



Quick Scan of the Integrity Infrastructure of Government Ministries

Ministry of Tourism, Economic Affairs,
Transport and Telecommunication



Table of Contents

| | | |
|-------|--|----|
| 1 | Introduction | 4 |
| 2 | Quick Scan Purpose and Methodology | 5 |
| 2.1 | Purpose | 5 |
| 2.2 | Methodology | 5 |
| 2.3 | Limitations | 5 |
| 3 | Integrity Infrastructure | 6 |
| 3.1 | Legal and Regulatory Framework | 6 |
| 3.2 | Organisational Elements | 6 |
| 3.2.1 | Bureaucratic Processes | 7 |
| 3.2.2 | Ministerial Autonomy | 7 |
| 3.2.3 | Material and Human Resources | 8 |
| 4 | Findings of the Ministry of TEATT | 9 |
| 4.1 | Introduction | 9 |
| 4.2 | General Findings | 9 |
| 4.2.1 | Legal and Regulatory Framework | 9 |
| 4.2.2 | Bureaucratic Processes | 11 |
| 4.2.3 | Ministerial Autonomy | 11 |
| 4.2.4 | Material and Human Resources | 12 |
| 4.3 | Specific Findings | 12 |
| 4.3.1 | The Department of Economic Licenses | 12 |
| 4.3.2 | The Department of Economic Inspection | 13 |
| 4.3.3 | The Department of Tourism | 14 |
| 4.3.4 | The Directorate of Economy, Traffic & Telecommunication | 14 |
| 4.3.5 | The Department of Civil Aviation, Shipping & Maritime | 15 |
| 5 | Conclusions | 16 |
| 6 | Recommendations | 19 |
| | Annex A: Specific Quick Scan Findings of the Department of | 21 |
| | Economic Licenses | 21 |
| | The Legal and Regulatory Framework | 21 |
| | Bureaucratic Processes | 21 |
| | Ministerial Autonomy | 21 |
| | Material and Human Resources | 22 |



| | |
|---|----|
| Annex B: Specific Quick Scan Findings of the Department of..... | 23 |
| Economic Inspection..... | 23 |
| The Legal and Regulatory Framework..... | 23 |
| Bureaucratic Processes | 23 |
| Ministerial Autonomy | 24 |
| Material and Human Resources..... | 24 |
| Annex C: Specific Quick Scan Findings of the Department of Tourism..... | 25 |
| The Legal and Regulatory Framework..... | 25 |
| Bureaucratic Processes | 25 |
| Ministerial Autonomy | 26 |
| Material and Human Resources..... | 26 |
| Annex D: Specific Quick Scan Findings of the Directorate of..... | 27 |
| Economy, Traffic & Telecommunication | 27 |
| The Legal and Regulatory Framework..... | 27 |
| Bureaucratic Processes | 27 |
| Ministerial Autonomy | 27 |
| Material and Human Resources..... | 28 |
| Annex E: Specific Quick Scan Findings of the Department of..... | 29 |
| Civil Aviation, Shipping & Maritime..... | 29 |
| The Legal and Regulatory Framework..... | 29 |
| Bureaucratic Processes | 29 |
| Ministerial Autonomy | 29 |
| Material and Human Resources..... | 30 |
| Annex F: List of applicable Integrity-Related Legal and | 31 |
| Regulatory Framework | 31 |
| Ministry of TEATT (applicable for the entire ministry)..... | 31 |
| Directorate of Economy, Traffic & Telecom | 31 |
| The Department of Tourism..... | 31 |
| Department of Economic Licenses..... | 31 |
| Department of Economic Inspection..... | 31 |
| Department of Civil Aviation, Shipping & Maritime..... | 31 |
| Annex G: Organisational Chart of the Ministry of TEATT | 32 |

1 Introduction

There have been several studies¹ conducted in Sint Maarten regarding the status of integrity within the public sector. All these reports came to similar conclusions: that there is a need for improved integrity within Government.

It has been several years since the publication of the above-mentioned integrity studies. Although the validity and recommendations of those studies are still of significant importance, it cannot be assumed that the results of those studies are still fully accurate.

In order to gain an understanding about the current integrity infrastructure within the Government of Sint Maarten, the Integrity Chamber decided to conduct a Baseline Integrity Measurement in the form of a Quick Scan of the different ministries.

The Integrity Infrastructure Quick Scan (hereafter: Quick Scan) is a preliminary study within the various administrative bodies, conducted with the purpose of determining the risks, challenges and areas for improvement as it pertains to the completion, implementation, awareness, compliance with, and enforcement of the current integrity infrastructure.

This report outlines the results of the Quick Scan within the Ministry of Tourism, Economic Affairs, Transport and Telecommunication (hereafter: TEATT). Chapter 2 discusses the purpose, methodology and limitations of the Quick Scan. Chapter 3 discusses the integrity infrastructure and the organisational elements observed within the Quick Scan. In subsequent chapters, the results, and findings of the Ministry of TEATT and certain specific executing agencies are presented, with lastly, the conclusions of the Quick Scan and brief recommendations.

¹ De Algemene Rekenkamer, *Nulmeting Sint Maarten, Stand van Zaken institutionele integriteitszorg 2014* (2014); Commissie Integer Openbaar Bestuur, *Doing the right things right* (2014); PriceWaterhouseCoopers, *Integrity inquiry into the functioning of the Government of Sint Maarten* (2014); Transparency International, *St. Maarten 2015, National integrity system assessment* (2015).

2 Quick Scan Purpose and Methodology

2.1 Purpose

The Quick Scan was formulated to gain a general understanding of what is in place as it relates to the current integrity infrastructure of the Government Ministries and the most significant bottlenecks and challenges. The goal is to be able to determine the priorities for improving the integrity infrastructure.

The integrity infrastructure entails two (2) aspects. The first (1) direct integrity-related aspect includes all integrity-related legislation, regulations (policies and procedures) and moral codes or principles of the administrative body. The second (2) indirect integrity-related aspect includes all of the additional elements necessary for the fulfilment of organisational objectives.

2.2 Methodology

The main tools or instruments utilised during the execution of the Quick Scan were interviews conducted with key stakeholders within the ministry of TEATT. A topic list was used as a guideline to ensure consistency in the information requested and to obtain a sufficient impression of the status of the integrity infrastructure from the perspective of the respondents. However, the interview was set up in a manner that allowed the respondents to provide insight into their executing agency outside of the listed topics. The results of the Quick Scan represent this acquired information.

The Integrity Chamber met with the Secretary-General of TEATT, Department Heads of different executing agencies, as well as a limited number of staff within the Ministry. Most respondents attended two meetings and were interviewed by minimum two (2) persons of the Integrity Chamber. This was done to ensure uniformity and sustainability within the process, and consistency during the data collection and analysis.

2.3 Limitations

A Quick Scan is inherently limited due to its reduced data, and therefore only presents the foremost challenges; it is not a comprehensive study. Furthermore, not all the departments or executing agencies within the Ministry were approached. This also results in reduced data due to the restricted number of respondents. Nonetheless, this approach was selected to acquire as much information as possible within a brief period of time. While the information gathered by the Quick Scan is not comprehensive, it provides vital information, as the most pressing and urgent needs are presented.

