

Letter of 5 December 2019 from the Minister of the Interior and Kingdom Relations to the House of Representatives containing a progress report on St Eustatius

Introduction

In September¹ I informed the House about the bill I am preparing to enable the gradual normalisation of administrative relations in St Eustatius.

This bill is currently in preparation and is expected to be put before the House in early 2020. In accordance with the undertaking I gave to the House,² I will continue to report to you every six months on progress in all areas affected by the intervention. In so doing I will continue to take my lead from the basic criteria I formulated in the second progress report of 14 November 2018.³

In this report I will update you on the current situation, supplementing the letter I sent in September. I will not go into detail about any matters that have not changed since then, but there are a number of issues that I would like to share with the House in relation to the publication of that letter and the associated town hall meeting. In keeping with previous letters, I will describe progress in the administrative, social and physical domains.

The general picture

Partly on the basis of the signals I picked up at the town hall meeting of 23 September 2019, it is clear to me that ongoing attention is required for the way in which the people of St Eustatius are informed about the progress of projects, the transparency of decision-making, and their options for making their voices heard. I have asked the Government Commissioner to inform me further – via the civil society advisory council for instance – about public sentiment regarding the plan that has been announced to restore normal administrative relations. The plan itself also entails a number of new initiatives, such as public information about the right to vote and stand for election and training opportunities for aspiring politicians. In addition, in St Eustatius the final touches are being put to a comprehensive communication plan.

Civil society advisory council

At a meeting of the civil society advisory council on 29 October 2019, the Government Commissioner spoke among other things about the plan to restore democracy. The Government Commissioner sent me a report of this meeting.

The majority of the assembled members of the civil society advisory council supported the proposal for gradual normalisation. The idea of moving on from one phase to the next on the basis of criteria rather than deadlines gave rise to questions about how and when criteria are fulfilled and who can objectively assess this.

The same majority of members expressed the view that the date of 21 October 2020 for island council elections was somewhat ambitious. The majority felt it was necessary to start the training course for politicians and aspiring politicians as soon as possible as part of the process of working towards good governance. In order to avoid a repeat of the situation that led to the intervention in February 2018, the majority would prefer to see greater powers for the governor. In the past the governor's authority was too limited for them to act, and processing decisions via the Kingdom Representative led to long delays. One of the members of the council, voicing the majority opinion, said that certain groups felt they had been robbed of their right to vote, and considered it important to share this information.

¹ House of Representatives, 2019-2020, 35300 IV, no. 6

² House of Representatives, 2017-2018, 34877 IV, no. 6

³ House of Representatives, 2018-2019, 35000 IV, no. 29

A minority took the view that any kind of delay was too long and said that people were eager for their democratic rights to be restored.

Town hall meeting / public information about elections

An initial general public information campaign about the elections will be held soon. It will focus on generating enthusiasm among the public and providing information about opportunities for people to stand for election. Various meetings will also be held in the run-up to the elections to inform aspiring politicians about possibilities, conditions and deadlines. In this way everyone will have the opportunity to gain an understanding of what the role of island councillor or island commissioner entails.

Training programmes for politicians

Once the candidates are known, my ministry will work with the public body to organise training programmes for them. These programmes will cover the knowledge and skills that island councillors need to fulfil the role of representative. After the elections island councillors will be offered a customised training course.

Communications plan

The public body aims to improve the provision of information to the public by means of a strategic communication plan, which is nearing completion. The content of the plan will be discussed with the civil society advisory council. Some of the measures described in the plan are already being carried out. They include the design of a house style for the public body, streamlining the supply of information for publication from the various parts of the public body, and the provision of communication advice to the various departments.

The administrative domain

Reorganisation

The new organisational structure was put in place on 1 September 2019. The majority of staff were assigned their existing roles. Most of the staff of the public body who could not be immediately placed in a job have since been assigned to vacant positions. Customised positions were created for a small number of staff, and redundancy arrangements were made in isolated cases. The reassignment of internal staff to different positions is still leading to adjustments within the organisation and the number of redeployment candidates is growing ever smaller.

One of the means by which staff are kept informed is the publication of a newsletter, *The Insider*, every two weeks. The newsletter, which is distributed among staff, keeps them updated on developments surrounding the reorganisation and is intended to foster understanding of the workings of the public body.

