

Draft decision and commitment list Central Committee, December 23rd 2021 at 9.30 am at V.A. Lopes Legislative Hall (Government Guest House)

Present:

Councilman: N.Sneek

Council lady: R.Leerdam

Councilman: R.Merkman

Councilman: C.Van Putten

Government Commissioner : M.A.U Francis

Via video connection: Deputy Government Commissioner C.Toet.

2nd Deputy Registrar: M.Robins-Spanner

Absent:

Deputy registrar E.Jami

Council lady: F.Spanner

	Agenda point	Commitments
1.	Opening After brief technical difficulties, meeting is opened at 09.53 am.	
2.	Announcements Government Commissioner announces that Council lady Leerdam, requested that the Island Council wishes to remove agenda point 7, Report Court of Audit Subsidies, and discuss this in the first Central Committee meeting in the new year 2022. Council lady announces that the Island Council wishes to add a few points to the agenda	
3.	Setting of agenda Council lady Leerdam: We would like to add the following: Faction Support, discussions of the WOL and FIN BES, the new opening policy for	

	<p>Covid-19 strategies, Route time table restoration of democracy Councilman Merkman: I would also like to add issues surrounding Makana Ferry.</p> <p>The agenda is set as follows:</p> <ul style="list-style-type: none"> - Agenda point 6 appointment members Court of Audit - Agenda point 7 Route timetable restoration of democracy - Agenda point 8 discussions WOL and FIN BES - Agenda point 9 faction support - Agenda point 10 New strategy opening Covid-19 - Agenda point 10 issues Makana Ferry. <p>Agenda is set and agreed upon.</p>	
4.	<p>Ratification of list of commitments and decisions November 4th and November 19th 2021</p> <p>Councilman N.Sneek: point of order I noticed Ms. M. Schrama is also joining the meeting via Video connection I would like to be informed what is her role in this meeting?</p> <p>Gov Comm Francis: on the screen should be Dep. C.Toet, and should be the only person in the meeting.</p> <p>2nd deputy Registrar requests Ms. M. Schrama to disconnect from the Video link.</p> <p>Decisions lists November 4th and 19th are ratified.</p>	
5.	<p>Ratification of list incoming documents</p> <p>No comments, list is ratified.</p>	

<p>6.</p>	<p>Appointment members Court of Audit</p> <p>Councilman Merkman: Explains that much preparation went into the recruitment for finding the members, compliments the 3 members that are to be appointed, however concludes that the island council has been seeking clarity on this issue. We are onboard for the Audit Chamber. The Court of Audit has always had a joint Chamber, this has been ineffective to date. The joint chamber never started off for a number of reasons. After the intervention the Government Commissioner came in and put this subject back in place. An independent chamber was spoken about, however the WOL BES makes no mention of an independent Audit Chamber. We are not comfortable appointing the members if this issue remains unclear within the legal spectrum. A budget was put in place by BZK for the startup of the Audit Chamber, and that should mean BZK is on board, but I don't know. There is nothing specifically mentioned in the WOL BES. As long as the law is not changed, it can go anyway. Who can guarantee that after a year BZK won't say that they will still go with a Join chamber. And then we speak of sustainability, these decisions were made outside of the Island Council. In the meetings with BZK we asked about the sustainability of the Audit Chamber, and it was told to us that we have started it up and you all will have to see how to fund it after. This will yet again bring a burden on an already stressed budget. Decisions are made for you and you will have to figure out what to do after, it comes along with strict regulations then you will be told that you are working outside of the law if it does not go according to.</p> <p>In the elucidating notes it speaks about Reken Functie. “Reken kamer” – “rekenfuntie” the main difference: Reken kamer no member of the Council can be a member of the “Reken kamer” and with “reken functie” you can.</p>	
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Some people might see that as compromising for the chamber.
The main reason we are here today is the legality of the function.
We have been labeled as a faction for breaking the law and I don't want to go down that road again.

Council lady Leerdam:

Also expresses her compliments on the 3 chosen candidate. Mentions her concerns with regards to legality for the independent Audit Chamber not being in stride with the WOLBES.

During interviews the candidates also brought these concerns forward. We have been asking questions to one of the current members, to date we still have not received any information.