3 Integrity Infrastructure

An adequate integrity infrastructure within the administrative body is vital to compliance and integrity within the organisation (organisational integrity). It also builds trust and solidifies social cohesion among citizens.

As previously mentioned, the integrity infrastructure entails two (2) aspects, namely:

1. All legislation and regulations (policies and procedures), and moral codes or principles of the administrative body, (hereafter: the legal and regulatory framework); and
2. All additional elements necessary for the fulfilment of organisational objectives.

Several elements have been recognised as necessary for an effective and efficient fulfilment of organisational objectives of the executing agencies: elements such as, the values and norms of the executing agency, the prevailing organisational culture, organisational stability, ministerial autonomy, the reputation of the executing agency, the available material and human resources, bureaucratic processes, etc.

Below the importance of the legal and regulatory framework and the organisational elements are mentioned.

3.1 Legal and Regulatory Framework

In any democratic society, a comprehensive legal and regulatory framework is necessary. An ambiguous or incomplete legal and regulatory framework leads to organisations, employees, clients, and society on a whole, not being (fully) aware of their rights, duties, and obligations. When that is the case, the potential for integrity-related risks and misconducts present itself. Awareness of the applicable legal and regulatory framework is therefore key.

Transparency and accessibility are also important to maintain a level of discipline and consistency. When information is not shared or properly explained it can lead to inconsistent behaviour. In addition, without awareness, taking the relevant and necessary measures would prove difficult in the case of non-compliance. Employees must continuously be reminded of the existence of and/or changes to the applicable legal and regulatory framework.

3.2 Organisational Elements

Legislation, regulations, and moral codes, however necessary, cannot be fully effective in reducing and preventing integrity risks or misconducts if certain organisational elements are not in place. An organisation also requires having certain elements in place for the effective and efficient fulfilment of organisational objectives.

The following three (3) organisational elements were observed to be prominent within the Ministry:

- Bureaucratic Processes
- Ministerial Autonomy
- Material and Human Resources

3.2.1 Bureaucratic Processes

Bureaucracies are characterised by multi-level administrative hierarchy, departmental specialisations, the strict division of authority and a standard set of formal rules or operating procedures. The premier example of a bureaucracy is a government organisation.

Every decision made within a bureaucracy is dependent on a process that ensures that there is systematic coordination between the many people working at various levels to achieve a common goal.

There are advantages to bureaucratic processes, such as the equal division of labour, efficiency, transparency and accountability, and consistency in regulation usage. Bureaucratic processes also promote equality and aid in the prevention of corruption and nepotism.

However, bureaucratic processes also create several disadvantages, as the rigid use of regulations in circumstances of an exceptional nature, imparts a lack of flexibility and can often lead to organisational inefficiency. Particularly when cooperation between various departments, executing agencies, or supporting agencies is needed, the complicated set of rules in a bureaucratic system may cause long and unnecessary delays. The rigidity of the processes may also lead to employees circumventing said processes for simpler avenues. This is also a risk to organisational integrity.

3.2.2 Ministerial Autonomy

Democratic societies are characterised by structures, systems and cultures that provides society with certain rights. Among those are the rights to be led by elected representatives (parliamentarians), who then appoints individuals (Ministers) to lead a government Ministry.

A Minister carries the ultimate responsibility of the ministry to which they are appointed. This includes the final administrative responsibilities and decision-making within the ministry. Ministers are also responsible for providing information and reporting to Parliament when requested. Because of this responsibility, unless specifically mandated or otherwise regulated, final decisions within the ministry are made at the discretion of the Minister. This discretion is referred to as "Ministerial Autonomy".

Ministerial Autonomy allows Ministers to determine which advices or proposals should be executed based on the governing program, ministry goals, or expertise of the minister. There are some disadvantages to this autonomy. Ministers may, for example, experience political pressure to delay the execution of advices that serve the interest of the public. Decisions such as these can have a significant negative impact on the effective operation of the ministry, as well as the employees, and the public perception or integrity of the ministry or the government. Ministerial Autonomy can also negatively impact the Ministers themselves by increasing their vulnerability and susceptibility to accusations, false allegations or attempts at bribery and other integrity risks and misconducts.

To ensure the proper use of Ministerial Autonomy and to protect Ministers from allegations of misconduct, the necessary checks-and-balances must be in place. These include parliamentary oversight, civilian oversight, and strict policies and procedures for decision-making within the ministry. These checks-and-balances allow for more transparency and accountability and decreases integrity-related risks within the Ministry.

3.2.3 Material and Human Resources

Material and human resources form the basis for the effective and efficient operation of an organisation. Material resources are, for example, housing, IT hardware and software, or vehicles. Human resources are the availability of sufficiently qualified, capable, and willing employees.

A lack of human and material resources has major consequences for an executing agency. A lack of material resources can lead to uncertain and unhealthy work environments, while a lack of human resources can lead to an executing agency's inability to fulfil its tasks, due to a lack of capacity or sufficiently trained employees. This in turn can have a negative effect on organisational integrity.

The most common cause of a lack of resources are financial constraints. However, this is not always the case. A lack of resources can also be a consequence of unavailability or inaccessibility of the resource, inadequate decision-making, or even delays in maintaining/repairing damaged material resources.

4 Findings of the Ministry of TEATT

In this chapter, the findings of the Ministry are presented. The findings are divided by the following categories, the legal and regulatory framework, human and material resources, bureaucratic processes, and ministerial autonomy.

4.1 Introduction

The Ministry of TEATT is responsible for the preparation of legislation and regulations within the disciplines of tourism, economy, traffic, telecommunications, and statistics. Across these five (5) disciplines, the Ministry is responsible for a vast number of varying processes and procedures, such as, providing policies based on innovations within the various sectors, reviewing and providing advice for decisions to be taken, ensuring compliance with international regulations, reviewing, and granting applications for various licenses/permits and inspections within the various sectors. In addition, the Ministry has executing agencies that fulfil objectives that require specific expertise, such as civil aviation and maritime.

For this Quick Scan, a general analysis of the Ministry of TEATT took place. In addition, the Integrity Chamber interviewed persons in the following five (5) department / executing agencies within the Ministry²:

- The Department of Economic Licenses
- The Department of Economic Inspection
- The Department of Tourism
- The Directorate of Economy, Traffic & Telecommunication³
- The Department of Civil Aviation, Shipping & Maritime

The interviews provided information on the existing integrity infrastructure, along with challenges occurring within the Ministry and the executing agencies that cause or may cause integrity risks. General and specific findings concerning the Ministry in general, and the various executing agencies can be found in this chapter.

4.2 General Findings

4.2.1 Legal and Regulatory Framework

The information presented below should be read as follows: The **bold text** indicates the topic/summary by the Integrity Chamber of the information provided by the various respondents below. Within the text, the integrity risks and challenges associated are mentioned.

² Government-owned companies under the purview of the Ministry of TEATT were not a part of this Quick Scan.

