes for granting residency and belongership status, including open discretion for Cabinet to grant such statuses, and the length of residence required for belongership. The most recent general election was held on 25 February 2019.

4. The law of the British Virgin Islands comprises the common law of England and legislation that is enacted either by the territorial legislature or by the United Kingdom on behalf of the Territory. The judiciary is administered by the Eastern Caribbean Supreme Court, which is headquartered in Saint Lucia. It consists of the High Court of Justice and the Court of Appeal. There is a magistrates’ court, which hears prescribed civil and criminal cases, a juvenile court and a court of summary jurisdiction. There are three resident High Court judges and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. The Privy Council of the United Kingdom is the final court of appeal. The British Overseas Territories Act 2002 provides for the granting of British citizenship to citizens of British overseas territory.

5. An independent Commission of Inquiry was announced by the former Governor in January 2021. Its purpose was to review the Territory's governance and make recommendations for improvement. The sole Commissioner of Inquiry was appointed on 19 January 2021. The Commission's terms of reference were: (1) to establish whether there is information that corruption, abuse of office or other serious dishonesty in relation to officials, whether statutory, elected or public may have taken place in recent years; (2) if there is such information, to consider the conditions which allowed that corruption, abuse of office or other serious dishonesty to take place and whether they may still exist; (3) if appropriate, to make independent recommendations with a view to improving the standards of governance, to give the people of the British Virgin Islands confidence that governance is working in a fair, transparent and proper manner; (4) if appropriate, to make independent recommendations with a view to improving the operation of the agencies of law enforcement and justice; (5) should the Commissioner at any time consider that a change to these terms of reference would be beneficial to public welfare in achieving the objectives of the inquiry, to inform the Governor of the British Virgin Islands at the first opportunity; (6) to prepare and submit a written report to the then Governor of the British Virgin Islands within six months from the commencement of the inquiry, making all such recommendations as seem fit provided that the Governor may extend the period for submission of the report to a period no longer than nine months from the date of the inquiry.

6. According to the administering Power, following a period of public meetings, hearings were held over several months and, in line with a suggestion by the then Premier of the British Virgin Islands, were broadcast live via the Internet, a facility that was taken up by a large number of the public. The elected Ministers of the Government of the British Virgin Islands appointed a United Kingdom-based law firm to represent their interests, support the work of the British Virgin Islands Attorney General and assist with facilitating the cooperation of the British Virgin Islands Public Service. The Government of the British Virgin Islands stated that this was done to "ensure a transparent process and to advise upon issues arising from this decision by the Governor in this matter and upon all matters relating to the Commission of Inquiry".

7. According to the administering Power, the report of the Commission of Inquiry was presented to the Governor on 4 April 2022, after two extensions to the original time frame were requested by the Commissioner and granted by the Governor owing to the continuing coronavirus disease (COVID-19) outbreak and the substantial amount of information submitted to the Commission. On 5 April 2022, the Governor released a statement outlining his approach to discussing the report with elected and other officials, including a meeting in London with the Premier to discuss the report with the Government of the United Kingdom, and for public release. The then Premier was arrested by United States authorities in Miami on 28 April 2022 on charges unrelated to the work of the Commission. In the light of that arrest, the Governor made public the report of the Commission on 29 April 2022.

8. In addition, according to the administering Power, the final report contained 936 pages in addition to supporting annexes and contained 49 recommendations on a number of governance issues. According to the administering Power, the report was thorough, evidence-based and followed closely by the media and public in the Territory. In the overarching recommendations, the Commissioner stated that, on analysis of the evidence, many of the conclusions set out in the report were not difficult to draw and that the state of governance in the Territory was appallingly bad. In all the circumstances, including the absence of any acceptable explanation for that state and the way in which elected public officials continued to shun the basic principles of good governance, knowing that that gave rise to an environment in