During our visit to the Netherlands in December, we brought this forward to the first and second chamber, considering that this is part of the criteria for the restoration of democracy, we are asked to walk in front of the law. We feel our hands are being forced to do this because we want our democracy back. This is not fair. It was mentioned to us that members had concerns, in terms of the legality of the audit chamber considering what is stated in the law. The registrar mentioned this to us, but we had nothing in writing. We were privy to an email of the deputy Commissioner, where she in response to an email to one of the members that brought these concerns forward in writing, gave the following explanation. It is correct that art 95 states Joint audit Chamber, but now they are want to create independent Audit Chambers, and while it is not yet mentioned in the WOLBES they are making provisions for that sometime in 2023. She also states that both BZK and the Second chamber being aware of this. Considering the fact that we were accused of breaking the law, and not having proper documentation and information we do not feel that it is the right thing to do to break the law. The state Secretary has stated " if you guys stay in the framework of the law, I would restore democracy".

<p>There are also areas in the restoration law we feel have no need to exist such as the role of the kingdom representative, which also will be excluded from the law. We asked: “Why if it will be excluded is that person still there?“, and the response was yes he is still there due to the law not being amended, and so why should we now be required to walk in front of the law for the Audit Chamber? This is unjust.</p> <p>The Island Council, agreed and want to have an Audit Chamber, but we would like clarity on the legal basis.</p> <p>I was concerned about the budget and the sustainability. Will it be financed for the first 6 years? It was mentioned that the money is for a startup and I is up the Island Government to find a budget to finance this further.</p> <p>I have a question for the Government Commissioner, Was this made known from the inception that the Audit chamber will have to be financed by the island Government and are there any arrangements made? And how will this affect the budget going forward? Can the current budget be maintained or decreased?</p> <p>Motion is presented: legal basis Rekenkamer. Signed by all members.</p> <p>Councilman Sneek: Is also in favor of the Audit Chamber. Expresses his disappointment in the appointment not being able to take place today due to lack of transparency by the government Commissioner and the State Secretary. The installation has been included as one of the Criteria to move to the next phase for the restoration of our democracy for Statia. With this appointment we are the head of the adjustment of the WOL BES. This law mentions of a combined audit chamber for the three islands of the Caribbean Netherlands, this never happened. On more then one occasion we have brought forward our concerns with the legality of the situation. With the installation of the new Audit</p>	
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<p>Chamber we are anticipating a possible change in the WOLBES. The Council selected 3 candidates, some of them also questioned the legal framework of this appointment. In an email to one of the candidates, the Deputy Government Commissioner addressed the candidates with her point a view which is based on the opinion of the state secretary. It is upsetting that the candidates were given 24 hours to accept their positions by the Deputy Commissioner. This is rather extraordinary, considering, it is the Island Council's role to appoint, not the Deputy Commissioner. An oath taking ceremony was planned today for the appointment which was not mentioned on the agenda. Is this your way of transparency and cooperation? It was mentioned by you, Madam chairlady, that there was no concern for the budget because it would have been paid by BZK, however we are now learning that this is not the case. This is against the law you cannot make a financial commitment without a having budget amendment. The Island Council cannot appoint these persons, because we not sure if there is a budget, making it also illegal in the FIN BES. Considering these concerns, I am very reluctant to vote for the Audit Chamber without the surety of breaking the relevant laws. I will support the motion that was read.</p> <p>Councilman Van Putten: Mentions that he also agrees and is in favor for the Audit chamber. Gives his account on the history on the compilation of the joint audit chamber and in the effort of redeeming the return of democracy the subject of the audit chamber became relevant again. Expresses his concerns for the legality for such a chamber, and the law not being in stride with what is being requested. Mentions that the Island Council is being asked to participate in an illegal activity, after already being accused for breaking the law. No provisions have been made for the Audit Chamber, and will not vote this. I was informed that it was never an indication that the financing would be the responsibility of the</p>	
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<p>Public entity, after the start up fund would be exhausted. Was this budgeted? Will only support this Audit chamber is we receive a written declaration of the parliament of Holland where they mandate the island Council to formally establish the Audit Chamber.</p> <p>Government Commissioner Francis: Gives a general answer on the three points: legality, budget and oath of office.</p> <p>Legality It was anchored in the WOLBES since 2010 that there would be a joint Audit Chamber for the BES Islands. This never came to a realization. In our responsibility as Government commissioners, one of the criteria points to go to 2.1 to allow elections to take pace in October of 2020, we had to take the decision to establish the audit chamber. On the 14th of April 2020 an Island ordinance was drafter for the establishment of an Audit Chamber. During the visit of the of the current members of the Audit Chamber and the new candidates, there was no attempt to exclude the Island Council. The Deputy Commissioner was asked by one of the outgoing members to answer the questions by the new candidates. Committee. On December 2nd the Deputy Commissioner received a mail with the information to be able to answer the concerns. In the driehoek, we specifically asked for this topic to go to the Central, this was our request. I want to state here before the Island Council, we were not the ones who placed the agenda points on the agenda. We were given the impression that this was the Council wishes. I hear the concerns on wanting to receive more clarity and have proposed the motion.</p>	
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<p>Oath Wants correct the assumption that there was an attempt to mislead the process. Conducting the Oath is standard procedure. Information and advice was sought with regards to the process of the appointment of the members. The impression was given by the Deputy Registrar that this must take place. In our meetings we really need a more detailed documents and compliments the staff of the 2nd deputy registrar's and staff. Your motion is clear and will go and give a response with regards to the legality.</p> <p>Deputy Gov. Commissioner C.Toet Explains the process of the email to the 3 potential candidates of the Audit Chamber . October 13th there was a meeting with the intended members of the Court of Audit, I attended myself, the Government Commissioner had other obligations. In this meeting the candidates expresses their concerns regarding the legality. A day later, one of the current members Chairman Mr. Hofstra, informed me that candidates still had doubt and were considering not to be appointed. The Chairman shared this email with the registrar of the Island Council. In consultation to facilitate the</p>	<p>Budget You are correct, I did say there was a budget available, but never said that this budget was continuous. In a recent meeting, all legislation comes with an additional responsibility. A total of \$125.000 was made available for the startup of the Audit Chamber. I have requested BZK to transfer the amount to the years 2022, there is a surplus, I don't know the amount by heart but will share this with you later on. I hear a valid question of Council lady Leerdam if we further attempted to see if we can fund the Audit Chamber operation on a much longer term.</p>
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process, I put on paper what the current situation was to establish the Audit Chamber. This was requested by the current Chairman of the Audit Chamber, Mr. Hofstra. I did this to facilitate the process not to overstep the Island Council. This email I shared with the Deputy Registrar, this is for me a formal way to communicate with the Island Council. If the Registrar has not shared this information with the Island Council, then I regret that. I think this must be discussed with him on a later date. We then discussed the situation again with Mr. Bachers the minister of kingdom relations and indicated if the new director received the Council and explained what the basis was to establish the Audit Chamber.