³ Based on the National Ordinance Structure and Organisation of National Government (LIOL) the Directorate of Economy, Traffic & Telecommunication is considered a department, while the other four (4) are seen as executing agencies.



The results of the Quick Scan reveal the following about the legal and regulatory framework of the Ministry of TEATT:

Legal and regulatory framework lacking specific integrity regulations. The Government-wide regulations governing employee duties, rights, and behaviour, e.g., the LMA and the Employee Handbook, are applied within the Ministry, as well as several internal policies for specific executing agencies. However, Government-wide and/or Ministry specific integrity-related regulations and measures such as a Code of Conduct, Confidential Advisor, and written policies documenting existing procedures relating to employee behaviour is lacking.

Broad range of disciplines causes lack of coherency. The Ministry encompasses a broad range of disciplines that leads to incoherency within the Ministry. This has resulted in the inconsistent application and execution of Ministry objectives and tasks. The broad range of disciplines may cause an incomplete ability to determine compliance. For the efficient and effective execution of the wide range of activities within the Ministry, an even wider range of legislation and regulation is necessary, not only governing client and working procedures, but also regulating transparent and accountable behaviour from employees. A legal and regulatory framework that is inadequate to cover the range of disciplines causes inefficiency in the organisational structure, inadequacy in the awareness and application of the framework, and the inconsistent execution of procedures. The potential for integrity-related risks and misconducts then presents itself exponentially.

There is a need for specific behavioural guidelines and integrity trainings. Integrity in the workplace is associated with aspects such as honesty, accountability, and reliability on the work floor. Integrity is seen as a vital aspect of the organisation; however, it does not play a specific role in the day-to-day activities within the Ministry. Integrity risks are not regularly discussed, nor is the prevention of misconducts incorporated into the structure of the organisation or employee behaviour. Though the potential for integrity risks exists, integrity among employees is simply expected based on the employment period, backgrounds, and experiences of the employees. The respondents recognise a need for specific behavioural guidelines and integrity trainings. In the absence thereof, an open culture and informal social control are promoted within the Ministry, and conversations on expected employee behaviours are had when necessary.

Informal processes/procedures are utilised. Internal informal guidelines and rules are utilised by management and employees as there are vulnerabilities to working in a small community. For example, based on personal relationships, some clients may expect that work procedures are circumvented on their behalf. This increases inconsistency in the execution of tasks, allows for unfair advantages, and does not safeguard employees against integrity risks and allegations of misconduct. The Ministry has instituted an internal system to monitor the role of the employees in the execution of work processes and procedures, as well as a general complaint system where the public can formally direct their complaints regarding the Ministry, as the cooperation of the public is necessary to address integrity issues. An internal system where complaints can be directly submitted to the departments is lacking.

Sharing of information. Employees are required to protect information acquired during the execution of their tasks. Respondents stated that elected officials or other government officials sometimes request confidential or sensitive information from employees of the Ministry. As there are no internal guidelines regarding the sharing of information to government officials outside the Ministry, employees are unsure on how to respond to these requests. More importantly, this may result in occurrences of human error and inconsistent decision-making, as well as the leakage and unauthorized use of ministry information.

4.2.2 Bureaucratic Processes

The results of the Quick Scan reveal the following about the bureaucratic processes of the Ministry of TEATT:

Delays in processes. There are processes within the ministry that require systematic coordination between all involved parties. These processes follow a strict set of rules that seem long and inflexible to employees. The rigidity of the processes may lead to employees circumventing the necessary steps. This not only impacts organisational integrity, but also further delays the process-goal and affects the cooperation and support among the different departments and decreases the efficiency and effectiveness of the entire ministry.

Timeframes for decision-making. There are no guidelines or procedures detailing the maximum timeframe necessary for completing reports or advices within the Ministry. Advices can sometimes remain on the desks of stakeholders for lengthy periods with no decision being made. This includes final decision-making on an advice or other documents submitted to the Cabinet of the Minister. Timeframes for decision-making are often dependent on the priorities or workload of the persons involved. This can unnecessarily prolong the duration of the process, which in turn may have a negative effect on the desired result. Extended timeframes for decision-making may also lead to a negative public image of the Ministry and its efficiency and is harmful to the public trust.

4.2.3 Ministerial Autonomy

The results of the Quick Scan reveal the following about Ministerial Autonomy within the Ministry of TEATT:

Frequent changes of Ministers. The frequent change in TEATT Ministers since 2010 has led to frequent changes in the priorities of the Ministry. Every Minister has their own goals and objectives that they want to prioritise. This can negatively affect the ability of some departments to complete assignments. It also hampers the Ministry's ability to plan and execute long-term goals and can slow progress within the Ministry, which can damage the public image.

Insufficient consultation. Respondents indicated that Ministers often make decisions, or follow advice from their Cabinet, without sufficient consultation from the relevant departments within the Ministry. Decisions are then taken based on incomplete information or limited understanding of an issue. This can lead to Ministers taking decisions that conflict with the advice from the relevant department. When Ministers do not involve the relevant departments or deviate from an advice without (proper) motivation, this may be perceived as a misuse of authority.

4.2.4 Material and Human Resources

The following information was obtained about material and human resources within the Ministry of TEATT:

Human Resources

Understaffing. Understaffing is a prevailing concern within the Ministry, as well as the frequent changing of staff, for example, due to other career opportunities. Both challenges hamper the effective and efficient execution of the tasks and objectives of the Ministry. When there is understaffing, there is an increase in the workloads of the residual employees. This can lead to employees overextending themselves, which can cause burnouts and increase in sick leave. It can also lead to employees fulfilling multiple roles, which can cause conflict in the execution of the work.

Material Resources

Financial challenges. Delayed financing or payments cause significant challenges in the procurement processes. Many businesses refuse to partake in tender procedures due to Government's delays in payment. It also occurs that businesses with outstanding financial/tax issues are sometimes not willing to offer services to Government. This significantly reduces the number of available vendors and promotes the repeated use of the same vendors/suppliers. This can increase the occurrence, or lead to the perception, of integrity-related risks, such as favouritism or nepotism.

Limited training opportunities. Job or behaviour-specific trainings and courses for employees are limited. Respondents stated that trainings and courses are necessary for the improvement or enhancement of their work. Training can provide knowledge of the working procedures, knowledge of the latest developments or updates to the legal and regulatory framework. They lead to better judgement and decision-making, which in turn may lead to less occurrences of integrity risks or misconducts.

Lack of automated and monitoring systems. Automated systems can aid in preventing unnecessary delays by ensuring more efficient processes and connecting relevant departments through shared databases. A monitoring system would also allow for more supervision of the work conducted in the field, particularly as it pertains to inspections, or other work processes involving clients and third parties, and would further aid in the prevention of misconducts and allegations.

See Annexes A - E for detailed findings of the Department of Economic Licenses, the Department of Economic Inspection, the Department of Tourism, the Directorate of Economy, Traffic & Telecommunication and the Department of Civil Aviation, Shipping & Maritime.

