



Integrity Chamber Sint Maarten

Annual Report 2020





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Foreword

After the foundation was laid in 2019, the Integrity Chamber became fully operational in 2020. At the same time, 2020 was a year filled with challenges (also) caused by the COVID19 pandemic that hit the world as of March.

On January 14, 2020, I was sworn in, and took the oath of office, as the first President of the Integrity Chamber Sint Maarten, effective January 1, 2020. The members of the Integrity Chamber were, as of then, complete.

With the launch of the website in May, the Integrity Chamber became visible for the general public.

The first advice followed soon after. On the initiative of the Integrity Chamber advice was given on the Sint Maarten Stimulus & Relief Plan. The Integrity Chamber identified thereto (potential) integrity risks and formulated recommendations to improve aspects of the plan. At the request of the Council of Ministers an advice was rendered on the Ministerial Gift Policy, with guidelines for the giving and receiving of gifts by ministers. Both advices have been followed up on by the government. Furthermore, the Integrity Chamber provided feedback for the draft National Development Vision 2020-2030.

One of the highlights of the year is without any doubt the start of accepting notifications of suspected misconducts on August 1st.

Throughout the year, the Integrity Chamber continued to provide information to strengthen awareness on the importance of integrity in the community, via website, video's, brochures and leaflets. The Integrity Chamber also adopted a launch plan to promote and create awareness of integrity and explain the role of the Integrity Chamber. In 2020 the first steps have been taken in executing the awareness campaign and building our presence in the community by introductory meetings with various administrative bodies and government entities, mostly through video conferences.

Despite the challenges Sint Maarten continued to face, with wide-ranging social and economic impacts, the Integrity Chamber remained focused on fulfilling its legal tasks and duties. The fact that two members reside in The Netherlands and, due to the pandemic, had to postpone their regular visits to Sint Maarten required a new digital way of working as a team. While we missed the personal meetings and look forward to seeing each other soon, I am very proud of what the secretariat and the members, together, achieved so far.

It is therefore with great pleasure that I, together with my fellow members Boasman and Lodder, hereby present the Annual Report 2020.



H.W. (Rian) Vogels
President Integrity Chamber Sint Maarten



1 Introduction

The *National Ordinance Integrity Chamber (Landsverordening Integriteitskamer, AB 2017, no. 41)* was adopted by Parliament in December 2017, and entered into force on December 28, 2018. In 2019, focus was placed on laying the groundwork for the organization. This resulted in the Integrity Chamber of today, complete with three (3) Members, a secretariat, and a Supervisory Council.

The year 2020 was the first operational year of the Integrity Chamber. This *Annual Report 2020, as required by Article 36 of the National Ordinance Integrity Chamber* (hereafter: the Ordinance), lists the activities of the Integrity Chamber, including the challenges that were faced. The activities pertaining to the legal tasks, which finds its basis within the *Ordinance* and its Explanatory Memorandum, as well as activities meant to strengthen the work of the Integrity Chamber, its secretariat and the fulfilment of its operational tasks, are described.

1.1 Mission, Vision and Core Values of the Integrity Chamber

Developing clear mission and vision statements and determining core values, is a benefit to every organization. The mission and vision statements of the Integrity Chamber therefore serve as a compass to the organization.

The mission statement describes the current state of the organization and its primary goals or objectives. It provides detailed information about the purpose and objectives, the manner in which those tasks and objectives are achieved and the intended recipient of those achievements. The vision statement is the Integrity Chamber's long-term goal and provides direction. It also communicates the purpose of the organization to the secretariat and stakeholders and provides them with the inspiration to achieve that purpose.

The core values of the Integrity Chamber provide a moral direction for the organization that guides decision making and establishes a standard for assessing actions.

1.2 Mission

It is the Integrity Chamber's mission to instil the need for integrity awareness and ethical behaviour within Government and the community, and by doing so, stimulating and increasing a level of trust internally in Sint Maarten and outwardly in terms of international relations.