With regards to the 24 hours deadline, this was a request of the Chairman Mr. Hofstra, as you know he has resigned as per 1st of January. He stressed that it was important to have an answer before the next day because the oath ceremony would not be able to take place. I wrote this email on the advice of Mr. Hofstra. I will send the email directly to you if you have not received it.

Councilman Sneek: We have already received this email from the Registrar.

Second Round

Councilman Merkman:

This boils down to trust. We have asked question, we have pleaded with BZK and the second Chamber. We have indicated our concerns, and this has not been taken into account. It has been stated we are a pilot, I think this is a good institution to have where the government's finances are being controlled which is a good asset to have.

I would like to mention again the differences with regards to rekenkamerfunctie and a rekenkamer. The main difference between a "rekenkamer" is that with the latter, the council has more freedom in its composition. In the case of an Rekenkamerfunctie , for example, it is possible that the council are also members. and this is a

conflict to me, when you have an independent Audit Chamber. We would like to have the Audit chamber established, but we want it in black and white. I would also like to apologize to the existing members, and the 3 candidates with regards to not doing the appointment today.

Council lady Leerdam:

The issue is communication and respect. There were concerns and there was no initiative taken by the Deputy Commissioner to notify the Island Council, who are tasked with finalizing the process. I do not see where the Deputy could have concluded that taking this step would have been helpful. There is a total lack of respect.