which dishonesty in and around government could flourish, the evidence would drive anyone who was impartial and independent to the view that the conduct fell within paragraph 1 of the terms of reference (see para. 5). He also stated that the conditions which had allowed this state of affairs had not changed and, as things currently stood, were likely to remain unchanged for the foreseeable future. During the course of the inquiry, participants had often sought to show that a particular part of the evidence did not show poor governance and/or dishonesty in public office. Although they had usually been unsuccessful, the Commissioner, expressing hope that any errors in the report were few, said that the information before him painted a picture that would not be undermined by any attack of part of it. The evidence was enormous. Looked at as a whole, it was, in his view, overwhelming, and it irrefutably painted the picture that he had described.

9. The Commissioner further concluded that it was not simply that the people of the Territory deserved better – which they did – but that the Government of the United Kingdom owed them an obligation not only to protect them from such abuses but to assist them to achieve their aspirations for self-government as a modern democratic State. He said that he had carefully considered lesser measures but, while appreciating that the Governor and the Government of the United Kingdom would consider this only as a last resort, he had concluded that the only way in which the relevant issues could be addressed was for there to be a temporary suspension of those parts of the Constitution by which areas of Government were assigned to elected representatives. The suspension should be as short as possible to enable principled elected government to be restored. The remaining 48 recommendations included several for further reviews or criminal investigations into conduct, including of elected officials and government agencies. The Commissioner also noted the obligations of the United Kingdom under Article 73 of the Charter of the United Nations.

10. On publication of the report, the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom stated that the Inquiry report published by the Governor showed clearly that substantial legislative and constitutional change was required to restore the standards of governance to which the people of the British Virgin Islands were entitled. The Overseas Territories were a core part of the United Kingdom family. The Government of the United Kingdom was committed to the security and well-being of the people of the British Virgin Islands.

11. Natalio Wheatley was appointed Premier on 5 May 2022 and formed a coalition Government of National Unity. According to the administering Power, the Government of the United Kingdom worked with the new Premier and his government and the Governor to develop a response to the report.

12. According to the administering Power, a framework for implementation of the recommendations made on the report was agreed by the Government of the British Virgin Islands on 1 June 2022. On 8 June 2022, the Foreign Secretary of the United Kingdom informed the Parliament of the United Kingdom that the United Kingdom and the Governor had worked with the Government of National Unity since its formation to turn its public commitments to reform into a strong implementation plan with a strict and comprehensive set of milestones that needed to be met. If they were, it would protect against corruption and ensure the return of good governance. As a result, the new government should have an opportunity to demonstrate its commitment to reform through the implementation of the 48 recommendations made and through further measures. However, if it became clear that this approach was not delivering the reform that the people of the Territory wanted and deserved, the Governor and the Government of the United Kingdom would take action. This might require the swift implementation of the final report recommendation. In order to be able to do so quickly if required, the Government of the United Kingdom had

submitted an Order in Council to the Privy Council that would allow this administration to be introduced – if required.

13. On 4 October 2022, in his quarterly review of progress on the implementation of the Commission of Inquiry recommendations, the Governor of the British Virgin Islands stated that there had been good progress in a number of areas. An example of positive change was the amendment of the Audit Act to make failure to cooperate with, or impede the work of, the Auditor General a criminal offence, and related changes to the Service Commission Regulations for the public service. All but two of the reviews recommended in the report of the Commission of Inquiry had been initiated. The Governor also ordered the Royal Virgin Islands Police Force to conduct all the criminal investigations recommended in the report, and the Auditor General was conducting the recommended audits. However, the Governor noted that there were areas where there had been less or no progress. In most cases where deadlines had been missed, there were credible reasons for delay, and the Governor was satisfied that work was under way. The Governor said that it was vital that the overall pace of reform be maintained, and that the change be far-reaching and deep-seated. This required continued commitment and hard work both from elected officials and the public service. While the overall approach of the Premier and Cabinet had been one of constructive engagement and partnership in delivery of the reforms, there were some areas of concern about the level of commitment to meaningful reform. These included some continued use of tender waivers for Government contracts, the resistance that was encountered to broadening membership of the Constitutional Review Commission and the amending of the Register of Interests Act to limit severely public access to the records of interests of Members of the House of Assembly. The Governor said that it was essential that the areas of concern be addressed and that new governance issues would not arise.

