

# Fight corruption by ensuring strict compliance with statutory terms

Recently, a lot of controversial stories have been published in local newspapers that are in some way related to the performance/proper functioning of VROM/ROB. VROM/ROB is a department of the Island Territory of St. Maarten. VROM/ROB falls directly under the responsibility of a commissioner (at present Theo Heyliger).

Experiences that (some) clients of our law firm, one of the bigger law firms of St. Maarten, have with VROM/ROB are, unfortunately, not always (very) positive. From colleagues in the field of law, as well as from other people of the (business) community of St. Maarten, I learnt that they have similar experiences.

Many people (and legal entities) on St. Maarten have the feeling that their requests for a building or planning permit never get processed or (in the most positive case) that it takes a very long time before they get some kind of response at all. Too often applicants have the feeling that they are completely dependent 'on favours' from civil servants 'just to obtain a decision.'

On the other hand, rumours go that there are certain people and entities that seem to have no problem to get their requests for a building or planning permit processed in 'no time.'

The culture or sentiment that people (feel that they) are dependent 'on favours' of civil servants and governmental entities like VROM/ROB is very undesirable. At the end 'publiek recht is publieke plicht' (translated in English: to hand down a decision is not a favour of government to an applicant, but an obligation of government towards the applicant)!

In a democratic constitution it is required that government and governmental entities like VROM/ROB, comply with basic principles of proper governance. One of the basic principles of proper governance is that (A) government and governmental entities strictly adhere to statutory terms that stipulate within which term the Executive Council and/or the Island Council have to take a decision pursuant to a request for a building- or planning permit and (B) that government accounts to the public at large for its performance

in this respect.

A. The laws are very explicit about the applicable terms (within which a decision must be taken). The so called 'Bouw en Woningbouw Verordening 1935' clearly stipulates (art. 22) that a decision pursuant to a request for a building permit has to be taken within one month. According to the ERNA (art. 28 jo. 24 EROP) a decision for a planning permit has to be taken by the Executive Council within 60 days. So...according to the laws, procedures for a building- or planning permit should be completely processed in one month, respectively 60 days.

I have reasons to believe that it is more rule than exception that the government fails to strictly comply with these terms that are explicitly stipulated in the applicable laws. If my assessment is correct, then the question is why? The Commissioners of St. Maarten are elected to uphold and maintain the applicable laws.

B. With regards to the issue of accountability to the public at large, I do have some very basic questions for the Director of VROM/ROB and/or the Commissioner responsible for this department, and/or for the Executive Council:

1. How many building permits and planning permits or planning permit (deviation) requests have been submitted in the last two years (2007 and 2008)?
2. How many or what percentage of the requests

mentioned above have been processed within the term that is explicitly stipulated in the laws mentioned above?

3. Are requests for either a building permit or a planning permit (deviation) being processed in chronological order (first in, first processed) or is there another policy that is being applied?

4. If the answer to the questions sub 3 is negative, can you explain what exactly are the objective reasons or policy that justify that some requests are processed faster than other requests and what exactly are the objective reasons why requests are not being processed or decided upon in a chronological order?

5. If applicable: what exactly is the reason why it occurs that (most/many/some) requests are not processed by the Executive Council/the Island Council within the terms that are explicitly stipulated in the applicable laws?

The terms dictated by the applicable laws have been the wish of the legislator. It is the task of the government to ensure that government strictly complies with statutory terms. It is no excuse for the Island Government that VROM/ROB is unable (or unwilling) to strictly comply with explicit statutory terms. Why do we have laws if the executive authority does not enforce them or comply with them?

VROM/ROB should take example to the Bureau of

Telecommunications & Post, a governmental entity that closely works together with the Minister of Traffic and Transport in the field of telecommunication. In any way, since 2005 this Bureau has been instrumental in ensuring that the Minister strictly complies with statutory terms stipulated in the telecommunication laws.

In my view, it is in the first place the responsibility of local government to ensure that VROM/ROB strictly complies with and adheres to these statutory terms. The Director of VROM/ROB should be held accountable by the commissioner responsible for VROM/ROB and the commissioner responsible for VROM/ROB should be held politically accountable by the Island Council and the public at large.

At the end, it cannot be ignored that lengthy procedures are a (more than) virtual breeding ground

for corruption, which is undesirable and should be avoided.

My appeal to government: fight and avoid corruption by ensuring strict compliance with statutory terms and hold the Director of VROM/ROB and the Commissioner responsible and accountable for consistent

compliance with statutory terms. Such an approach will definitely benefit the interest of the people of St. Maarten.