I received that email on December 5th, after they inquired during a drive to a meeting in the Netherlands.

We were told that monies were available for the budget of the Audit Chamber, and now it was told to us in the meeting in the Netherlands, that we have to find monies to fund this or to take it from the allowance. The financial compensation was low and we requested to have it increased. What is the projected budget for this Audit Chamber to be able to function for 6 years? Expresses her disappointment in the development process and the relationship between the Government Commissioners and the island Council. Hoping to have this fixed in 2022

Councilman Sneek:

Is of the opinion that the explanations given to rationalize the recent actions of the Deputy Commissioner are not just. Since the establishment of the Island Council, it seems we are a nuisance. All of this delays the process. The report of State Secretary Knops states that the executional progress for the restoration of democracy lies with the Island Council, and we are delaying the process he states. This is the information he received of the Government Commissioner. Most of the delays are a direct result of the actions and lack of professionalism, cooperation and information from the part of the Government Commissioner. The draft press release of the government Commissioner with regards to the

<p>appointment of the new members, mentions that among other responsibilities the rekenkamer control the Island Council. That is incorrect the Island Council uses Rekenkamer as a tool control the Executive Council and the civil service and that is the role of the Rekenkamer. Stresses that the oath is done separately, even if done today it should have been placed on the agenda.</p> <p>Councilman Van Putten: Is of the opinion that the Government commissioner disregards the authority of the Island Council. Would like to know how it would have been possible for the appointment to be carried out without a legal framework and budget? Expresses his disappointment in how the Government Commissioners treat the Island Council.</p> <p>Government Commissioner Francis: I would like to mention for the public that I hold the local ordinance of April 14th 2020 for the establishment of the Audit Chamber. To state that this was another delay is not true. Gives another account that there was no intent by the Commissioners to obstruct the process of the appointment. If the office you have in place had done its work, referring to the Deputy Registrar, pressing to have the appointment done and requesting support of the Deputy Commissioner.</p> <p>Councilman Sneek: It is totally out of place to place blame on a civil servant.</p>	<p>Government Commissioner: I have to defend myself, and the public should also know. The Registrar pushed for this, I acknowledge the fact that when we were approached by the Deputy Registrar and the Chairman of the Audit Chamber, we should have pushed back and said no this is your forte. I will share with you the correspondence where the Registrar has been asking for support in this process.</p>
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	<p>Council lady Leerdam: I would like to clarify that, we received the information after the fact. It was not directed to the Island Council, we only found out because we inquired.</p> <p>Councilman Van Putten: If something was being done by the Deputy Registrar that was not correct, the government Commissioner could have notified the Island Council.</p>	<p>Government Commissioner Francis: We will not agree on this matter today. I acted on trust that this was the wish of the Island Council. I take responsibility for not raising the point during Presidium, then all of this would have been avoided. But again acting on trust. In answering your motion we will answer all your questions in writing. The government Commissioners are not taking away the responsibilities of the Island Council I don't take this lightly. We also have our responsibilities, we try as much as possible to cooperate. There is no attempt to exclude the Island Council. Does not agree with the accusation of not willing to cooperate is not accurate. The Island Council is not being taken for granted.</p>
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	<p>Councilman Van Putten: Disagrees with the tone and discourse of the Government Commissioner and asks the Government Commissioner to respect the Island Council. Reminds the Government Commissioner that she is not an elected official and that she is a guest.</p> <p>Government Commissioner Francis: Respects goes both ways, and reminds Councilman Van Putten of his past discourses.</p> <p>Councilman Van Putten: The public supports the direction that I carry out against your administration. I was elected by the people again to be here, as long as I am her I will challenge you on the illegal actions you carry out.</p> <p>Government Commissioner Francis: The Government Commissioners are not your opposition, we will not agree on everything.</p> <p>Councilman N.Sneek: Requests a break of 10 minutes.</p> <p>Voting on the Motion legal basis rekenkamer: Councilman Merkman – For Council lady Leerdam – For Councilman Sneek – For Councilman Van Putten For</p> <p>30 minutes break is called for lunch.</p>	<p>Government Commissioner Francis: Motion is carried.</p>
7.	<p>Route time table</p> <p>Meeting resumes at 12:57 pm.</p>	

