



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Prime Minister and Minister of General Affairs
Ms. S.E. Jacobs
Government Administration Building
Philipsburg

UV/048/2021-2022

Philipsburg, October 13, 2021

Re: Question from MP M.D. Gumbs and MP Peterson regarding the organizational structure of the Ministry of VROMI

Hon. Prime Minister ,

Herewith I submit to you questions posed by Members of Parliament, MP M.D. Gumbs and MP Peterson, according to article 62 of the Constitution and Article 69 of the Rules of Order of the Parliament of Sint Maarten.

Pursuant to article 69a of the Rules of Order, if you are unable to answer the questions within three weeks please notify my person stating the underlying reason. In doing so you can send the answers that you already have and answer the remaining questions in writing within (another period of) three weeks.

The letter is self-explanatory.

Yours truly,

R. Brison
President of Parliament



PFP Faction

Members of the Parliament of Sint Maarten

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Sint Maarten, 8 October 2021

President of Parliament
Mr. Rolando Brison
Wilhelminastraat 1
Philipsburg, St. Maarten

Subject: PFP Faction Questions to Minister of General Affairs and Minister of VROMI

Mr. Chairman:

Pursuant to article 69 of the Rules of Order, we request your assistance with forwarding a set of questions to the Minister of General Affairs, Prime Minister Silveria Jacobs and to the Minister of VROMI, Minister Egbert J. Doran. Thank you in advance for your assistance with this matter.

Respectfully,

Melissa D. Gumbs, M.I.B.
Member of Parliament
Faction Leader, Party for Progress

Raeyhon A. Peterson, LLM
Member of Parliament



PFP Faction

Members of the Parliament of Sint Maarten

Sint Maarten, 8 October 2021

Minister of General Affairs - Ms. Silveria Jacobs

Minister of VROMI - Mr. Egbert J. Doran

Soualiga Road 1

Philipsburg, St. Maarten

Honorable Prime Minister Jacobs and Honorable Minister of VROMI Doran:

I have taken note of recent developments and I would hereby like to inquire about the following:

Looking at the National Ordinance Structure and Organization of National Government (LioL- Landsverordening inrichting en organisatie landsoverheid), a clear distinction is made between “departments” (afdeling) and the “operating organization” (uitvoerende organisatie). In article 5 of this ordinance it explains that in departments, the department head bears responsibility towards the Secretary General for the managing of the department. According to article 6 of this ordinance, the Ministry of VROMI only has one department, namely the department of Public Housing, Spatial Development, Environment and Infrastructure (afdeling VROM).

Regarding operating organizations, articles 7 and 8 of the national ordinance (LioL) are applicable. According to article 7, the operating organization is burdened with the executive tasks based on policies, set forth by the Minister. The only role that the article gives to the Secretary General in regards to the operating organization, is that the operating organization can also present points of interest of policy to the Minister, which would have to be facilitated by the Secretary General. Article 8 section 1 states that the head of the operating organization is the one responsible for the execution of the tasks given to the operating organization on the basis of a management agreement between the head and the Minister. Section 2 states that the head of the operating organization is ultimately responsible for the daily management of the operating organization. The operating organizations within the Ministry of VROMI are mentioned in article 9 and are as follows:

1. New Projects
2. Infrastructure management
3. Domain Affairs
4. Inspection
5. Permits

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To confirm, the Secretary General according to the national ordinance (Liol), has no role to play in the executive duties of the operating organizations. This is not part of their mandate by law, and any interference with the executive tasks of the operating organization does not have a legal basis if it is not solely concerning a proposed policy for that operating organization.

Reading the above, the conclusion can be drawn that the persons who are the Secretary General, the department head, and the head of the operating organization all have different roles to play in the checks and balances that have to be taken into account within the organizational structure of the Ministry of VROMI. If the same person fulfills these critical roles, it can result in a conflict of interest. Allegedly, this is something that has led to a former Secretary General within VROMI being suspended/fired.

In light of the abovementioned, I would like to inquire about the following:

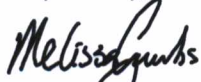
1. How is the "acting" position regulated within Government?
 - a. If a person is to be "acting" in a certain position that is not their current position within the Ministry that they are working at, what is the actual procedure?
 - b. Can a person become "acting" without a national decree (landsbesluit) signed by the Governor?
 - c. What is Governments official stance on this "acting" phenomenon that happens?
 - d. Is there any relevant documentation concerning this?

The operating organization of Domain Affairs has structurally been understaffed for the past years, and until today, that has not improved. The head of the organization has always been an issue. In light of this I would like to enquire the following:

2. Since January 2020 up to now, who have been the heads of the operating organization Domain Affairs, whether acting or official, and from what date to what date did they serve as the acting/official position of head of operating organization Domain Affairs?
 - a. If there have been acting-heads of the operating organization Domain Affairs in the period mentioned above, what was their official position within the organization of VROMI prior to taking up the "acting" role of head of Domain Affairs?
 - b. Did they have other "acting" roles at the moment of being acting-head of operating organization Domain Affairs?

Thank you in advance for your responses, which we anticipate within no more than three weeks.

Respectfully,



Melissa D. Gumbs, M.I.B.
Member of Parliament
PFP Faction Leader



Raeyhon A. Peterson, LLM
Member of Parliament