4.3 Specific Findings

4.3.1 The Department of Economic Licenses

The Quick Scan reveals that the Department of Economic Licenses has general legislation and regulations in place, however, a comprehensive framework containing specific integrity-related regulations, such as data-sharing or Codes of Conduct, are lacking. Due to the backgrounds of the employees, the duration of their employment, and the absence of perceived misconducts within the



Department, the integrity of the staff is often expected behaviour. However, the Department strives to discuss employee responsibilities and expected behaviours when there is a need or complaint.

As it pertains to material and human resources, the Department stated that there are possibilities for human errors as well as departmental inefficiencies. An automated system for the submission of license requests would reduce these possibilities. Additionally, increased staffing and the necessary training for employees would increase departmental efficiency and shorten the processing period for applications.

The Department also experiences inefficiencies due to bureaucratic processes. The Department was previously mandated to grant licenses to the public on behalf of the Minister. However, this mandate has been revoked. This has increased the steps within the procedure and the overall duration of the process to grant a license. Due to the volume of applications received, the change in procedure has led to a back-log of requests, according to the respondents. Within the process of granting licences, Ministerial Autonomy also allows Ministers to approve or reject license applications with or without motivation or consultation from the Department. Lastly, there is also a risk of ministers and their cabinet influencing the licensing process, whereby licenses are prioritized based on (indirect) requests from ministers.

4.3.2 The Department of Economic Inspection

The Department of Economic Inspection indicated that there are several general and specific legislation in place, however some legislation is outdated or incompatible with the current societal and environmental needs. This allows for inaccurate interpretations of the legislation. Although the Department does have (draft) guidelines regulating various inspection processes, the legislative framework sometimes restricts the accurate performance of the inspections. The broad range of disciplines within the Ministry, results in an extensive range of fields to be inspected by the Department, hindering the effectiveness and efficiency of the Department. Respondents also indicated that the legislative framework delegates roles that can be conflicting in its execution, such as the inspection of locations at the start of the license process and the secondary inspection at the end of the process to ensure compliance.

Inspectors within the Department can sometimes be the victims of public resentment when carrying out their duties, because of their role in the enforcement of the relevant regulations. Furthermore, when politics are involved in the granting of licenses/permits, inspectors can experience obstruction and political interference during the execution of their tasks. These occurrences further challenge the execution of the Department's duties. There are no specific procedures in place to avoid these situations.

Regarding bureaucratic processes the Department indicated that the process for issuing licenses/permits can be very lengthy as it requires the cooperation of multiple departments and stakeholders. Furthermore, the Department stated that there are instances where the conditions for issuing the permit or license have been amended, without notifying the Department. The inspectors would only become aware of this during an inspection, which makes the execution of their tasks difficult.



Ministerial autonomy can lead to miscommunication between the executing agency and the Minister and their Cabinet. The department provides advices in accordance with the legislative framework, regarding the issuance of licenses/permits. However, these advices are not always followed, and license/permits are sometimes issued against the advice of the Department. This can be experienced as frustrating, particularly when Ministers deviate without providing feedback to the Department.

Human resource challenges within the Department include understaffing and a lack of employees with the necessary expertise. Challenges with material resources include the lack of necessary vehicles and opportunities for professional development for employees.

4.3.3 The Department of Tourism

As it pertains to the legal and regulatory framework, the Quick Scan reveals that the Tourist Department utilises the general Government legislation and regulations applicable to civil servants. There are no department-specific regulations governing employee behaviour or other integrity-related procedures. The respondents were not always aware of the integrity risks and vulnerabilities specific to the Department, e.g., when hospitality and other amenities from third parties are offered. However, the Department utilises informal checks-and-balances to mitigate certain integrity-related misconducts.

The Department indicated that the efficient execution of its tasks and objectives is hindered by bureaucratic processes. The applied procurement procedures and other processes involving the cooperation of multiple departments and stakeholders are lengthy and therefore negatively impact the continuation of planned activities and events.

Human and material resources challenges within the Department include budgetary constraints, and time constraints. These challenges place a strain on the Department and its ability to effectively execute its tasks. Understaffing is also a challenge within the Department. There are currently employees fulfilling multiple roles. Therefore, to increase efficiency and to avoid rejection or delays in the approval of its projects and advices, the Department tries to obtain pre-approval for its activities by discussing them with the Minister prior to writing an advice.

4.3.4 The Directorate of Economy, Traffic & Telecommunication

The Quick Scan reveals that the Directorate has general legislation and regulations in place, as well as department-specific regulations, such as the procedure for sharing information that is necessary for the fulfilment of their tasks. Procedures for external data-sharing, client contact, and timeframes for decision-making are lacking but are indicated to be in the process of being developed.

As it relates to bureaucratic processes, the Directorate indicated that there is a need for better guidelines regarding the process for decision-making within the Ministry. The lack of guidelines sometimes results in advices or decisions experiencing significant delays. The Directorate also indicated that advices are sometimes rejected or deviated from without proper motivation.

Ministerial autonomy and the frequent changes in Ministers, lead to new assignments and therefore a frequent change in priority within the Directorate. This, at times, forces the Directorate to abandon previous assignments.

Challenges regarding human resources include understaffing and lengthy recruitment processes, as well as a lack of available persons with the required expertise. The role of the Directorate is to supervise the execution of certain regulations, however, due to understaffing in other executing agencies, the Directorate also plays a role in the execution of regulations. This carries several risks, such as, conflicting roles and tasks that are not carried out effectively.

Challenges regarding material resources within the Directorate include a lack of continuous learning opportunities for employees. This would increase efficiency and effectiveness, as well as awareness on integrity risks. In the absence of external training opportunities, the Directorate has implemented their own training activities to improve essential skills.

4.3.5 The Department of Civil Aviation, Shipping & Maritime

The Department is required to adhere to international legislation and regulations pertaining to the protection and security of Sint Maarten's ports of entry. Because of this, there is a comprehensive legislative framework in place which requires specific expertise (e.g., plane inspection and airport security inspection). However, according to the Department, compliance is not always possible, due to various shortcomings, e.g., security hardware and software that are not fully compatible with international standards. Despite this, the Department does its best to ensure compliance with the international framework where possible.

There are no specific integrity related policies within the Department. Although integrity is not expressly discussed with employees, the Department indicated that expected behaviours are discussed, and regular employee trainings, as well as informal checks-and-balances, are utilised.

As it pertains to bureaucratic processes and ministerial autonomy, the Department indicated that due to the specific nature of its tasks, there seems to be a lack of understanding by Ministers and their Cabinet for the advices that are submitted by the Department. This results in the rejection of its advices or significant delays in approval. When advices are finally approved, it is at times no longer efficient or effective to execute the advice due to the frequent advancements of the standards within the sector.

Challenges pertaining to material resources include a lack of the appropriate facilities to house the department. Challenges regarding human resources include understaffing due to budgetary constraints and insufficient available expertise. The lack of these resources presents a risk to the integrity of the Department as well as the security of the national entry ports. The lack of inspectors increases the vulnerabilities of the employees when executing their tasks.