<p>Council lady Leerdam: We as an Island Council decided to add this agenda point to discuss moving forward into 2022. In an island Council meeting in October, we passed two motions route time table and restoration democracy. That was based on a merger of documents. We brought up the issues with the restoration law to the first and second chamber, comparing the reality with theoretical. There are a lot of bottlenecks that need to be ironed out.</p> <p>On December 15th the Government Commissioner submitted the route time table to the state secretary as a way forward but the Island Council is not reflected in this Route time table. Many of the areas don't have a date, other areas mention to be determined making it difficult to determine how long it takes to complete a phase. Kadaster is an example, it states the necessary documents are still in Sint Maarten, it does not state how long the Kadaster will have to accomplish this. The State Secretary comments on the activities of the Island Council, but never acknowledges the challenges of the rout time table such as the challenge with the Kadaster. Also the point where it states that something is sufficient in order to move to the next point is also not mentioned. Where do we stand in terms of moving forward with the route Time Table, and what was the feedback from the State Secretary with regards to what is best route to moving forward towards finalizing this process and making it successful.</p> <p>Councilman Merkman: Gives brief account to the State secretary deciding to implement the Route Time table. The Route Time Table is not constructed in a way to fit Statia, due to being based on Dutch norms. States that it is difficult to execute this if certain changes are not made. If a genuine effort was not going to be made to approach the state secretary together, then that was time wasted. This is what happened. If you know that no changes can be made then just say that. Let's not waste each other's time.</p>	
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Councilman Sneek:

How serious is the island Council taken in the process in terms of the return democracy on Statia. If we are take serious I want to see action.

I have some documents, I found on the website of BZK. They all mention the island Council, yet we have not been included in the address. That is action and the actions speak different then the words. The Island Council presents an alternative route time table to speed up the process. This was rejected and classified as a violation of the law. On June 28th the Government Commissioner agreed to merge our proposal to in her Time table. She promised us to deliver the result on September 17th. This never happened. The promised meeting was not came in October. No notification was given as to why there was a delay. No attempt was made to merge the documents. During the Island Council October 14th we rejected your proposal. Gives his account, to the untrue statements in a letter of the Government Commissioner where it states that the Councilman Sneek was against the proposal of a citizen participation Council. All this information was not shared with us, we have to find out online. We have good cooperation, dialogue, good governance and transparency but this only counts for the Island Council not for the Government Commissioner. The Island Council is not perfect, and sometimes says the wrong words, its nice to know that this is highlighted in your last report to Knops, and in his report Parliament that the Island Council is emotional and is the highlight in a report. It is unjust how the Island Council is portrayed as a nuisance.

Councilman Van Putten:

Expresses not being surprised by the activities of the Commissioners. Convinced that the process will not change.

Government Commissioner Francis:

Wet Herstel and the Memorie van toelichting, there are assignments and tasks mapped out in 12 criteria. There are responsibilities for the Island Council and responsibilities for the executive Council. There is the wish of the Island Council to appoint Commissioners and there are a number of criteria points that have to be achieved to reach there. We are working on the Kadaster issue, Sin Maarten has pledged that they will release the documents but the question is when.

Concerning the merging of the documents. I could not merge it because I felt I would be mixing process with politics. The opportunity was there to be dialogue and many of you chose to go to the Island council which resulted in a rejection of the Route Time table.

Councilman Sneek:

You are wasting our time, I would like you to respond to the complaints the lack of dialogue, lack of transparency lack of cooperation. A stack of papers that was circulating online that we were not aware of. Your not doing what you are saying.

Government Commissioner Francis:

If you feel your time is being wasted that is unfortunate. I don't think my time. We show at every meeting, we don't consider this wasting time. You mention the letters, these are the letters were sent to the Ministries. Everyone has their way of working, I inform you when I feel it is necessary, we will disagree on this.

Councilman Van Putten:

Running a government is serious business, the law give us the right to call meetings, you have to call the meetings that is the law. You have not been transparent. Letters have been going bad mouthing the members of Council in executing their job.