14. According to the administering Power, on 17 October 2022, in response to the Governor's review of progress, the Minister for the Americas and the Overseas Territories of the United Kingdom stated that, overall, he agreed that the progress in this initial period was sufficient to continue with the current approach, but that it was vital that this be maintained, and in some cases improved, with commitments and deadlines met. The people of the Territory wanted and deserved reform. He said that the Government of the United Kingdom remained committed to taking the necessary actions to ensure that they saw that reform delivered.

15. On 13 February 2023, the Governor published the second quarterly review of the implementation of the recommendations of the Commission of Inquiry, summarizing some of the positive progress made over the previous four months, including progress on procurement practices. According to a press statement, as at the end of December 2022, 15 of 48 recommendations had been completed. The Governor stated that he was encouraged by the positive trend towards open and transparent public procurement, while noting that more work was however required. He noted that the overall pace of reform was slower than expected and it was important that the public did not lose confidence. He raised concerns that the implementation of reform had on occasion missed the essence of what it was aimed at achieving: open, transparent and accountable governance. He also stated that it was disappointing to see that very little progress had been made in the previous few months in progressing and deciding applications for residency and belongingship. On the other hand, he was pleased to report that five reviews and three audits had been completed. The Governor said that he continued to welcome the approach of the Premier and the Cabinet and their express commitment to the reform process. He remained committed to working in partnership with the territorial Government to ensure that these reforms were experienced positively and without delay by the people of the Territory in their everyday lives.

16. The territorial Government stated its position on the report of the Commission of Inquiry and its implementation at the Pacific regional seminar held in Castries from 11 to 13 May 2022 (see [A/77/23](#), annex II), the 4th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 13 June 2022 (see [A/AC.109/2022/SR.4](#)) and the 4th meeting of the Special Political and Decolonization Committee on 6 October 2022 (see [A/C.4/77/SR.4](#)).

17. The Caribbean Community (CARICOM) stated its position on the question of the British Virgin Islands in communiqués issued at the forty-third regular meeting of the Conference of Heads of Government, held in Paramaribo from 3 to 5 July 2022; the thirty-third intersessional meeting of the Conference of Heads of Government, held in San Pedro, Belize, on 1 and 2 March 2022; the forty-second regular meeting of the Conference of Heads of Government, held virtually on 5 and 6 July 2021; and the thirty-second intersessional meeting of the Conference of Heads of Government, held virtually on 24 and 25 February 2021.

II. Budget

18. According to the administering Power, the Governments of the United Kingdom and the British Virgin Islands have agreed upon protocols for effective Public financial management, which were signed in April 2012. They set out the commitment of the territorial Government to borrowing guidelines and a medium-term fiscal plan for the management of public finances covering a period of at least three fiscal years. The fiscal year of the Government of the British Virgin Islands runs from January to December. According to the territorial Government, the 2023 budget was estimated at \$393.4 million, with recurrent revenue and expenditure estimated at \$373.03 million and \$329.1 million, respectively.

III. Economic conditions

A. General

19. The “Virgin Islands Strategic Blue Economy Roadmap 2020–2025”, developed by the territorial Government with support from the United Nations Development Programme (UNDP), sets out an integrated approach to ocean-based sustainable development that brings together economy, environment and society, consistent with the 2030 Agenda for Sustainable Development, Aichi Target 11 of the Strategic Plan for Biological Diversity 2011–2020 and the Paris Agreement on climate change.