Training relating to the civil-service organisation

A multiyear professionalisation programme has been developed. Its purpose is to make lasting improvements to the ability of the civil-service organisation to perform its current and future tasks. In October a development plan was launched for managers and unit managers. Over the past year, the public body's civil servants have undergone multiple training sessions to hone their professional skills. A code of conduct, an offshoot of the training programme, is being drafted.

In addition, a training plan with a group-oriented approach is ready to be rolled out. It will provide subject- and skills-based training to managers, policy advisers, secretaries, security personnel, front-office staff, administrative staff and financial staff. Examples include a writing skills course for policy advisers, a course on the Public Bodies (Bonaire, St Eustatius and Saba) Finances Act (FinBES) and the Public Bodies (Bonaire, St Eustatius and Saba) Budget and Accounts Decree (BBV BES) for financial staff and a course on public finances for non-financial staff. Substantial investments are also being made in computer skills and the reduction of functional illiteracy.

Strengthening the administrative structure

As part of a new, more transparent way of working, new templates were recently adopted and taken into use for decision-making memorandums and the list of decisions of the executive council. This will help make the decision-making process clearer and the results more transparent. The new working procedures were explained at a workshop for directors/managers, unit managers and policy officers, and staff are being given practical assistance in their use.

Taking stock of regulations that are incorrect, outdated or lacking is a substantial task that must be undertaken in each policy area. Some ordinances only need to be assessed as to whether they are up to date, some need to be reviewed in conjunction with others, while yet another category is still entirely lacking. Efforts are needed from all parts of the public body to rectify this situation step by step.

Enforcement and supervision

The living environment cannot be protected without a limited degree of regulation of business. In 2021 hotels, garages and a number of other activities will come under the Environmental Management (Establishments and Activities) Decree (IAB), which will lay down rules concerning waste management, waste water, and facilities designed to protect the soil. These rules will provide clarity to businesses regarding the requirements that installations and activities must satisfy. The IAB will replace the local ordinance on nuisance and its permit requirements with general rules. Its impact on businesses and the machinery of government have now been assessed and recommendations are being formulated for effective supervision and enforcement.

Planning and control cycle

The first and second implementation reports for 2019 were recently submitted, as was the first budgetary amendment. In addition, the annual accounts for 2016 have been submitted, but the disclaimer of opinion issued by the external auditor remains in force. The draft budget for 2020 and the multiannual budget for 2021-2023 have been presented to my ministry for an advisory opinion. I expect to receive the definitive budget in early December.

Improvements are apparent in terms of content, but the desired standard has not yet been achieved. For example, the sections on land policy and risk management and financial buffers are absent. The capital goods section is being developed.

A major step was taken in the period from August to October inclusive with the clean-up of the corrupt records of tangible fixed assets. The results are now being incorporated into the annual accounts for 2017 and 2018.

The external auditor will start auditing the annual accounts in mid-November 2019. The Government Commissioner recently contracted an auditor to this end. The aim is to complete the audits in 2019. In view of the many shortcomings that remain, an unqualified audit opinion on the accounts for 2019 is not expected at this stage.

Financial management action plan

Considerable efforts have been made to improve financial management, but much remains to be done before a handover to a new administration can responsibly take place. The lack of sufficient progress in completing the various measures that have been launched is partly attributable the substantial reorganisation being carried out concurrently and the limited implementation capacity. This remains a point of concern. Two vacancies were recently advertised, one of which has since been filled, to provide support for the finance department. Once both vacancies have been filled, an assessment will be made as to whether additional support is needed. The aim is to fully implement the plan of action in 2020.

Court of audit

Support in establishing an independent court of audit for St Eustatius will be offered in the near future from the European part of the Netherlands. The Rotterdam court of audit has offered its expertise in anticipation of the change in the law that is needed to set up a court of audit for Bonaire, St Eustatius and Saba. In the future the Rotterdam court of audit will also be able to assist envisaged members of the court of audit from St Eustatius and the surrounding region by giving them the opportunity to shadow their colleagues in Rotterdam, increase their knowledge, and take training courses. These efforts will receive financing on a case-by-case basis from a

special grant provided by the Ministry of the Interior and Kingdom Relations. The aim is to set up the court of audit in such a way that it can be transferred to local ownership as soon as possible and embedded in local structures. As part of this process, an assessment will be made as to what form of structural support can be given by the region or the European part of the Netherlands.

