



Council of Ministers Sint Maarten  
Attn. Prime Minister Silveria Jacobs  
Soualuiga Road 1  
Philipsburg, Sint Maarten

Ref. no.: IC-ADV/23.054

Subject: Advice travel and/or accommodation expenses paid by third parties

Philipsburg, June 29, 2023

Honourable Minister,

On May 17, 2023, the Secretary General to the Council of Ministers of Sint Maarten, on behalf of the Prime Minister, requested the Integrity Chamber to provide guidance, from an integrity perspective, on whether travel and/or accommodation expenses paid for by third parties for ministers and civil servants is acceptable and if there are any deviations or distinctions that should be taken into consideration.

Pursuant to Article 16, first paragraph of the National Ordinance Integrity Chamber, the Integrity Chamber is tasked with giving advice and making proposals on policies to generally improve integrity throughout government and its entities.

Based on the above, the Integrity Chamber is providing this advice.

## 1. (Legislative) Framework

For the purpose of drafting this advice, the Integrity Chamber reviewed the following (legislative) framework:

- *Article 41 of the Constitution of Sint Maarten*  
This Article pertains to the oath of office for the ministers, in which the pledge is made not to accept gifts that would influence their actions;
- *Vergoedingsregeling reis- en verblijfskosten Ministerraad GT 2010, no, 7;*  
Among other things, this regulation determines that trips by ministers made to the Netherlands or internationally has to be approved by majority vote in the Council of Ministers (Article 4, paragraph 1);
- *Reis- en verblijfskosten overheidsdienaren 2013 (brf-2690/12);*  
The policy regulates, among other things, that the responsible minister of the civil servant must approve the travel of the civil servant; and

- *Draft Ministerial Gift Policy for the Council of Ministers of Sint Maarten dated December 2022.*

This draft policy provides guidelines on accepting gifts from third parties by ministers.

While the above legislative framework touches on some aspects related to travel and accommodation, there are no specific rules and regulations in place that give guidance on how to deal with travel and/or accommodation expenses that are paid by third parties for ministers and civil servants.

The draft "*Ministerial Gift Policy for the Council of Ministers of Sint Maarten*" provides guidelines for accepting gifts from third parties, however the policy has not yet been implemented.

## 2. Relevance

Anything of monetary value received from a third party can be considered a gift. Gifts can take a variety of forms, such as products, services, or hospitality, which include travel and accommodation expenses.

A third party is any person or entity other than the Government of Sint Maarten. This includes individuals, private or commercial entities (including government-owned companies), nonprofit organizations, international organizations, or foreign governments.

Accepting free offers of travel and accommodation can lead to integrity-related issues. In particular, the following consequences might occur:

- *It might compromise the independent position of the minister/civil servant.*  
An example of this can present itself when attending vendor or promotional activities meant to promote and/or establish business relationships with a brand, product, or service. Officials with decision making authority are particularly vulnerable in such cases.
- *It might damage the level of public trust in the government.*  
The confidence of the public in government can only be maintained if there is a positive public perception of government officials. This perception can be damaged when officials are perceived to be influenced by third parties.
- *It can be perceived as a conflict of interest.*  
This can be present in situations where there is a connection between the third party and the minister/civil servant. Due to the small scale of the Sint Maarten society, it is important to have policies in place to manage these situations.

### 3. Advice

The Integrity Chamber advises the following:

**a. Main rule – Accepting travel and/or accommodation expenses paid by third parties must not be permitted**

In general, the Government of Sint Maarten should pay for the travel and accommodation expenses for all ministers and civil servants on official travel for the government. Offers from third parties, which also include government-owned entities or organizations such as NRPB, UNOPS, UNESCO, and IMF, to finance travel and/or accommodation expenses for ministers and civil servants should, in principle, not be accepted.

**b. Deviation to main rule only under specific conditions**

Deviating from the main rule should only be allowed after careful consideration. In case an invitation is received to attend a meeting, conference, seminar, workshop, speaking engagement, or similar event, whereby a third party is paying for the travel and/or accommodation expenses, in whole or in part, there should be a vetting process in place. The following aspects should, at least, be considered in the process: (1) the intent of the third party, (2) the possible integrity risks, (3) the benefits for Sint Maarten, and (4) if the paid expenses are in line with the rules and regulations of the Government of Sint Maarten. The vetting process can be conducted by an independent advice group within Government, who can provide recommendations to the Council of Ministers or the responsible minister before approval.

Deviations must not be permitted for officials traveling to perform Government mandated tasks. Deviations must also not be permitted to attend vendor or promotional activities, meant to promote and establish business relationships with a brand, product, or service.

**c. Establish and implement policy guidelines.**

To ensure consistent handling of offers for travel and accommodation by third parties, written guidelines must be established. The guidelines should include the rules presented in this advice and should be made available to all ministers, civil servants, and necessary stakeholders.

The guidelines should also include measures for when the rules and regulations concerning paid travels and/or accommodation have been violated. Violations should be reported to Government and, when needed, sanctions taken for non-compliance.

To establish a comprehensive framework, the Government of Sint Maarten is also encouraged to adopt the Ministerial Gift Policy for the Council of Ministers of Sint Maarten, where specific guidelines pertaining to the receiving and giving of gifts are detailed.

#### d. Transparency

All offers by third parties for travel and accommodation should be registered in a public registry system. This will allow for more transparency and will avoid the perception of conflicts. Reference is made to the *"Integrity Chamber Sint Maarten Advice on the Ministerial Gift Policy"* (paragraph 4.1 under "Ministerial Gift Register") where this topic is described in more detail.

## 4. Conclusion

The Integrity Chamber advises that, in general, travel and/or accommodation expenses for ministers or civil servants on official travel must be paid for by the Government of Sint Maarten. Deviations may be allowed after careful consideration and if certain requirements are met.

To ensure awareness of the rules and consistency among all parties concerning the manner in which gifts and paid travel expenses are handled, specific policy guidelines must be established and implemented. It is also important for there to be transparency regarding the expenses that are paid for by third parties.

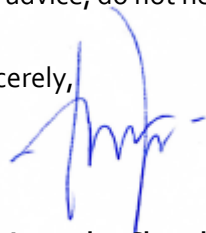
Implementing this advice will safeguard the independent position of the minister(s) and the civil servant(s), foster and maintain the level of public trust in the government, and reduce the risk and occurrence of integrity issues within the Government of Sint Maarten.

## 5. Response

In accordance with Article 18 of the National Ordinance Integrity Chamber, you are kindly requested to provide a motivated response to this advice within eight (8) weeks of the date of this letter, no later than August 24, 2023. A copy of this advice will be submitted to Parliament and published in the National Gazette. Your written response to this advice will also be published in the National Gazette.

If you have any questions or if you require any assistance in the implementation of this advice, do not hesitate to contact the Integrity Chamber.

Sincerely,



**The Integrity Chamber**

H.W. Vogels, President

R.A. Boasman

H.R. Lodder

Cc: Parliament of Sint Maarten