20. On 15 January 2022, the territorial Government launched a public consultation exercise on the draft National Sustainable Development Plan, developed with technical support from the Economic Commission for Latin America and the Caribbean. The plan is expected to guide the sustainable development of the Territory for the next 15 years. According to the draft, the Development Plan is based on the vision expressed in broad-based public consultations, in-depth interviews and in responses to a survey. Numerous public consultations were undertaken during the process to firstly engage in comprehensive education on the Sustainable Development Goals and then to ensure citizen participation in setting the priorities and articulating an aspirational vision for the Territory in its sustainability and resilience endeavours. Some of the issues discussed include providing opportunity for the youth; preserving the environment while developing the blue economy; managing diversity while maintaining customs and traditions; sustainable infrastructure given the ravages of recent hurricanes; restarting the economy given the climate risks and COVID-19; and

the preparation and movement towards more autonomy and the implications of such governance advancements. The Development Plan is also based on the Sustainable Development Goals and took into consideration continued recovery from Hurricanes Irma and Maria, as well as reenergizing and reimagining the Territory after the COVID-19 pandemic. The draft document indicates that the constitutional evolution of the Territory was also given due consideration and that pertinent to the Development Plan is the Special Committee on decolonization.

B. Financial services

21. According to the 2021–2023 macroeconomic review and outlook, the financial services industry was affected by the 2020 pandemic, resulting in a 14.5 per cent decline in new incorporations from the level in 2019. New incorporations in 2021 (36,178) rose by 61.8 per cent from 2020 (22,362). The trend from 2021 continued into the first quarter of 2022, with incorporation figures that were similar to pre-pandemic levels. However, up to the end of September 2022, new incorporations dropped by 18.9 per cent as compared with the same period in 2021.

22. In May 2018, the Parliament of the United Kingdom passed the Sanctions and Anti-Money Laundering Act, pursuant to which the Secretary of State is required to provide all reasonable assistance to the Governments of overseas territories to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in its jurisdiction and to prepare, no later than 31 December 2020, a draft Order in Council requiring any overseas territory that has not introduced such a register to do so. On 14 December 2020, the Government of the United Kingdom published a draft Order in Council setting out a framework for the registers. The Government of the British Virgin Islands has committed itself to introducing such a register, and the Government of the United Kingdom is providing support where required. The Government of the United Kingdom expects this register, and those of the other overseas territories, to be in place by the end of 2023. This is in line with the call by the United Kingdom to make publicly accessible registers a global norm by 2023.

23. In August 2022 the British Virgin Islands Government passed legislation to enable the framework for regulations to be made for the register of the beneficial ownership of companies in preparation for the end of 2023.

C. Tourism

24. According to the 2023 budget estimates, the onset of the COVID-19 pandemic in 2020 hit the tourism industry very hard. Tourist arrivals fell from 894,991 visitors in 2019 to 305,356 visitors in 2020; and dropped further to 133,715 visitors in 2021. By the end of August 2022, the total number of visitors had grown by 1,054 per cent, rising from 28,224 visitors in August 2021 to 325,753 visitors. The number of cruisers and day-trippers moved from 2,641 by the end of August 2021 to 204,330 for the same period in 2022, a growth of 7,637 per cent.

D. Agriculture and fisheries

25. Agriculture and fishing accounted for approximately 1.6 per cent of the Territory's GDP in 2018 and are undertaken on a small scale, supplementing a small component of local demand. Most food requirements are met through imports from the United States of America and the Caribbean. There is some agricultural production, albeit on a small scale, of mostly fruits, vegetables and small livestock,

in particular poultry, produced primarily for local consumption. The United States Virgin Islands is the main importer of the agricultural and fishing products of the British Virgin Islands. The Virgin Islands Fisheries Act, 1997, and Fisheries Regulations, 2003, govern commercial, pleasure and sport fisheries, which mainly serve the local market. According to the administering Power, in the 2022 report of the Commission of Inquiry, the Commissioner recommended a full audit/investigation of the farmers and fisherfolk programme by the Auditor General.