The public body's IT infrastructure

A project was started in the autumn to clear the backlog of maintenance work to the IT infrastructure. The availability of a network connecting the various parts of the public body is crucial with a view to professionalisation and effective information systems. Cables are being laid, network connections are being installed, and staff will be trained. With the public body's available budget, the initial focus is on vital elements such as the IT, population affairs and finance departments.

The social domain

General

By determining a minimum income standard and taking related measures the government has made substantial strides towards improving the circumstances of people living in the Caribbean part of the Netherlands. The House of Representatives was informed about this on 27 June 2019.⁴ The government is committed to reducing the cost of living and raising the income levels of people in the Caribbean part of the Netherlands. With regard to costs, this involves making childcare more financially accessible and reducing housing costs.

Besides reducing living costs to a reasonable level, the government aims to improve the income levels of people in the Caribbean part of the Netherlands. The statutory minimum wage and benefits will be increased again as of 1 January 2020. Additionally, as of 1 January 2020, social assistance for people who are fully and permanently incapable for work will be raised such that a social assistance claimant who lives on their own will receive a monthly income equivalent to the statutory minimum wage. Single people who receive incapacity insurance benefit (AOV) may also qualify for supplementary social assistance. Over the next five years, the House of Representatives will receive annual progress updates on this issue. In addition, an assessment will be made to determine whether and if so what additional steps are needed to improve the circumstances of people living in the Caribbean part of the Netherlands.

BES(t)4 Kids

On 27 June 2019, the government informed the House of Representatives about the BES(t)4 Kids programme.⁵ As part of this programme, training courses have been launched for childcare workers in St Eustatius and terms and conditions of employment have been improved in certain respects. Various approaches are being taken to enhancing the quality of childcare. In the autumn the BES(t)4 Kids programme started a vocational training course focusing specifically on childcare. The course, which ends in 2012, is for current childcare workers and students in secondary vocational education.

Learning about children's rights and participation

All schools in St Eustatius have been invited to take part in the Children's Rights Film Festival (KRFF). This event provides an opportunity for children to learn creatively and interactively about their rights and about how they can participate in society. The final will be held in Bonaire in early June. The six best films from St Eustatius, Saba, Bonaire, St Maarten, Aruba and Curaçao will be presented by the children who made them. The best of those films will be chosen by a jury drawn from all six islands. The winning film will be presented in June at the Dutch edition of the film festival.

Conveying the message of positive parenting

In January, UNICEF will hold a pedagogical vision meeting, bringing together the BES(t)4 Kids team and partners in St Eustatius. The meeting will be facilitated by an early childhood

⁴ Parliamentary Papers, House of Representatives, 2018/2019, 35000-IV, no. 61

⁵ Parliamentary Papers, House of Representatives, 2018/2019, 31322, no. 397

development expert who has carried out many similar assignments for UNICEF in the eastern Caribbean and Latin America. The pedagogical vision will subsequently be used by the BES(t)4 Kids programme and other entities that focus on parents, other professional care providers and pedagogical professionals.

Domestic violence

Efforts have been made over the past period to improve cooperation between the different disciplines involved in tackling domestic violence and child abuse. For example, under a cooperation agreement concluded in March 2019 between professionals working in the fields of care and criminal justice, a start was made on discussing cases in this field. An informative film was made about who is professionally active in this field. The approach also pays greater attention to offenders, and there is now a shelter for victims of domestic violence. Work is also being done to set up a second shelter. The State Secretary for Health, Welfare and Sport will provide further information to the House of Representatives in the first quarter of 2020 about progress on all three islands in implementing the administrative agreement on tackling domestic violence and child abuse.

Job placement

Greater participation in the labour market is a necessary condition for establishing a sustainable route out of poverty. The public body is working with the municipality of Leiden in a twinning arrangement funded by the Ministry of Social Affairs and Employment to enhance job placement in St Eustatius. This arrangement runs until April 2020. Its final phase will centre on firmly embedding methodologies and working methods, and professionalising policy to help people with a work disability to find and stay in work.