1.3 Vision

It is the Integrity Chamber's vision to instil the continuous importance of personal and public integrity within all levels of government, businesses and the public.

1.4 Core Values

The Integrity Chamber recognizes the following core values as values that are indispensable to the effectiveness and efficiency of the organization:

- *Integrity*
- *Professionalism*
- *Respect*
- *Independence*

With the establishment, implementation, and application of processes and procedures that exhibit the above-mentioned core values, the integrity of the organization will be assured.

2 Organization

In this chapter the Integrity Chamber's organization is presented.

2.1 Members

The Integrity Chamber comprises three members. The members are appointed for a term of three years and can be reappointed once. The current members are:

- Mrs. H.W. (Rian) Vogels, also president, who was appointed by Royal Decree on the binding recommendation of the two other members for the period January 1, 2020 to January 1, 2023;
- Mr. R.A. (Rafael) Boasman, who was appointed by National Decree on the binding recommendation of the Council of Ministers of Sint Maarten for the period January 25, 2019 to January 25, 2022; and
- Mr. H.R. (Hans) Lodder, who was appointed by National Decree on the binding recommendation of the Council of Ministers of the Netherlands for the period February 6, 2019 to February 6, 2022.

2.2 Secretariat

The Integrity Chamber is supported by a secretariat, headed by the director, Ms. Charna Pompier. The secretariat carries out the daily activities of the Integrity Chamber. As the Integrity Chamber is an independent organization, the staff of the secretariat, including the director, are solely accountable to the members of the Integrity Chamber.

2.3 Supervisory Council

The Integrity Chamber has a Supervisory Council, which oversees specific activities of the Integrity Chamber. A special task is the granting of authorization for on-site investigations. The Supervisory Council also handles complaints against the Integrity Chamber regarding the manner in which it executed its authorities.

The Supervisory Council consists of three members. The members of the Supervisory Council are appointed in the same manner and period as the members of the Integrity Chamber. The current members are:

- Mr. E.L. (Leon) Lake, who was appointed by National Decree on the binding recommendation of the Council of Ministers of Sint Maarten for the period January 20, 2020 to January 20, 2023; and
- Ms. S.C. (Sophie) van Bijsterveld, who was appointed by National Decree on the binding recommendation of the Council of Ministers of the Netherlands for the period January 20, 2020 to January 20, 2023.

The two members are tasked with recommending a third member, also president, to the Kingdom Council of Ministers, for appointment by Royal Decree. In 2020 the task to select a third member (president) was started.



In picture from left to right: Integrity Chamber Members, Hans Lodder, Rian Vogels (President) and Rafael Boasman.



In picture from left to right: Integrity Chamber and Supervisory Council Members, Rafael Boasman, Sophie van Bijsterveld, Rian Vogels (President), Leon Lake & Hans Lodder.

3 Tasks

The Ordinance outlines the core tasks of the Integrity Chamber. Those tasks are:

- To render advice and give proposals
- To investigate suspected misconducts
- To continuously provide awareness about integrity

3.1 Advice and Proposals

In accordance with Article 16, Paragraph 1 of the Ordinance, the Integrity Chamber is tasked with rendering advice and giving proposals on policies that will improve integrity in the country. These are executed on the Integrity Chamber's own initiative or at the request of the Prime Minister, the responsible minister, or Parliament.

Through the rendering of advice and giving proposals, the Integrity Chamber strives to fill gaps and address procedures with the aim of bettering the functioning of administrative bodies and ultimately the overall administrative infrastructure of the country.

The Integrity Chamber sends its advice and proposals to Government and Parliament, and if applicable, to the relevant administrative body. The implementation of the advice and proposals are overseen by the Integrity Chamber. Advice and proposals are published in the National Gazette.

3.1.1 Consultation

The Integrity Chamber also has a special advisory role in the form of being heard (consulted). This is regulated in Article 16, Paragraph 2 of the Ordinance. The Integrity Chamber must be heard (consulted) in cases where a National Ordinance prescribes, in all exceptional cases of a significant nature, and in any other case in which Government or Parliament deem it necessary. Examples of this include draft laws and regulations that involve the subject of integrity.