E. Communications and infrastructure

26. The British Virgin Islands has more than 200 km of surfaced roads. There are three international airports, including the main international airport, Terrance B. Lettsome International Airport, located on Beef Island. Direct shipping services operate from the Netherlands, the United Kingdom and the United States. A deepwater harbour is located in Road Town. A regular ferry service links Tortola with some of the other islands in the Territory and with the United States Virgin Islands. According to the 2021–2023 macroeconomic review and outlook, despite significant progress on physical infrastructure across the Territory since 2017, there was still substantial work to be completed to restore the infrastructure to its functional state prior to the hurricanes of 2017.

27. The extension of the cruise pier in Tortola, along with landside development, which had commenced in 2014, was completed in early 2016 and commissioned for service in March 2016.

28. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, under which all development in the Territory must be approved by the Physical Planning Authority.

29. Broadband telecommunications, including Internet service, is available throughout the Territory. There are three major service providers, which are governed by a telecommunications regulatory regime established in 2006.

IV. Social conditions

A. Labour and immigration

30. According to the 2021–2023 macroeconomic review and outlook, prior to the hurricanes of 2017 and the pandemic of 2020, employment grew by at least 1 per cent each year. However, there was a sharp decline in employment, after the hurricanes, with an exodus of persons from the Territory. Employment levels increased in 2018 and 2019. Then, in 2020 with the onset of the pandemic, there was a 1.3 per cent decline in employment as compared with 2019. By the end of 2021, there were 20,747 persons employed throughout the Territory, a 1.1 per cent decline as compared with 2020 (20,985 persons). Driven by the planned development projects for the Territory, it is expected that employment, by the end of 2022, will grow by at least 1 per cent to reach approximately the 2020 level.

31. With its small geographic size, the population of the Territory normally grows at a rate of 2.6 per cent. This trend continued annually until 2017, when there was a 9.1 per cent decline in the population, and people left the Territory due to the disasters from the flood and the two category 5 hurricanes. However, in 2018 there was a 3.0 per cent increase in population as people returned to the Territory. Since 2018, the growth of the population has continued as the Territory began to rebuild and there was a need for a significant influx of migrant labour. From 2016 to 2021, an average

of 72.9 per cent of all employment was made up of expatriates. The spread between the male and female population was closely aligned up to 2017 but from 2018 to 2021, the gap has been widening as more male workers are needed. The trend of a widening gap in the male and female population of the Territory witnessed after the hurricanes was also reflected in employment trends. In 2021 the share of men among the employed was 52.0 per cent, while the share of women was 48.0 per cent. In 2021 there was an increase in the average earnings for men and women as more persons were earning more with the return to full-time work. Men's average earnings increased by 5.3 per cent. The average earnings of women also increased, albeit by a lesser 4.6 per cent. Overall average earnings increased by 5.0 per cent in 2021 as compared with 2020. In both 2020 and 2021, women's average earnings were higher than those of men in recent times.

32. Work permit exemptions are granted by the territorial Government on the basis of enrolment in the school system (entrance at the primary level and completion of the secondary level), marriage to a believer for a period of no less than three years or residency in the Territory of the British Virgin Islands for 20 years or more by a person who has demonstrated good character. According to the administering Power, the number of exemptions granted is considered on an annual basis.

B. Education

33. The education system in the Territory, including Early Childhood and Special Needs Education, is guided by the Education Act 2004 and its amendments, including the Education (Amendment) Act 2014. The regulations contained therein are expected to provide guidance to the education system and its stakeholders regarding the implementation of programmes and services, the monitoring of the delivery of education programmes operated under the Act and the conduct of school supervision, including complaint investigations requested by the public.

34. Primary and secondary education is free and compulsory for children aged 5 to 17 years. Tertiary education is offered for free to Virgin Islanders at the local community college (H. Laverty Stoutt Community College), which has campuses on Tortola and Virgin Gorda islands. The college also collaborates with several universities outside the Virgin Islands that offer programmes at the bachelor's degree level.