Poverty reduction

Poverty reduction is another area where there is an unmistakeable need for action from the public body. It is crucial for the anti-poverty policy pursued on the island to be laid down in an ordinance or administrative rules. The Ministry of Social Affairs and Employment plays a support role in this regard. In 2019, for example, social workers from the public body attended a debt counselling training course organised by the ministry. The ministry is in consultations with the public body on further support, for example on the development of administrative rules for debt counselling.

Social housing/housing benefit

With a view to the reduction of housing costs, it is important that sufficient good quality social housing be available in Bonaire, St Eustatius and Saba. Woonlinie – a housing association from the European part of the Netherlands – and the public body have therefore submitted a joint proposal to find a structural solution for the renovation, maintenance and construction of social housing. Work has started on the first pilot project, in which Woonlinie will renovate a first home and build a semi-detached house in consultation with the public body and the Statia Housing Foundation. To this end, the Ministry of the Interior and Kingdom Relations has provided a grant of €390,000. During the pilot project, steps will be taken to intensify cooperation between those concerned, with the ultimate goal of renovating nearly 100 social rental housing units and building 45 new ones.

An initial discussion has taken place between the Ministry of the Interior and Kingdom Relations and the public body to set up a points system for rental homes, a rent-control ceiling and a rent tribunal. They should make the system fairer and more professional, and thus strengthen the administrative structure in St Eustatius. The Rental Housing Market Measures (Caribbean Netherlands) Act will enter into force in the first half of 2020. Local ordinances are needed to implement the Act and are currently being drafted.

In addition, the Ministry of the Interior and Kingdom Relations is taking steps to create a form of rent allowance for the Caribbean part of the Netherlands. Additional funds have been set aside through a landlord's contribution to reduce rental charges.

Sport and exercise

Implementation of the Caribbean Sport and Prevention Agreement, which was concluded with the Ministry of Health, Welfare and Sport, is under way. Recruitment will shortly begin for an

additional neighbourhood sports coach at the sports foundation and an additional prevention officer/health promoter at the public health department. A scheme will start soon to provide healthy breakfasts at two primary schools to children who need them. The Ministry of Health, Welfare and Sport will appoint a senior adviser for two years to work in the Caribbean part of the Netherlands with the public bodies and the relevant organisations to implement a scheme to help young people maintain a healthy weight (JOGG). The aim is to devise a joined-up approach to helping children who are overweight or obese, i.e. one that involves all actors in the field.

The Cruyff Foundation is assessing the cost of constructing a roof over the Cruyff Court. This will make it possible to use the court in shade during the day and install floodlighting for evening use. It is expected that a decision on whether to go ahead can be made by the end of this year, so that work could start in 2020. In addition, the Ministry of Justice and Security is working on a plan to launch a scheme for young people under the name *Alleen jij bepaalt wie je bent* (You alone determine who you are). Young people will be given training twice a week for one year by specially trained instructors to learn not only a sport but also interpersonal skills. The sports foundation will play an important role in this scheme. Measures are being put in place to give this foundation a sound financial and organisational basis. In addition, activities are being prepared to improve people's sexual health and to ensure the public health department is able to perform all its tasks effectively.

The physical domain

Erosion

Tackling erosion is one of the biggest infrastructural challenges facing St Eustatius. Work to stabilise the cliff under Fort Oranje is progressing expeditiously, but this is only one aspect of the project to tackle erosion. Rijkswaterstaat has therefore drawn up a comprehensive plan to combat the problem of erosion, which threatens vital parts of the island.

Taking account of the results of various studies and the decisions made in response to them, Rijkswaterstaat is preparing to implement the plan in cooperation with Royal Haskoning DHV and the public body. The initial focus will be on a series of quick wins, starting with the hairpin bend on the road to the port. This bend poses a significant problem for the effective drainage of rainwater, which is responsible for some of the erosion on the island. Further on in this report I will address another cause of erosion, namely the large numbers of feral livestock animals.