3.2 Investigations of suspected misconduct

The Integrity Chamber has the authority, based on Article 26 of the Ordinance, to investigate suspected misconducts within administrative bodies. Investigations can be started in response to a notification of suspected misconduct or on the Integrity Chamber's own initiative.

A (suspected) misconduct relates to an act or a failure to act by an administrative body to adhere to values and norms, legal requirements, or other obligations through which the proper functioning of an administrative body and the interest of society could be harmed.

Article 19 of the Ordinance allows for anyone to file a notification of suspected misconduct with the Integrity Chamber. The suspected misconduct must first be reported to the administrative body. However, a notification can be sent directly to the Integrity Chamber, if the notifier cannot be reasonably expected to report it to the administrative body (for example, if the person to report to is involved in the suspected misconduct).

If the Integrity Chamber is of the opinion that the notification of suspected misconduct is sufficiently substantiated, an investigation can be started to determine whether there was misconduct. As a result of the investigation, a binding advice can be issued to the administrative body within which the investigation took place.

3.3 Awareness

The Integrity Chamber continuously provides information to strengthen awareness on the importance of integrity in the community. This task finds its basis in Article 16, Paragraph 5 of the Ordinance.

Awareness is an important vehicle for positive change. Continuous promotion of integrity through awareness campaigns is necessary to encourage, develop and unite the public and reinforce the belief that integrity is everyone's responsibility. Promoting conduct based on ethical values improves societal function and will foster a culture of transparency and community.

4 Cooperation Protocols

There are several organizations or institutions that are also tasked with directly or indirectly improving integrity in the country. To promote coordination and consultation between these institutions, the Ordinance requires the establishment of a Cooperation Protocol with the Prosecutor's Office and with the Minister of General Affairs.

The Protocol with the Prosecutor's Office was prepared and entered into force on June 28, 2019. The Protocol with the Minister of General Affairs was also prepared and entered into force on June 27, 2019. In 2020, the implementation of the protocols was initiated by having meetings with the Ministry of General Affairs and the Prosecutors Office. The protocols are published on the website of the Integrity Chamber.

Enhancing integrity within the administrative bodies is not a task that can be accomplished alone. Due to the common grounds that exist between the Integrity Chamber and other government institutions, the Integrity Chamber intends to establish additional Cooperation Protocols with other institutions when necessary and/or establish/maintain a structural professional working relationship.

5 Challenges and Limitations

The greatest challenge of the Integrity Chamber was the onset of the COVID-19 pandemic. The pandemic severely limited the ability of the Integrity Chamber in the execution of its tasks. Planned integrity awareness campaigns and introductory meetings were halted due to the lockdown and social distancing requirements, in order to stay safe. Some of these meetings took place later in the year via video conferencing.

The pandemic also postponed the original start date for accepting notifications. The Integrity Chamber opened to notifications on August 1, 2020. However, Sint Maarten then experienced its second wave of COVID -19. To ensure the safety of the staff members of the secretariat and visitors, the office was closed to visitors, and interviews necessary for the proper procession of notifications were halted.

The Integrity Chamber has since developed and executed proper procedures for ensuring the safety of the members and staff of the secretariat, as well as notifiers during interviews and visitors.

6 Activities 2020

In this chapter, the various activities of the Integrity Chamber in 2020 will be described.

6.1 Advice and Proposals

The Integrity Chamber renders advice and give proposals on policies to generally improve integrity throughout government and its entities. These products are published on the website of the Integrity Chamber.

In 2020 the Integrity Chamber rendered two advices:

- one (1) unsolicited advice
- regarding the Sint Maarten Stimulus and Relief Plan (SSRP); and
- one (1) solicited advice regarding a “Ministerial Gift Policy”.

Both were followed up on by the administrative bodies.