35. Students from overseas territories benefit from the home student rate for tuition fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. Students will be eligible for tuition fee loans in England provided that they have settled status upon arrival in the United Kingdom and are starting full-time or part-time undergraduate courses in the 2023/24 academic year. Eligible students are encouraged to ensure that they hold a British passport before applying for home fee status to study in the United Kingdom.

C. Health

36. The Health Services Authority of the Territory, a statutory body, was established in 2005 to manage public health-care delivery services. The National Health Insurance, providing universal health-care coverage, was launched in September 2015 and became operational in January 2016.

37. According to information from the 2022 *Health in the Americas* + publication of the Pan American Health Organization (PAHO), from 2010 to 2017, infant

mortality in the Territory ranged from 20.07 to 20.32 per 1,000 live births, which represents a stable rate. Regarding the immunization strategy, measles vaccination coverage was 83 per cent in 2021, a decrease of 16 percentage points over 2000. The maternal mortality ratio for 2017 was estimated at zero deaths per 100,000 live births. In 2018, the British Virgin Islands Health Services Authority began a pilot chronic-care programme to improve the management of chronic diseases in the Territory. The population of the Territory is ageing, and the increasing proportion of older adults is predicted to continue. In 2020, the proportion of the population aged 65 and older was 10.2 per cent. This proportion is predicted to rise dramatically to 19.2 per cent by 2040, and 25.7 per cent by 2060.

38. The Government of the United Kingdom has been supporting the overseas territories throughout the COVID-19 pandemic. The support has included the funding and supply of testing kits, laboratory consumables, medical equipment, medical supplies and COVID-19 vaccines, including booster doses, and the provision of public health expertise. According to the administering Power, its support is in line with its enduring commitment to the peoples of its overseas territories.

39. According to the administering Power, the United Kingdom has provided the British Virgin Islands over £1.4m in medical supplies, including testing kits, personal protective equipment, a field hospital kit and five ventilators. The administering Power has also supplied sufficient vaccines for all adults in the Territory and has delivered the first batch of boosters and vaccines for children. United Kingdom health experts continue to provide advice and information to the Health Service Authority to help inform the Territory's COVID-19 response. The United Kingdom Healthcare Ambassador to the overseas territories, Ian Cumming, visited the Territory in June 2021, and again in November 2021, when he was accompanied by Natalie Wright from the United Kingdom Health Security Agency. As well as supporting health professionals, the Healthcare Ambassador held public meetings and media interviews to answer questions on COVID-19 and vaccines. Further United Kingdom Health Security Agency support visits were undertaken in October 2022.

D. Crime and public safety

40. The Government of the United Kingdom has indicated its commitment to providing assistance to the overseas territories to deal with major storms and other disasters. In 2022, HMS *Medway* and HMS *Protector* were stationed in the Caribbean as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom to support the overseas territories to prepare for and respond to the threat of hurricanes and other disasters and to provide humanitarian assistance, disaster relief and crisis communications support in the region.

E. Human rights

41. Major international and European human rights conventions have been extended to the British Virgin Islands. Chapter 2 of the 2007 Constitution enshrines fundamental rights and freedoms of the individual and provides for the establishment by law of a human rights commission.

42. A national policy on gender equity and equality was adopted in 2013, complementing the Domestic Violence Protocol, which was approved by the Cabinet in November 2010. The Domestic Violence Act 2011, which came into force on 31 October 2012, broadens the definition of domestic violence to include economic abuse, intimidation, harassment, stalking and damage to and destruction of property, while offering protection to persons in visiting relationships.

V. Environment

43. Several multilateral environmental agreements have been extended to the British Virgin Islands, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity and the Convention on Wetlands. According to the administering Power, since 2015, the Territory has been actively involved in global initiatives and specific projects on climate change adaptation, including the passage of the 2015 Climate Change Trust Fund Act, and in sustainable land management in partnership with the European Union and the Organisation of Eastern Caribbean States.