The most urgent erosion-related improvement projects will begin in early 2020, paid for with the €17 million in funds made available by the Ministry of Infrastructure and Water Management. The funds will cover the implementation of the first part of the comprehensive plan to tackle erosion.

The measures to improve the sea port are being considered in the context of the preparations for the development of the measures to protect against erosion of the coastline on the port side. It has proved necessary to tackle these issues in an integrated manner.

Construction of the new control tower and terminal for the island's airport

The implementation of these projects is under way, under the supervision of Rijkswaterstaat. Work officially started on 15 October 2019, with the Government Commissioner in attendance, and the first visible work at the airport has begun.

Roads

With a financial boost from the Ministry of Infrastructure and Water Management and my own ministry, the backlog of road maintenance in St Eustatius is being addressed. Implementation of the projects is not progressing smoothly. In my view the problems give us reason to reconsider the way in which future projects are implemented. I am discussing this matter with the Government Commissioner.

The inadequate progress achieved in the first project, the resurfacing of the roads in the Cherry Tree district, resulted in renewed negotiations with the contractor earlier this year. Substantial delays in the performance of the work by the contractor were apparent from the very start of the

project. Moreover, the contractor failed to satisfy the conditions under which a postponement of the completion date was agreed in August. Once it had become clear in late October that work had come to a complete halt, without prior consultation with the contracting authority, the Government Commissioner terminated the contract. A solution is being sought to complete the project as soon as possible.

Waste management

The Ministry of Infrastructure and Water Management has set aside around €1 million from the reconstruction budget to acquire a new waste incineration plant. The funding was provided in October in the form of a special grant. The public body is currently engaged in negotiations with the supplier concerning the correct conditions for the purchase of the waste incinerator.

Furthermore, the State Secretary for Infrastructure and Water Management and the Government Commissioner have signed a declaration of intent to address the litter problem caused by single-use plastic products. It has been agreed with the island authority under the declaration that a plan will be drawn up to this end by June 2020 with the aim of phasing out various single-use plastic products in 2021. The Ministry of Infrastructure and Water Management is providing substantive support and has made available a special grant worth €40,000 to implement the plan.

Other matters

Tourism plan

The local tourist board and the Netherlands Enterprise Agency (RVO.nl) developed a vision for tourism in St Eustatius in March 2019. In late October the Ministry of Economic Affairs and Climate Policy and RVO.nl met with public and private stakeholders in the field of tourism to set its implementation in motion.

Under the leadership of the St Eustatius Tourism Development Foundation, a task force has been set up that will work in subgroups on measures relating to topics such as diving, walking routes and culture.

Reconstruction funds

As reported in the letter I sent in September, most of the funds earmarked for reconstruction activities have been deployed. Logically, some projects have a longer duration than others. For example, the reforestation project will continue after the initial two-year period to give the various plantings sufficient time to grow large enough in the specially constructed shade houses so they can be relocated. St Eustatius National Parks Foundation, Stenapa, is planning to prolong the project once it has been fully established using reconstruction funding. It will adopt a similar approach to the coral restoration project.

The problem of feral livestock animals

Feral livestock animals have been a problem for many years. They exacerbate erosion, make agriculture more difficult, pose a danger to road traffic and are a threat to native species. Attempts to control their numbers have had little lasting effect to date. The Ministry of Agriculture, Nature and Food Quality will appoint a regional coordinator who will support a comprehensive approach to this problem in Saba, St Eustatius and Bonaire. For the time being the focus will be on getting the goat population under control. St Eustatius has indicated that it wishes to take part in this initiative and has drawn up a draft implementation plan. Among other things it addresses the circumstances in which goats can be kept sustainably, in fenced-off areas, and how the wild population can be brought under control.

Closing remarks

In conclusion, looking at the overall picture almost two years after the intervention, I observe that many changes have been set in motion. Not every initiative has yielded visible results as quickly as hoped. However, this should not detract from the fact that many different actors are now

working together in all manner of fields to make lasting improvements in St Eustatius. Many activities are still a work in progress.

In these circumstances, a transitional regime would offer the most opportunities to ensure initiatives have a lasting impact, while efforts to gradually normalise the situation continue. As I have said, I expect to put a bill to this end before the House in early 2020.