There is cardinal information that has been withheld from the Council and the people. For you to sit here today and say you don't have an obligation, you do it your way, we were placed here by the people, unlike you who has been appointed by the state secretary. You have an legal

and moral obligation to inform the people and the Council.

Government Commissioner Francis:

Councilman Van Putten, what was mostly misleading, Election was held very well knowing this was a process. Mr. Van Rij and I we agreed to hold the technical briefing to bring you up to speed, which Claudia Toet and I have completed this year. We have prepared a route table based on what the reality is within the organization of the public entity of Sint Eustatius. We sat at the meeting hall at the Van Tonningenweg, and as a Council you decided to bring it to the floor of the Island Council. You rejected the Route time Table. That is a realistic time table that the Public Entity can carry based on capacity, current status and desired outcome, that there is progress made.

Councilman van Putten:

You said you sat with civil servants, and presented a realistic time table. The former director said that the process was finished. That democracy could be restored, the Commissioners could be appointed. Something is wrong, that you are saying you are sitting with civil servants and the Dutch men that came here to assist with this process. One of the main things was finances and personal organization and he is saying it is completed.

Government Commissioner Francis:

I am not privy to the conversations you have. I don't know when he could have told you that. I am dealing with the realities and fact of how it took place. You can see what all we have achieved. We are very proud of Finance major steps were taken in the last 15 months. We are still working on 2.2 regarding the ordinances. We still have 7 ordinances that we are working on with you. You said that you don't want to rubber stamp.

Councilman Van Putten:

Madam speaker I have a motion, I don't think we are getting anywhere, and I will ask my colleagues

to cut this. We request an adjournment for 5 minutes

Government Commissioner Francis:
5 minutes granted.

Meeting resumes

Councilman Van Putten:

On this final meeting for 2021, we place points on the agenda in the interest of the people. Hoping we could have had a common sense approach and dialogue. But we recognize the lack of transparency and resistance, therefore we will forfeit the remainder agenda points and present a motion. Before we do this, We have a request which we send in writing. We request a national address to the Country regarding the intention of the re-opening of the Country in relation to Covid-19.

In terms of continuing on with the remainder of the agenda, we think it is a waste of time for the Council and by extension the people of this Country. The Government is not being transparent, and we believe by continuing the discussion in this manner is not productive. The majority leader will read the Motion and we will vote on it,

Government Commissioner Francis:

I take it this is the position of the entire Council. I will move over to the motion coming from the Island Council members.

Council lady Leerdam:

The motion, I presumed would be presented in the second round. We decided to come together in the first 10 minutes break, seeing how the meeting was going. Also for the public, seeing the back and forth and ineffectiveness of the meeting. Considering all of this and all the other complaints, we have decided to cut the meeting off, and present this motion.

	<p>The Motion comes from the PLP faction and Faction Sneek. The subject is Mediation. Motion is read.</p> <p>With this motion is an attempt that the route time table and working relationship between the Executive and Island Council can be fixed. It needs to get better in 2022. We are taking the high road to get these things accomplished. This is about us this is about the people and they don't deserve this. We are seeking mediation to move forward, and to resolve the communication issues and the working relationship</p> <p>Government Commissioner Francis: Accepts the document with the motion does a brief summery and proceeds the voting on the motion</p> <p>Vote motion of mediation:</p> <p>Councilman R.Merkman - for Council lady Leerdam - for Councilman Sneek - for Councilman Van Putten - for</p> <p>I want to comments that this is not a bad idea. I embrace the opportunity where an independent mediator. In the interest of the restoration of democracy and in the interest of working on behalf of the people of Sint Eustatius to see how together we can move forward. We have absolutely no issue with this motion.</p> <p>Announces that all the remaining agenda points will no longer be discussed, wishes the public happy holidays.</p>	
8.	Discussions Wol BES and Fin BES	Not discussed
9.	Faction Support	Not discussed
10.	New opening policy Covid -19	Not discussed
	Issues surrounding Makana Ferry	Not discussed
11.	Closing	Anthem is played and the meeting is closed.

Adopted on2021.

The Deputy Registrar,

The Chairlady of the Island Council,

E.Jami

Ms. M.A.U Francis