5 Conclusions

The Quick Scan was conducted with the purpose of determining what is in place as it relates to the integrity infrastructure within the Ministry of TEATT. The integrity infrastructure consists of the legal and regulatory framework within the Ministry, including the moral codes and principles, and the organisational elements necessary for the fulfilment of the organisational objectives.

Below is a conclusion based on the determined challenges and their related integrity risks. The mentioned challenges and integrity risks are not exhaustive.

Legal and Regulatory framework

The following has been determined as it pertains to the legal and regulatory framework of the Ministry of TEATT:

The general Government legislation and regulations applicable to civil servants, such as the *LMA* and the *Employee Handbook*, is applicable and applied when necessary. However, certain measures within the *LMA*, meant to minimize integrity risks are not (fully) utilised, such as rules for giving and receiving gifts, the implementation of the Code of Conduct and the appointment of Confidential Advisors. These measures are applicable for the whole government and the Ministry should ensure that they are established and applied within the Ministry. There are also a few department-specific regulations⁴, however, some of these are outdated and not compatible with current societal, environmental, and technological advancements. Regulations specific to the Ministry, determining employee behaviour and work procedures are lacking. Examples include, guidelines pertaining to the sharing of confidential information, and guidelines meant to prevent integrity misconducts, such as favouritism and conflict of interest.

The findings of the Quick Scan reveal that there are a number of processes within the Ministry that have not been documented; informal checks-and-balances are then utilised to mitigate the occurrence of integrity-related misconducts. Therefore, while it appears that there is a partial framework in place, the omissions hamper the optimal functioning of the Ministry.

Awareness on the importance of integrity is not integrated in the organisational structure. The Ministry is sometimes unaware or uninformed of the integrity-related risks within the Ministry.

The above can lead to the following integrity risks:

- Misconducts going unnoticed within the Ministry, e.g., the misuse of government resources
- Inconsistent and inaccurate interpretation of the working procedures
- Higher susceptibility of employees to integrity risks due to a lack of knowledge of expected behaviours

⁴ See Annex F for an overview.

Bureaucratic Processes

The following has been determined as it pertains to the bureaucratic processes of the Ministry of TEATT:

Within the Ministry of TEATT, there are bureaucratic processes, such as the applied process for procurement procedure and the process for approval of advices. These processes require systematic coordination between multiple departments and/or stakeholders. The bureaucratic processes are necessary for the functioning of the Ministry; however, the current implementation does not take the specific needs of the different executing agencies into account. The executing agencies then experience these processes as bottlenecks in the execution of their tasks.

The applied procurement procedure and the payments to vendors and suppliers can be a lengthy process, diminishing the possibility to act swiftly and decisively. This causes stakeholders to decline opportunities to work with Government and limits the Ministry in its ability to acquire sufficient vendors and suppliers.

There are insufficient written guidelines describing the steps within the various bureaucratic processes. The guidelines should specify aspects of the process, such as the timeframes and the process for decision-making. Decisions are sometimes taken based on current priorities and/or the availability of the involved parties. These shortcomings complicate and delay the process, hampering the work of the employees. In addition, when certain processes and decisions require more time, a process to ensure transparency and accountability is lacking. This makes the Ministry less efficient in serving the best interest of the clients/public and can lead to a lack of trust in government and possible public resentment aimed towards employees.

The above can lead to the following integrity risks:

- An increase in the likelihood of employees developing their own work practices
- Employees and clients may seek to circumvent the necessary processes
- The inability to acquire sufficient vendors and suppliers resulting in an increased risk, or perception of, conflicts of interest and favouritism

Ministerial Autonomy

The following has been determined as it pertains to ministerial autonomy in the Ministry of TEATT:

The executing agencies experience that Ministers sometimes deviate from advice provided by the Ministry without (proper) motivation; decisions taken do not necessarily reflect the advice given. Properly motivated decisions are necessary to ensure transparency and accountability in decision-making.

The broad range of disciplines, the specific needs, and the continuous advancements within the Ministry, make it necessary for ministers to utilise the expertise of the relevant executing agencies. Disregarding advices from the executing agencies, may lead to decisions being taken without the proper information or perspectives, and a limited view or understanding of an issue. This results in a lack of crucial insight into, and approval of, the organisational needs of the executing agencies.



Due to the frequent change in TEATT Ministers, and their different priorities and objectives, the Ministry is hampered in its ability to plan and execute long-term goals. In addition, frequent changes lead to a state of uncertainty and disruption in the organisation and demotivated employees.

The above can lead to the following integrity risks:

- Ministers are at risk for allegations of misconduct, such as, the abuse of power or conflict of interest
- (Economic) pressure by third parties wanting ministers to make certain decisions for their benefit
- Inconsistency and/or arbitrariness in the execution of the tasks of the executing agencies
- Demotivated employees are more susceptible to integrity risks

Human and Material Resources

The following has been determined as it pertains to human and material resources in the Ministry of TEATT:

Another significant challenge to the integrity of the Ministry is the lack of expertise and specific resources. There is a shortage of employees with the necessary specific knowledge or department-specific expertise to fulfil certain positions. The existing employees are, in some cases, not sufficiently trained for their function and are lacking training opportunities to increase their knowledge and skills.

In general, the Ministry did not emphasize a lack of material resources. However, some department specific material resources are lacking, such as safety and security equipment and automated systems that can improve checks and balances and minimize human errors.

The above can lead to the following integrity risks:

- Employees executing more than one function which can lead to a conflict of interest
- The possibility of increased human errors due to insufficiently trained staff
- Insufficient checks and balances due to lacking or inadequate material resources

6 Recommendations

The Integrity Chamber hereby provides the following recommendations to curb the most prevalent integrity risks occurring within the Ministry.

The results of the Quick Scan have identified certain integrity risks within the Ministry. However, due to the broad range of disciplines within the Ministry, as well as the limitations of the Quick Scan, the listed risks are not exhaustive. To gain further insight into the full scope of integrity risks, it is recommended that the Ministry conducts a comprehensive risk assessment. Based on the results of the risk assessment, the necessary improvements can be made to the integrity infrastructure.

Legal and Regulatory Framework

- Develop policies and procedures to manage the identified integrity risks within the Ministry, such as policies for data sharing, and guidelines determining expected employee behaviour.
- Evaluate and document informal/unwritten procedures which are utilised in the various departments.
- Establish guidelines for employees in vulnerable positions due to frequent client contact, or who may be at risk of bribery, for example rules for receiving and giving gifts.
- Ensuring the implementation of a Code of Conduct and the appointment of Confidential Advisors, as required within the Ministry.
- Ensure that the legal and regulatory framework is available and easily accessible physically and/or digitally.

Bureaucratic Processes

- Optimize bureaucratic processes by reviewing ministerial and departmental procedures to determine their effectiveness and ability to prevent occurrences of integrity risks.
- Evaluate the procedures for submitting advices to the minister and the steps for decision-making, and include timeframes for all phases in the process, to improve efficiency and prevent stagnation.
- Evaluate the applied (procurement) procedures and where necessary and possible, make improvements depending on the needs of the executing agency.