Summary Advice SSRP

As a result of the global pandemic COVID-19, the Government of Sint Maarten put together a Relief and Economic Stimulus Program, the Sint Maarten Stimulus & Relief Plan (SSRP), that secured direct relief for a number of economically vulnerable groups. Based on the plan, the Integrity Chamber identified (potential) integrity risks and on May 7, 2020 submitted an advice to government with recommendations to improve aspects of the SSRP. A written response was given by the Minister of Finance on June 23, 2020 and was later elaborated on July 21, 2020.

The Integrity Chamber advised the following:

Payroll support

- Establish clear guidelines and conditions for obtaining payroll support and publish them online and in the media.
- Publish online and in the media a list of the businesses that have been provided with payroll support.
- Establish a toll-free hotline for employees who do not receive a salary or who were laid off, while the employer was provided with payroll support. Couple this with an awareness campaign that focuses specifically on the rights of employees whose employer has been granted payroll support.
- Spot check businesses to ensure that they adhere to the rules and conditions.
- Ensure that smaller companies are given equal opportunity as the larger (more well-known) companies to receive payroll support by providing extra assistance.
- Request insight (reports) from the executing agency (SZV) into the application procedure, the businesses that applied, and the process of distributing funds.
- Coordinate contact between relevant departments, such as the Labor Department to avoid businesses making use of loopholes.
- Evaluate the program.

Income Support for Sole Proprietors, Vendor License Holders, Bus and Independent Taxi and Tour Drivers

- Establish clear guidelines and conditions for Sole Proprietors, Vendor License Holders, Bus and Independent Taxi and Tour Drivers to obtain income support and publish them online and in the media.
- Publish online and in the media a list of the sole proprietors and permit holders who have received income support.
- Publish the names of the board members and the clarification of the specific mandate of the entity handling all requests and payments for the support, the Sint Maarten Training Foundation.
- Request insight (reports) from the into the process of approving and denying applicants and the distribution of funds.
- Coordinate contact between relevant departments, such as the Department of Economic Affairs to avoid businesses making use of loopholes.

Income Support for The Unemployed

- Establish clear guidelines and conditions for obtaining Unemployment Income Support and publish them online and in the media.
- Coordination of contact between relevant departments, such as the Tax Administration and the SZV, to verify other sources of income and to avoid the use of loopholes.

The Integrity Chamber also provided recommendations for the Soft Loan and Food Vouchers and Additional Social Care Programs, however the Ministry indicated that those programs would no longer be executed due to lack of funding.

The ministerial regulation with SZV (AB 2020, no. 29 Tijdelijke regeling payroll ondersteuning) and the ministerial decision with SMDF (SMDF MB (NR: 2020/643) were also assessed by the Integrity Chamber and advised upon.

The advice of the Integrity Chamber and the elaborated response from the Minister of Finance were published in the National Gazette of August 7, 2020.

Summary Advice Ministerial Gift Policy

The advice on the Ministerial Gift Policy was requested by the Council of Ministers. The Integrity Chamber was asked to advise on establishing guidelines for the giving and receiving of gifts by ministers, in order to establish a specific ministerial policy. A comprehensive ministerial gift policy serves several purposes:

- It serves as a point of clarification for ministers and the public;
- It protects ministers against false allegations of misconduct;
- It is considered as beneficial for the furtherance of the national integrity infrastructure; and
- It allows ministers to serve as role models for civil servants and employees of government entities.

In general, the Integrity Chamber advised on the establishment of a comprehensive ministerial gift policy that includes the following components:

- It allows ministers to serve as role models for civil servants and employees of government entities.
- A clear definition of the term 'gift';
- Establishing a monetary limit to the gift;
- Determining the intent of the giver;
- The establishment of a Ministerial Gift Register and a Policy Supervisor;
- Establishing a system for reporting breaches of the policy;
- Publishing the ministerial gift policy; and
- Including the essentials of the gift policy in a comprehensive Code of Conduct at a later point in time.