44. In 2014, the territorial Government passed legislation to establish a permanent shark sanctuary in its territorial waters and prohibit commercial fishing of all shark and ray species throughout those waters. According to the Government, there are approximately 51 designated protected areas in the current system of protected areas, including national and marine parks, fisheries protected areas, a forestry reserve (Sage Mountain National Park) and water areas. Depending on their designation, protected areas are currently managed by the National Parks Trust or the Department of Agriculture and Fisheries. In December 2020, the National Parks Trust launched the first “Environmental Atlas”, which is expected to promote greater awareness of the Territory’s natural landscape and biodiversity.

45. According to PAHO, the management of solid waste is a critical issue in the British Virgin Islands. The Territory has little land available for landfill use, and the situation is aggravated by the rolling terrain, which makes it difficult and expensive to engineer landfills. The Territory has experienced a threefold increase in waste volume in the past decade; waste is either dumped or incinerated, while recycling facilities are being established on a pilot basis. Waste disposal is handled mainly through incineration at the Pockwood Pond incinerator on Tortola, which has a capacity of 100 tons per day, with additional landfills on the main islands of Tortola, Virgin Gorda and Anegada.

46. According to the Recovery to Development Plan, the Territory’s natural resources sustained considerable damage from the disasters in 2017. Ecosystems such as coral reefs, mangroves, beaches, seagrass beds, salt ponds, *ghuts* and moist and dry forests were severely affected by strong winds, storm surge, flood waters and associated sedimentation, pollution and debris.

47. According to the administering Power, over the past 10 years the Darwin Plus Fund of the United Kingdom, also known as the Overseas Territories Environment and Climate Fund, has supported more than 22 projects in the British Virgin Islands, including 4 projects launched in 2021 and 2 launched in 2022. The first of the new projects in 2022, entitled “Integrating climate change resilience into protected area design and management” is expected to create specific climate change modelling data on a web dashboard that will facilitate targeted fieldwork for the National Parks Trust of the Virgin Islands, inform decision-making, and raise public awareness. The second project entitled “Multi-purpose soil survey: informing environmental management and climate change mitigation” is expected to inform environmental managers about locations of degraded, erosive, hazardous, polluted or vulnerable soils.

VI. Relations with international organizations and partners

48. The British Virgin Islands has associate membership in the Economic Commission for Latin America and the Caribbean, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization.

49. The Territory is an associate member of the Caribbean Community and the Organisation of Eastern Caribbean States and is a borrowing member of the Caribbean Development Bank.

50. The Territory participates in meetings of the Inter-Virgin Islands Council between the British Virgin Islands and the United States Virgin Islands, with a view to addressing mutual interests and challenges and fostering and promoting cooperation between the two Territories. Topics addressed in the meetings include law enforcement, pleasure boating and sport fishing, other maritime matters, cooperation in tourism, energy and utilities and culture and education. The 9th meeting of the Council was held on Saint Thomas, United States Virgin Islands, on 22 September 2022.

51. In November 2020, UNDP and the British Virgin Islands formally signed a memorandum of understanding strengthening their partnership for the opening of a project office in order to further address the socioeconomic impacts of COVID-19 and other external shocks, such as natural disasters, financial crises or pandemics. In addition, the agreement reinforces support for the achievement of the Sustainable Development Goals and the 2030 Agenda, including mainstreaming the Goals in policies and plans, accelerating their implementation and providing technical assistance for sectoral analyses, the promotion of the blue economy and additional relevant activities.

52. Saint Vincent and the Grenadines opened a consular office in the British Virgin Islands on 16 October 2020.

VII. Future status of the Territory

A. Position of the territorial Government

53. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected in section I above.

B. Position of the administering Power

54. At the 9th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 14 October 2022, during the seventy-seventh session of the General Assembly, the representative of the United Kingdom stated that the relationship of his Government with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British.