Ministerial Autonomy

- Ensure that all ministerial decisions are taken in an accountable and transparent manner, based on the advice of the executing agencies.
- Ensure that advices that are not (fully) adopted are properly motivated and communicated to the relevant parties.

Human and Material Resources

- Provide (refresher) courses for employees to upgrade their knowledge and skills for their function, based on the needs of the executing agency.



- Improve the awareness of integrity-related topics among employees, by structurally facilitating (internal) discussions, trainings, or workshops on the importance of integrity.
- Create an inventory of the material needs of the Ministry and prioritize acquisition based on urgency.

Annex A: Specific Quick Scan Findings of the Department of Economic Licenses

The objective of the Department of Economic Licenses is the implementation of economic regulations in a professional, efficient, and customer-friendly manner, the facilitating of investments, and making suggestions for improvement⁵. The Department ensures the efficient processing and smooth issuance of applications for permits (taxi, bus, etc.) and licenses (vending, lottery, raffle, and casino) for the community.

The Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Department of Economic Licenses:

The Department of Economic Licenses utilises general legislation and regulations, i.e., the LMA and the Employee Handbook, to regulate employee behaviour. However, specific integrity-related regulations, such as a Code of Conduct or policies for data-sharing, are lacking.

Awareness on the importance of integrity has not been structurally implemented into the organisational structure of the Department. Most employees have been with the Department for prolonged periods; therefore, it is assumed that they are aware of all procedures and processes. The integrity of the employees is expected, due to the duration of employment, the backgrounds of the employees, and the absence of perceived misconducts within the Department. Respondents indicated that there is contact between employees of the Department and clients requesting licenses when submitted documents are incomplete, which is often the case. This can bring additional vulnerabilities. The Department strives to discuss employee responsibilities and expected behaviours when there is a need, or when an unofficial complaint has been made to the Department Head or Secretary-General.

Bureaucratic Processes

Results of the Quick Scan reveal the following about the bureaucratic processes at the Department of Economic Licenses:

The Department indicated that the process for approving licenses requires the cooperation of multiple internal and/or external departments. This process can be inefficient and lengthy in its duration and may cause unnecessary delays for applicants applying for a license.

Ministerial Autonomy

Results of the Quick Scan reveal the following about Ministerial Autonomy at the Department of Economic Licenses:

⁵ Landsbesluit, houdende algemene maatregelen tot onderverdeling en nadere uitwerking van het Ministerie van Toerisme, Economische Zaken, Verkeer en Telecommunicatie, AB 2013, GT no.122.



Previously, the executing agency was mandated to grant licenses to the public on behalf of the Minister. However, this mandate has been revoked. This revocation of the mandate can have a negative effect on the licensing process, as it can lead to an increase in the duration of the licensing process, the steps within the procedure and the processing period. The volume of applications received and the change in procedure has led to a back-log of requests, according to the respondents. Due to the quantity of requests, and the broad range of requests, Ministers may not always be familiar with the relevant legislation or may not always understand the procedure or the advice given by the Department. They may then approve or reject license applications without motivation or the necessary consultation from the Department. Lastly, there is also a risk of ministers and their cabinet influencing the licensing process, whereby licenses are prioritized based on requests from ministers/cabinet members.

Material and Human Resources

Results of the Quick Scan reveal the following about the material and human resources of the Department of Economic Licenses:

As it pertains to material and human resources, the respondents stated that there is the possibility of human inefficiency and error as well as departmental inefficiencies. An automated system for the submission of license/permit requests would reduce the possibility of incomplete requests or applications, and human error. Increased staffing and the necessary training for employees would increase departmental efficiency by shortening the processing period for applications, allowing the Department to effectively meet organisational objectives. Finally, additional public awareness on the process of applying for a license/permit would improve the processing time and therefore the efficiency of the Department.

Annex B: Specific Quick Scan Findings of the Department of Economic Inspection

The objective of the Department of Economic Inspection is to ensure inspection in all policy areas of the Ministry in a customer-oriented manner.⁶ The Department is divided into the following sections: Economic Control, Casino Control, Transportation, and Taxi and School Buses.

The Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Department of Economic Inspection:

The Department indicated that there are several general and specific legislation in place. Legislation and regulations regarding the criteria for permits and licenses, which form the basis for their inspections, exist. However, some legislation is outdated or incompatible with current societal and environmental needs, such as the inspection of livestock and fisheries. This can lead to inconsistent and inaccurate interpretation of the legislation.

The broad range of disciplines within the Ministry, results in an extensive range of fields to be inspected by the Department, hindering the effectiveness and efficiency of the Department. It can also affect the inspector's ability to ensure compliance across the board and may lead to leniency during the execution of their tasks. Respondents also indicated that the legislative framework delegates roles that can be conflicting in its execution, such as the inspection of locations at the start of the license process and the secondary inspection at the end of the process to ensure compliance.

Inspectors within the Department can sometimes be the victims of public resentment when carrying out their duties, because of their role in the enforcement of the relevant regulations. Furthermore, when politics are involved in the granting of licenses/permits, inspectors can experience obstruction and political interference during the execution of their tasks. These further challenges the execution of the Department's duties and can have a negative influence on the perceived integrity of the Department. There are no specific procedures in place to avoid these situations.

There are specific integrity-related regulations determining employee behaviour and inspection processes, however, they have not all been implemented, such as the internal Code of Conduct & Uniform Policy for the Department. The importance of integrity is not regularly discussed with employees, however respondents indicated that unacceptable behaviour within the Department is promptly discussed when an incident occurs. Employees are required to display personal integrity in the execution of their tasks and the Department believes that all employees are aware of their tasks and responsibilities in this regard.

Bureaucratic Processes

The results of the Quick Scan reveal the following about the bureaucratic processes affecting the Department of Economic Inspection:

⁶ AB 2013, GT no.122



The Department indicated that the process for issuing licenses/permits can be very lengthy as it requires the cooperation of multiple departments and stakeholders. This affects the Department when performing their inspections. Respondents further stated that there are instances where the conditions for issuing the permit or license have been amended, without notifying the Department. The inspectors would only become aware of this during a (follow-up) inspection, which can cause tension between the inspectors and the clients, extending the inspection process, and making the execution of their tasks more difficult.

Ministerial Autonomy

The results of the Quick Scan reveal the following about how Ministerial Autonomy affects the Department of Economic Inspection:

The Department strives to provide its advices regarding the issuance of licenses/permits strictly in accordance with the legislative framework. However, these advices are not always followed, and license/permits are sometimes issued by Ministers against the advice of the Department or with amended conditions. This can be experienced as frustrating, particularly when Ministers deviate without providing feedback to the Department.

The above leads to miscommunication between the Department and the Minister and their Cabinet. Respondents also stated that they sometimes experience insufficient support from Ministers and their Cabinets when there is (political) interference during the execution of their duties, further challenging the reputation of the Department.

Material and Human Resources

The results of the Quick Scan reveal the following about the material and human resources of the Department of Economic Inspection:

Human resource challenges within the Department include understaffing and a lack of employees with the necessary expertise and skills. Because of the vulnerability of the inspectors within the community, it is important that employees meet certain organisational and professional standards.