More specifically, the Integrity Chamber advised on the cost limit of the gift a minister can give or receive. The Integrity Chamber also advised that the protocol and customs of other countries should be considered when exchanging gifts. Finally, the Integrity Chamber advised on circumstances and gifts to avoid.

The advice on the Ministerial Gift Policy by the Integrity Chamber and response from the Council of Ministers were published in the National Gazette of October 30, 2020.

6.2 Consultations and Other Recommendations

No mandatory consultations, based on Article 16, Paragraph 2, of the Ordinance took place during 2020. Apart from rendering advises and giving proposals the Integrity Chamber is also (implicitly) tasked to provide recommendations to administrative bodies.

The Integrity Chamber was invited to be a part of the National Development Vision (NDV) workshops and to give feedback on the vision. The Minister of General Affairs also requested recommendations on the policies of the Facility Service Department. This project is ongoing.

Summary Feedback Letter NDV

The Secretary-General of the Ministry of General Affairs requested feedback from the Integrity Chamber in a letter dated August 13, 2020. The request was to provide feedback for the Draft National Development Vision 2020-2030 (hereafter: NDV), in general, but also specifically for the selected visionary goals that reflect cross-cutting or parallel issues with the vision and mission of the Integrity Chamber.

After examining the visionary goals within the NDV, the Integrity Chamber recommended that a Sint Maarten-specific visionary goal, related to integrity, be established. This integrity-specific visionary goal should be included in the NDV, under the sub-theme "Effectively Governed".

The following elements should be elaborated on:

- An accountable government
- A transparent government; and
- A stable government.

This visionary goal will serve as a reinforcement of the integrity in the NDV mentioned Sustainable Development Goals. The enhancement of integrity within government and its entities will strengthen all three fundamental themes of the NDV: the people, the economy, and the government.

To assist in the transition from “vision” to “plan”, the Integrity Chamber also shared some practical ways in which integrity can be implemented, which will ensure the achievement of the 2020-2030 goals, targets, and development themes, namely:

1. The (re)appointment of “Persons of Confidence” within the various ministries;
2. The establishment/implementation of new and existing laws and regulations;
3. Motivating governmental decisions within an integrity framework; and
4. Ensuring that the requirements of the regulatory framework are accessible and understandable to all government employees.

6.3 Investigations

The Integrity Chamber started accepting notifications of suspected misconduct from the public on August 1, 2020. Four (4) cases of suspected misconducts were reported to the Integrity Chamber, of which one (1) was considered admissible. The inadmissible notifications were incomplete or not officially filed as a suspicion of misconduct. The persons that submitted these notifications were informed about the shortcomings and the official requirements for filing a notification of suspected misconduct. If the official procedure is not followed, the Integrity Chamber has no legal basis to initiate an investigation into the suspected misconduct.

Privacy rules and confidentiality regulations prohibit the Integrity Chamber from sharing more information, however, statistical information regarding suspected misconducts will be shared, such as, the number of notifications reported, the number of (preliminary) investigations and the outcome, and the number of binding advices.

6.4 Awareness

Strengthening integrity within administrative bodies and society requires continuous provision of information. The Integrity Chamber formulated a general awareness campaign that was meant to take place in 2020. The first activity in this campaign was introducing the Integrity Chamber to the various administrative bodies and government entities. The second was to have information sessions with civil servants, employees of government-owned companies and the general public. However, due to COVID-19 and its physical restrictions, these activities were only partly carried out. Despite the delays caused by COVID-19, the Integrity Chamber has continued the general awareness campaign with a limited number of advertisements.

Integrity awareness materials were prepared in 2020, consisting of website pages, video’s, brochures, leaflets, etc.

6.4.1 Introductory Meetings

The Integrity Chamber is a new independent body. To be effective in its tasks, introductions to the various administrative bodies are paramount. These introductions were started in 2020.

Currently, the Integrity Chamber has met with various stakeholders and administrative bodies such as, but not limited to, the Integrity Committee of Parliament, the Council of Ministers, the Prime Minister, the Secretaries General of the Ministries, the High Councils of State, the Corporate Governance Council, and the Management and Supervisory Boards of the Princess Juliana International Airport, TELEM, GEBE and the St. Maarten Harbour Group of Companies.