55. He added that the United Kingdom and the Territories were in agreement that the Territories had a large measure of internal self-government, subject only to the United Kingdom retaining powers that enabled it to carry out its obligations under international law. He also noted that the United Kingdom-Overseas Territories Joint Ministerial Council met annually to monitor and drive forward collective priorities, including environmental protection, and that the United Kingdom was committed to supporting Territories in achieving those collective priorities and to carrying out its responsibilities, including sharing security.

VIII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

56. The representative of the Government of the Territory delivered a statement at the Pacific regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism, held in Castries from 11 to 13 May 2022.

57. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of the British Virgin Islands at its 4th and 8th meetings, on 13 and 24 June 2022. At the 4th meeting, the Premier of the British Virgin Islands and one petitioner made statements. At the same meeting, a statement was made by the representative of Antigua and Barbuda and Grenada. At the 8th meeting, the Chair drew attention to the agreed text of draft resolution [A/AC.109/2022/L.14](#), which the Special Committee adopted without a vote (see [A/AC.109/2022/SR.8](#)).

B. Special Political and Decolonization Committee (Fourth Committee)

58. At its 4th meeting, on 6 October 2022, on the basis of a decision taken at that meeting, the Committee heard statements on the question of the British Virgin Islands by the Special Envoy of the Premier of the British Virgin Islands. At its 8th meeting, on 13 October 2022, Saint Lucia made a statement endorsing the position of the Caribbean Community Heads of State and Government expressing concern at an order in council, currently held in reserve, that would suspend the elected government of the British Virgin Islands and impose direct rule.

59. At its 10th meeting, on 17 October 2022, the Committee adopted draft resolution VII, entitled “Question of the British Virgin Islands”, contained in chapter XIII of the report of the Special Committee ([A/77/23](#)), without a vote.

C. Action taken by the General Assembly

60. On 12 December 2022, the General Assembly adopted resolution [77/137](#) without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2022 ([A/77/23](#)) and the subsequent recommendation by the Fourth Committee. In that resolution, the General Assembly:

(a) Reaffirmed the inalienable right of the people of the British Virgin Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of the British Virgin Islands, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of the British Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the

General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Recalled the 2007 Constitution of the British Virgin Islands, and stressed the importance of continued discussions on constitutional matters, to accord greater responsibility to the territorial Government for the effective implementation of the Constitution and increased levels of education relating to constitutional matters;

(e) Called for full respect of the Constitution and the mutual agreement with respect to the recommendations of the report of the Commission of Inquiry, and calls upon all parties involved to maintain dialogue and work in partnership in the interest of the people of the Territory;

(f) Stressed the need for continued close monitoring by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the situation in the Territory, including the dispatch of a visiting mission, in close consultation with the administering Power and the territorial Government;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(i) Stressed that the Territory should continue to participate in the activities of the Special Committee, including regional seminars, in order to provide the Committee with up-to-date information regarding the decolonization process;

(j) Also stressed the importance of the Special Committee being apprised of the views and wishes of the people of the British Virgin Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the British Virgin Islands and the administering Power;

(k) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the British Virgin Islands, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(l) Also called upon the administering Power to facilitate a visiting mission to the Territory, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(m) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(n) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as an international financial centre, that are not aligned with the interest of the people of the Territory;

(o) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(p) Reiterated its call upon the administering Power, the specialized agencies and other organizations of the United Nations system and regional organizations to provide all the necessary assistance to the Territory, support the recovery and rebuilding efforts and enhance capabilities for emergency preparedness and risk reduction, in particular in the aftermath of Hurricane Irma and Hurricane Maria that impacted the Territory in 2017;

(q) Requested the Special Committee to continue to examine the question of the British Virgin Islands and to report thereon to the General Assembly at its seventy-eighth session and on the implementation of the resolution.

Annex

Map of the British Virgin Islands