Respondents indicated a lack of material resources within the Department, such as vehicles and opportunities for professional development, i.e., initial, and recurrent training for employees. This is especially important based on the broad range of disciplines within the Ministry that the Department is responsible for inspecting.

Annex C: Specific Quick Scan Findings of the Department of Tourism

The objective of the Department of Tourism is to promote Sint Maarten as a preferred tourist destination, as well as provide guests to the island with an enjoyable and memorable experience, to ensure repeated visits. In cooperation with various partners, the Department also focuses on the development of human resources and quality standards for the tourism industry. Their greatest goal is revenue generating and job creation.⁷

The Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Department of Tourism:

The general Government legislation and regulations applicable to civil servants such as the LMA and the Employee Handbook are utilised by the Department. There are no integrity-related policies specific to the Department that govern employee behaviour. While there are various procedures within the Department that are followed and passed on to new employees, they are not properly documented. The respondents indicated that it is necessary to formalize the unwritten procedures. In the absence of written policies, the procedures function as informal checks-and-balances to mitigate the occurrence of integrity-related misconducts. An example is the procedure for the submission of invoices to vendors, which ensures the transparent and accountable use of Government funds.

There are additional integrity-risks and vulnerabilities for employees relating to the role of the Department and the relationship with third parties. For example, it is necessary for the employees to have knowledge of services and activities provided in the hospitality industry, for the execution of their tasks. As a result, businesses and organisations may regularly provide hospitality and other amenities to employees to build relationships, due to their function in the department. Respondents were not always aware of the potential risks attached to this practice; however, it was stated that there are certain procedures in place to ensure that the recognised risks are minimized.

Awareness on the importance of integrity is not structurally discussed within the Department. However, according to respondents, the Department fosters an atmosphere of respect and consistency in work ethic. There is also a lot of trust in employees. As a result of the seniority within the Department, it is assumed that the employees are aware of the behaviour expected of them.

Bureaucratic Processes

The results of the Quick Scan reveal the following about the bureaucratic processes at the Department of Tourism:

The Department indicated that the efficient execution of its tasks and objectives is hindered by bureaucratic processes. Approval of advices, procurement procedures, and other procedures

⁷ Organisational Decree TEATT, AB 2013, GT no.122



involving the cooperation of multiple departments and stakeholders, can be extremely lengthy, negatively impacting the continuation of planned events.

The procurement procedure is a particular bottleneck, as the process can take up to three months. In addition, respondents indicated that procurement procedures are not always practical. For example, when a promotional agreement is sought with a specific vendor, in the event of a calamity when finances need to be acquired quickly, or when the Department organises and participates in international conferences.

The Department further indicated that procedures are sometimes inconsistently applied within Government. Procedures are sometimes amended without the proper communication to the Department. When determining how the procedure should be followed, conflicting information is sometimes given which delays certain processes.

The Department believes that these issues can be solved by restructuring its position within the government and is currently seeking approval to be established as an independent administrative body.

Ministerial Autonomy

The results of the Quick Scan reveal the following about Ministerial Autonomy at the Department of Tourism:

To avoid delays in the execution of their activities, the Department frequently and consistently communicates with Ministers and seeks pre-approval for projects, prior to writing the advice. This can help to expedite the process, prevents the Department from spending time on projects that may not be approved, and allows the Department to operate more efficiently.

Material and Human Resources

The results of the Quick Scan reveal the following about the material and human resources of the Department of Tourism:

Human and material resources challenges within the Department include budgetary constraints and time constraints. Understaffing is also a challenge at the Department. Because of this, currently there are employees fulfilling multiple roles. Additionally, understaffing brings delays to the development, approval, and execution of various projects. Furthermore, due to a lack of specific expertise within the Department, they are also dependant on advisors from other departments within the Ministry, such as policy advisors and legal advisors. These challenges place a strain on the Department and its ability to effectively execute its tasks.

Annex D: Specific Quick Scan Findings of the Directorate of Economy, Traffic & Telecommunication

The Directorate of Economy, Traffic and Telecommunication, has several tasks to accomplish the objectives of the Ministry⁸. This includes establishing legislation and regulations on economic policy, tourism, e-commerce, telecommunication, etc., as well as supervising its implementation.

The Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Directorate of Economy, Traffic & Telecommunication:

The Directorate has general legislation and regulations in place, as well as department-specific regulations, such as the procedure for sharing information that is necessary for the fulfilment of their tasks. Procedures for external data-sharing of confidential information, client contact, and timeframes for decision-making are lacking, but are in the process of being developed. The lack of these specific regulations allows for delays and inconsistencies in the execution of processes or procedures within the Directorate and the Ministry.

The respondents indicated that integrity of employees is vital to the Directorate, however, awareness on integrity has not been structurally implemented. Most employees in the Department have been employed for prolonged periods, with substantial experiences working in environments of high confidentiality. This leads to an assumption of high integrity. Initially, the need to discuss integrity risks and expected behaviour on the work floor was not recognized. However, because of the extensive knowledge available to the Directorate, and the possibility for the misuse of confidential information, respondents acknowledge that integrity and expected behaviour should never be assumed.

Bureaucratic Processes

The results of the Quick Scan reveal the following about the bureaucratic processes at the Directorate of Economy, Traffic & Telecommunication:

The Directorate indicated that there is a need for better guidelines for the decision-making process within the Ministry. There is currently no standardised procedure for processing requests. The lack of guidelines sometimes results in advices or decisions experiencing significant delays, especially when there are multiple parties involved in a request.

Ministerial Autonomy

The results of the Quick Scan reveal the following about Ministerial Autonomy at the Directorate of Economy, Traffic & Telecommunication:

Ministerial autonomy and the frequent changes in Ministers lead to new assignments and therefore a frequent change in priority within the Directorate. This, at times, forces the Directorate to abandon previous assignments.

⁸ Organisational Decree TEATT, AB 2013, GT no.122



The Department also indicated that advices are sometimes rejected or deviated from without (proper) motivation or prior discussion. Despite this, respondents indicated that the Directorate strives to execute its assigned tasks in the most effective and efficient manner.

Material and Human Resources

The results of the Quick Scan reveal the following about the material and human resources of the Directorate of Economy, Traffic & Telecommunication:

Challenges regarding material resources within the Directorate include a lack of continuous learning opportunities for employees. This would increase efficiency and effectiveness, as well as decrease opportunities for integrity risks and challenges.

Challenges regarding human resources include understaffing, sometimes due to lengthy recruitment processes. The broad range of disciplines within the Ministry also creates complexities as it requires the Directorate to fulfil an extensive number of tasks that require specific knowledge and expertise. Candidates with the required expertise are often not available.

To mitigate these challenges, the Directorate has implemented their own training activities to improve essential skills.

