



# Parliament of Sint Maarten

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## Staten van Sint Maarten

**Parliamentary Year 2017-2018-112**

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**National Ordinance to temporarily  
establish the National Program  
Reconstruction Bureau, as well as to  
regulate the structure, composition, tasks  
and powers of the National Program  
Reconstruction Bureau (Temporary  
National Ordinance National Program  
Reconstruction Bureau)**

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**Report  
No. 5**

Parliament in its meeting of the Central Committee has exchanged views with the Government on the Draft National Ordinance to temporarily establish the National Program Reconstruction Bureau, as well as to regulate the structure, composition, tasks and powers of the National Program Reconstruction Bureau (Temporary National Ordinance National Program Reconstruction Bureau).


Parliament considers the present draft to be adequately prepared when the questions below are answered in time for the public meeting so that the draft can be discussed in a public meeting.

**The United Democrats-faction** has noted with interest the draft and expresses its gratitude that the Netherlands is contributing financially to help rebuild Sint Maarten. The faction is concerned about the instruction manual that comes with the establishment of the National Program Bureau for Reconstruction. It is not transparent enough what the agenda behind this manual is. The faction wants more clarity from the three parties involved in this deal; how far are we guaranteed our autonomy in the decision-making process for Sint Maarten? To what extent can this be documented in the instruction manual that comes with the establishment of the Program Bureau? How will the Bureau be staffed? The faction understands the criteria for the positions within the Bureau, but one of the criteria, in the opinion of the faction, should in

any case be that the persons employed at the Bureau should be local/from Sint Maarten and should have knowledge of (the well-being of) Sint Maarten. It can't be that foreigners will tell Sint Maarteners what the future of Sint Maarten should be. A Sint Maartener should hold the position of director. The faction is of the opinion that some form of reporting to Parliament is missing in the draft National Ordinance. The faction has taken note of the fact that the Bureau should make reports which should then be approved by the Prime Minister, Minister for General Affairs and subsequently published. The faction is of the opinion, however, that the person who is politically responsible for the Bureau should report to Parliament similar as to the National Ordinance Integrity Chamber. The faction would like this to be added in the draft ordinance.

**The Sint Maarten Christian Party-faction** has taken note of the draft with interest. The faction points at article 2, paragraph 1, which indicates that the Government on behalf of the country, is empowered to conclude agreements with the World Bank for the implementation of the Dutch Recovery Fund. The faction asks for an elucidation on how this will take place. Secondly, the faction wishes to know who is being referred to by the term "Government". Is the Government the Council of Ministers? Or is the Government referring to the Governor and the Council of Ministers? Article 2, third paragraph, states that Parliament at the proposal of the Government will enact a National Recovery and Resilience Plan. The faction asks what this enacting (vaststellen) really entail. Does the Explanatory Memorandum state that the goal for it is to have a formal basis? Does this mean then that Parliament is endorsing the Plan by approving the Ordinance? Or will there be a second enacting including a debate? The faction points at article 2, fifth paragraph, and notes that the role of Parliament here is extremely vague. What is specifically the role of Parliament when it comes to additions to the National Recovery and Resilience Plan? Based on article 15, paragraph 7, each member of the workgroup shall inform the Secretary-General of the Ministry on behalf of which that Member has been designated, periodically on his activities and the status of projects relating to that ministry. In this draft ordinance, the individual ministers other than the Minister of

General Affairs, have very little direct input in the whole process. The faction requests that the Government reviews this article as it would be advisable for each member of the workgroup to inform his minister by means of/via his Secretary-General. This makes that the Minister will have a little bit more involvement in what is going on. Article 15 restricts participation in the workgroup to only civil servants. Why limit the workgroup to only civil servants? Is this the ideal situation? There may be private citizens out there who are better qualified or better experienced. The fifth paragraph of the same article speaks about providing information. Does the Council of Ministers have a role in the activities of paragraph 5? What is specifically the role of the Council of Ministers? Does the Council of Ministers, or specifically the Minister of Finance, have a role in the budget and financial statement process of the Program Bureau? In this ordinance there is no reference at all to the General Audit Chamber. Given the scope and nature of the work of the Program Bureau and the workgroup, the faction sees a great task laid down for the General Audit Chamber. Why has the General Audit Chamber not been included in this ordinance? Is it true that the workload of the workgroup is as heavy as that of the Program Bureau as defined in article 25? Why would both groups have a similar type of task to perform? Article 14 regulates that the establishment, organisation of the Bureau, including the quantity and quality of the formation of the secretariat and the terms and conditions of the Director and the staff of the Secretariat of the Program Bureau regulated by national decree, containing general measures. How is it that Parliament is being asked to approve the establishment of the Program Bureau without being presented with any of the abovementioned information as laid down in the national decree, containing general measures? Can this information be provided to Parliament so that Parliament can gain more insight into the structure and organisation of the Program Bureau? The Bureau will be funded by periodic contributions from the Dutch recovery fund. Is there an estimate of how much it costs to establish the Program Bureau? How much will it cost annually? How much will the Director of the Program Bureau be paid? What happens upon completion of the work of the Program Bureau? For example the inventory. What happens to that? Is it passed on to the Government?