**Roeland Zwanikken**  
Partner of Bergman  
ZwanikkenSnowEssed,  
Attorneys at Law

## UNIVERSAL Sudoku Puzzle

			9	5		8		
8			1	2				
2				8				3
	7	1	3	6				
		4				1		
				2	1	7	9	
6			2					1
			1	4				
5	2		3					

Complete the grid so every row, column and 3 x 3 box contains every digit from 1 to 9 inclusively.

Previous puzzle solution

6	5	7	4	2	3	8	9	1
1	8	2	7	9	5	3	6	4
4	3	9	6	1	8	2	7	5
3	4	8	1	7	2	9	5	6
7	2	6	5	8	9	1	4	3
9	1	5	3	6	4	7	8	2
8	6	1	2	4	7	5	3	9
5	7	4	9	3	1	6	2	8
2	9	3	8	5	6	4	1	7

### ACROSS

- 1 Lid
- 4 Phobia prefix
- 8 Puzzle
- 13 Ump's call
- 14 Piece of concrete
- 15 Refrigerator name
- 16 "Laugh-In" regular
- 17 Goose egg
- 18 Bookish types
- 19 Military advisers
- 22 Sock part
- 23 Wobble
- 24 Disintegrate
- 26 Goler: abbr.
- 29 Improves
- 32 Horse's place
- 36 Fuel, for some
- 38 Tide flowing backward?
- 39 Relaxation
- 40 Alps or Andes
- 41 Descartes or Coty
- 42 Early 3rd-century year
- 43 On \_\_\_ equivalent
- 44 Foreign pops
- 45 Bathroom hangings
- 47 Mr. Strauss
- 49 Districts
- 51 Bear witness
- 56 Achy and feverish
- 58 "Not \_\_\_", skeptic's words
- 61 Uncovered
- 63 Smallest
- 64 Nasal detection
- 65 Mediterranean island
- 66 \_\_\_ Mountains
- 67 Say no to
- 68 Viper
- 69 Hobgoblin
- 70 Syllables for the uncertain

### Saturday's Puzzle Solved

T	H	E	F	T	S	C	A	R	A	C	T	I
H	O	Y	L	E	H	O	M	O	P	O	R	N
A	A	R	O	N	O	T	T	O	P	L	A	T
T	R	E	A	S	U	R	E	T	I	R	A	D
P	A	R	T	I	L	E	R	E	V	I	S	E
P	A	R	O	N	H	A	R	E	S			
U	S	E	N	A	V	E	L	S	S	E	R	G
L	I	A	R	S	E	L	L	S	D	O	E	R
P	A	L	E	D	R	O	Y	A	L	V	A	N
R	E	P	U	L	S	E	T	O	T	O		
E	L	A	T	E	S	F	O	R	T	U	N	E
M	O	R	T	E	R	A	T	E	T	U	D	E
A	P	S	E	S	A	L	A	R	E	I	N	S
N	E	E	D	S	E	A	L	S	R	T	A	S

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## The way you dance

Continued from page 44

mentation and bring out the necessary changes. The C.B.A., however, wants government to suspend the law and evaluate it now. Not within the walls of the government building, but in a public debate. That is what transparent governance is about."

This simple message is exactly what you wrote in half a page and can be read in two minutes. To read your half page article four times takes an hour. Why do you unnecessarily waste the

costly time of the reader? Of course you have readers, but you could have a lot more.

My advice: write like you dance! I saw you dance in The Alley. You dance with simple movements, but very much to the point. It looked as if your partner had no problem whatsoever with understanding your body language.

*Gerard Bijnsdorp, unpaid advisor, once a teacher, always a teacher.*

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Tel: (599) 54-2523 / 54-2597 Fax: 54-25913  
advertising@thedailyherald.com • editorial@thedailyherald.com

**DOWN**

- 1 Crumbly cake
- 2 Bizarre
- 3 Fold

- 4 Edward's kin
- 5 Wooden shoe
- 6 Member of royalty
- 7 Too heavy
- 8 Mel Gibson film
- 9 Scottish uncle
- 10 Sam Malone, for one
- 11 Take apart
- 12 Encl. sent with a manuscript
- 13 Lenten practice
- 20 Greenish blue
- 21 Exchange
- 25 Steel plow inventor
- 27 \_\_\_ meet
- 28 Of a musical sound
- 30 Feast
- 31 Holy miles.
- 32 Splinter group
- 33 Tortilla—fried, filled & folded
- 34 "The Streets of Laredo" opener
- 35 Pry
- 37 Villain

- 40 Tabulae \_\_\_
- 44 Type of bread
- 46 Bank, for some
- 48 Enormously
- 50 Wash
- 52 Hidden treasure
- 53 Down producer
- 54 Casino features
- 55 Amateur
- 56 Ancient Peruvian
- 57 Fat
- 59 Buck abroad
- 60 Unexpected obstacle
- 62 Season for 44 Across