6.5 Secretariat Activities

6.5.1 Professional Development

Enhancing the expertise and improving the quality of professional skills is of great importance in the execution of the tasks of the Integrity Chamber. The establishment of the Integrity Chamber is historical, as there has never been such an institution established on the island. It was therefore pertinent that the staff members of the secretariat received additional specific training. Preparing the staff members of the secretariat for the effective and efficient execution of their tasks was of utmost importance. There were a number of trainings planned such as Open Source Intelligence, Integrity Systems and Governance and Integrity. Most of these trainings were executed. Some were not completed, due to COVID-19 and travel restrictions.

Several staff members of the secretariat also completed local and online trainings and courses in databases, (project) management and other necessary administrative skills.

6.5.2 Supporting Activities

The Integrity Chamber has three supporting activities, namely: finance, administration/front desk and Information and Communication Technology (ICT, currently provided by third parties). These activities were executed under the supervision of the director of the secretariat. A few IT infrastructure issues occurred during the operational start-up. Furthermore, the Integrity Chamber was insufficiently prepared for the sudden need for remote working during the COVID-19 lockdown. During this time, staff members of the secretariat utilized their private technological equipment in order to stay productive during this time. The Integrity Chamber has since provided the staff of the secretariat with the possibility to work remotely and the necessary equipment.



In picture: Integrity Chamber Members, Director Charna Pompier and the Council of Ministers.



In picture: Integrity Chamber Member presenting the Honorable Prime Minister, Ms. Silveria Jacobs with the Integrity Chamber 2019 Annual Report.



In picture: Integrity Chamber Members, Director and staff, meeting with the Corporate Governance Council.



In picture: Integrity Chamber Members and Director meeting with the Director of the National Recovery Program Bureau (NRPB), Mr. Claret Connor.

7 Statistics

The Integrity Chamber's Year Plan 2020 functions as a basis for the activities planned for the year and serves as a starting point for the annual report.

The Integrity Chamber recorded the following statistics for the Annual Report:

Task	Description	Quantity
Unsolicited advice (UA)	The number of unsolicited advices and proposals issued.	1
Solicited advice (SA)	The number of requested advices and proposals issued.	2
Notifications (N)	The number of notifications received.	4
Admissible Notifications (AN)	The number of admissible reports received.	1
Inadmissible Notifications (IN)	The number of inadmissible reports received.	3
Withdrawn Notifications (WN)	The number of reports that were withdrawn by the reporter for reasons of their own, before a preliminary investigation could be started.	0
Preliminary investigations (PI)	The number of preliminary investigations carried out.	0
Full investigations (FI)	The number of full investigations performed.	0
Binding advice (BA)	The number of binding advices given.	0
Awareness activities (AA)	The number of introductory meetings that have taken place.	17

8 Financial overview

The overview of the operating budget for 2020 is presented below.

<i>Financial Year 2020</i>		
<i>Budget post</i>	<i>NAf</i>	<i>NAf</i>
Received		2.000.000
Personnel	968.182	
Members of the Integrity Chamber & Supervisory Board	394.296	
Material costs	497.476	
Total Costs		1.859.954
Balance		140.046

The budget of the Integrity Chamber is part of the annual budget of country Sint Maarten. The approved budget by the members of the Integrity Chamber for the financial year 2020 is NAf 2.560.078. The actual received income for 2020 was NAf 2.000.000.

In 2020 the Integrity Chamber was able to survive financially with the received income as the pandemic hindered the Integrity Chamber from executing all planned activities. There were also significantly lower costs for travel and training due to the pandemic. However, the financial year results indicate that if all planned activities were implemented the received budget would not have been sufficient.

It was decided to apply the Government budget cuts to the Integrity Chamber. These cuts, including voluntary cuts to the compensation of the Members, will be implemented in 2021.



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