**The National Alliance-faction** has taken note of the draft with a high degree of concern. The faction refers to a question raised in an earlier meeting with regard to the landfill issue and the Government's response to it. In her answer the Government points to consultants from the World Bank. Are there any consultants who have been hired by the World Bank that currently work in Sint Maarten? Does the World Bank hire consultants or is it the responsibility of the Government? If yes, how many are there? In which ministries and departments do they work? Are they being paid by the Government or from the Trust fund? What are the responsibilities of the World Bank? And what is the role of the Government? The faction has taken note of an article in the media that the Prime Minister attended a meeting with the Steering Committee in Washington. What was the exact goal of this meeting? And was this goal accomplished? The faction suggests that the Government hosts an informative session where the public is informed about the progress that has been made so far since many people do not have a radio or internet connection anymore.

The faction mentions that it seems that everything revolves around the World Bank. Sint Maarten has made agreements with the Netherlands. Sint Maarten has lived up to its part of the agreement so far, the Netherlands has not. Now Sint Maarten also has to make arrangements with the World Bank. How much money do we get? Is it €550 million or \$580 million? And from whom? Sint Maarten has approved the Integrity Chamber and border control. Is the Government willing to tell the Netherlands to keep the money but to give us our independence? Then we can build our country how we want. Then we can borrow as much as we want. Then we can build our country as we want, with our own people and our own culture. The faction notices that our people and leaders are systematically put on the side as if they do not know what is right for them. Decisions must be taken by us not by others.

The faction wonders whether this is the shortest and most effective way to get our reconstruction going.

**The United St. Maarten Party-faction** has taken note of the draft with some concern. The faction is aware that the National Recovery and Resilience Plan (NRRP) is the document

explaining what needs to be done in terms of reconstruction. This draft ordinance answers the question of who is going to take the lead in the reconstruction process. On November 10, 2017 the Council of Ministers confirmed that Sint Maarten would receive financial assistance from the Netherlands valued at €550 million. To date, Sint Maarten has not received this help. Can the Government confirm this? The faction also points to the dependence on the fund. What is our plan B? The faction believes that other funding opportunities (e.g. EU) should be looked at. Will the steering group also address this question? The faction points to the flood in the Netherlands in the fifties, at which time the Netherlands Antilles donated an amount of NAfl. 28 million to the Netherlands, albeit without the intervention of the World Bank. This is what Kingdom partners do for each other and the faction welcomes the financial contribution of the Netherlands, but the process has so far been tedious. The people are concerned about this difficult process. Is the steering committee intended only to ensure the needs of the Government and not the private sector? In other words: what is the process for the citizen ("small man on the street") to get funding from the fund? What does the process look like? The faction raises this question as hotels, large companies and the airport are requesting funding. What are the lessons we have learned throughout this process? In the event of another disaster, what is the plan? What happens if Sint Maarten is hit by a tsunami? Are there any preventive measures that can be taken? Are there any financing plans in case Sint Maarten must seek significant funding? Is there a new plan of approach to look for funding? The lending capacity of Sint Maarten is highly regulated by the Kingdom. Do we now have more insight into the restrictions imposed on us in terms of borrowing money? Are we going to look for ways to adjust this? What is the level of interaction between the Government owned companies and the steering committee? How do the Government owned companies fit into the entire process? Is there a policy how Government owned companies will be seeking financing from this fund? The faction asks for a timetable of the NRRP in connection with the funding. Have the cost-saving measures been adopted? 80% of these measures will affect civil servants. This will have an economic

impact on the country. Has this impact been taken into account in the establishment of these measures?

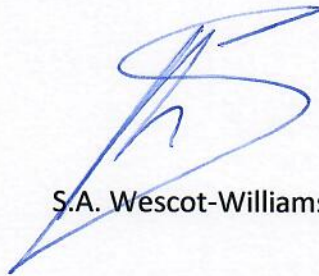
Could there be potential conflict of interest for civil servants in terms of the work of the steering committee and their duties as civil servants? And what about the workload? Is there a plan for workload management? Costs in relation to the establishment of the Bureau and the costs related to the Director, will the taxpayer feel it in his wallet?

The faction is of the opinion that not only should the text of the draft ordinance be looked at, but its context and everything that is affected by the legislation.

This report is to be considered as Final Report.

Stipulated in the meeting of the Central Committee of June 21<sup>st</sup>, 2018.

The Reporter,



S.A. Wescot-Williams