Annex E: Specific Quick Scan Findings of the Department of Civil Aviation, Shipping & Maritime

The objective of the Department of Civil Aviation, Shipping & Maritime is to efficiently establish the legislative and regulative framework of the aviation, shipping, and maritime industry of Sint Maarten and to carry out aeronautical and maritime inspection.⁹

The Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Department of Civil Aviation, Shipping & Maritime:

The Department is required to adhere to international legislation and regulations pertaining to the protection and security of Sint Maarten's ports of entry. Because of this, there is a comprehensive legislative framework in place which requires specific expertise (plane inspection, airport security inspection).

Compliance with the legislative framework is not always possible, according to the Department, due to various shortcomings, such as, security hardware and software that are not compatible with international standards. Despite this, the Department does its best to ensure compliance with the international framework where possible. When standards are not met, (cruise)ships, airlines, and international agencies may decide not to frequent the island. This can lead to financial consequences for the Country.

There are no specific integrity related policies within the Department. Although, integrity is not expressly discussed with employees, the Department indicated that there are regular employee trainings where expected behaviours are discussed. The Department also indicated that there are checks-and-balances in place, such as the execution of inspections with two (2) inspectors.

Bureaucratic Processes

The results of the Quick Scan reveal the following about the bureaucratic processes at the Department of Civil Aviation, Shipping & Maritime:

As it pertains to bureaucratic processes, the Department experiences extremely slow decision-making. This negatively affects Government's desire to have high-standard ports. In addition, the decision-making is often not in accordance with the needs of the Department. (See also Ministerial autonomy below.)

Ministerial Autonomy

The results of the Quick Scan reveal the following about Ministerial Autonomy at the Department of Civil Aviation, Shipping & Maritime:

The Department indicated that due to the specific nature of its tasks, there seems to be a lack of understanding by Ministers and their Cabinet for the advices that are submitted by the Department.

⁹ Organisational Decree TEATT, AB 2013, GT no.122



This includes advices for required trainings/certifications and other organisational needs of the Department. The result is that advices are rejected, or the approval is significantly delayed. When advices are finally approved, it is at times no longer efficient or effective to execute the advice due to the frequent and continuous advancements in the field of aviation, shipping and maritime.

Material and Human Resources

The results of the Quick Scan reveal the following about the material and human resources of the Department of Civil Aviation, Shipping & Maritime:

As it pertains to material resources, the Department cited a lack of the appropriate facilities to house the Department, as well as software (operating systems) and hardware (vaults, archive systems) compatible with international standards.

Human resource challenges are understaffing due to budgetary constraints and insufficient available expertise. The lack of these resources presents a risk to the integrity of the Department as well as the security of the national entry ports. Inspectors are specialised for specific tasks and therefore they cannot assume each other's responsibilities when absent, and during their absence, inspections cannot be executed. Additionally, the duties of the inspectors are increasing due to international developments. Furthermore, the Department indicated that the lack of policy and legal advisors, hinders the translation of international standards into locally suitable legislation and regulations.



Annex F: List of applicable Integrity-Related Legal and Regulatory Framework

Below is a list of the current integrity-related legal and regulatory framework that is applied within the Ministry of TEATT in general, and specifically for the department/executing agencies, as indicated by them.

Ministry of TEATT (applicable for the entire ministry)

- Landsverordening Materieel Ambtenarenrecht (AB 2017, 32)
- Employee Handbook Sint Maarten Government (2015/2018)

Directorate of Economy, Traffic & Telecom

-

The Department of Tourism

-

Department of Economic Licenses

-

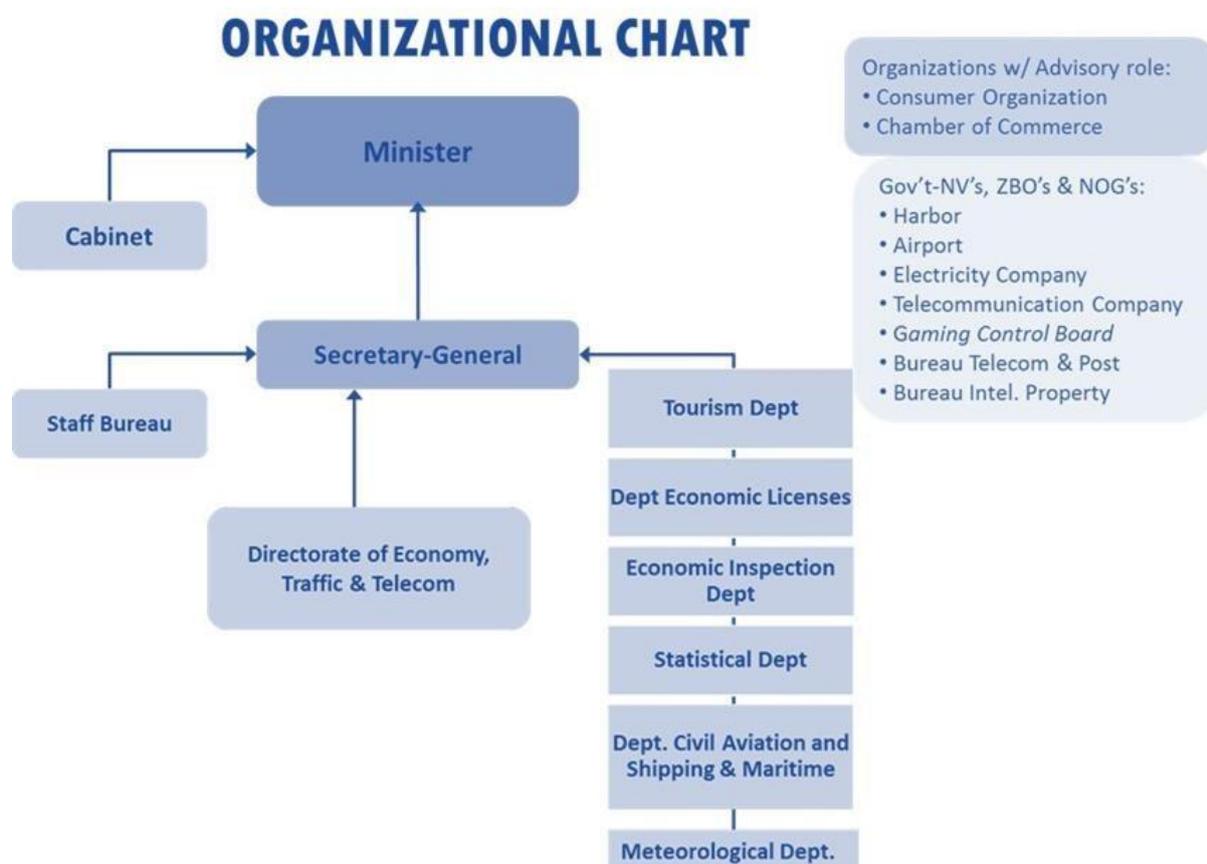
Department of Economic Inspection

- TEATT Inspection Department: Process Description Manual (2016)
- TEATT Inspection Department: Code of Conduct & Uniform Policy (draft)

Department of Civil Aviation, Shipping & Maritime

-

Annex G: Organisational Chart of the Ministry of TEATT



Source: The Ministry of TEATT of Sint Maarten.

