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SINT MAARTEN

FINAL REPORT

(Article 21 sub 1 National Ordinance Ombudsman)

Systemic Investigation Disaster Risk and Management

Date initiated: 2 February 2018

Complaint no.: 2018/00035

The Minister of General Affairs/Prime Minister,
the Honorable Leona Marlin-Romeo

Summary of Concerns:

The Disaster Management Plan requires that, for the effective prevention of disasters or serious incidents, preparatory work must be carried out by establishing sub-plans by the ESF-groups. On the basis of these sub-plans, the departments, services and institutions must draw up their action plans. Notwithstanding queries from the Ombudsman neither (updated) sub-plans nor action plans have thus far been made available to the Ombudsman. This warrants serious concerns, as the next hurricane season starts on 1 June 2018. A formal request to the Council of Ministers (COM) for plans of approach, policies/criteria, requirements and selection procedures to provide relief and services to those in need, in particular regarding housing, also went unanswered.

Considering that:

- query by the Ombudsman regarding the required sub-plans and action plans have in general gone unanswered;
- there are suspicions that most sub-plans and related action plans appear not to be in place;
- it is in the general interest of the country Sint Maarten to have a yearly updated Disaster Management Plan, including contingency plans, to be drafted and followed in case of an emergency;
- the procedures to draft a Ministerial Regulation in preparation of an anticipated disaster should be available;
- queries by Parliament did not result in tangible responses regarding hurricane preparedness prior to the passing of Hurricane Irma and actions taken by government after the hurricanes;
- pursuant to the DRR the Prime Minister must evaluate a disaster within six (6) months after it occurred, and inform Parliament regarding the results of the evaluation;
- the next Atlantic hurricane season is four (4) months away and experts have predicted that as a result of climate change future hurricanes can be stronger;
- the Ombudsman is authorized to initiate an investigation on her own regarding the conduct of government, if the Ombudsman suspects that a certain task is structurally not complied with;

The Ombudsman resolved to conduct a systemic investigation regarding:



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the state of preparedness of the government of Sint Maarten pursuant to the National Ordinance Disaster Risk Reduction and the Disaster Management Plan.

Conclusion:

The core task of the Ombudsman is the investigation of *Propriety* applied by government bodies and government agencies in their relationship and dealings with the public. The scope of *Propriety* goes beyond the law; it reflects the norms expected from government in executing the laws, policies and established procedures. Government is expected to be open and clear, respectful, involved and result oriented, honest and trustworthy.

The main questions for consideration in this investigation is: Is the government of Sint Maarten fully prepared to effectively prevent major consequences of a hurricane, and deal with same in the aftermath of a possible disaster on Sint Maarten in 2018?

Summary of Concerns

The Disaster Management Plan requires that, for the effective prevention of disasters or serious incidents, preparatory work must be carried out by establishing sub-plans by the ESF-groups. On the basis of these sub-plans, the departments, services and institutions must draw up their action plans. Notwithstanding queries from the Ombudsman neither (updated) sub-plans nor action plans have been made available to the Ombudsman. This warranted serious concerns, as the next hurricane season starts on 1 June 2018. A formal request to the Council of Ministers (COM) for plans of approach, policies/criteria, requirements and selection procedures to provide relief and services to those in need, in particular regarding housing, also went unanswered.

State of Emergency

Considering the primary purpose of the investigation, lessons learned from evaluating the state of preparedness before and in the aftermath of the September 2017 hurricanes are vital. Thorough assessment of procedures followed, the chain of command, required equipment/tools and follow up in declaring a State of emergency, among others a request from the Prime Minister to the military for assistance in accordance with article 7 sub 1 of the National Ordinance States of emergency (AB2010, GT no.27) is paramount to avoid any reoccurrence of possible mistakes made.

From information shared at the Disaster Preparedness Conference 'Taking Charge' in May 2018, it appeared unclear what might have caused an apparent 'miscommunication', that exacerbated the widespread looting. Recent media publications stating that the Dutch Defence underestimated the effect of Hurricane Irma offered some insight to the situation. Misunderstanding at the side of the Dutch Naval Forces regarding the request of the local authority being limited to offer assistance and to assess the damage, whereas the request should have been to ensure public order and safety, should be heeded.



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Staffing and functioning of the EOC

The matters addressed by the UNDP regarding inadequate staffing of the EOC and the uncertainty surrounding the levels of authority (i.e. who is in charge, what are his/her responsibilities and where do these responsibilities end), as well as the available communication being compromised in the immediate aftermath of the hurricane, are issues which require immediate attention.

The relevance of exercises

The UNDP highlighted the importance of (annual) full-scale hurricane exercises and the need for a higher participation level of all actors in the Disaster Management organizational structure. Alerts and preparations with regard to the second storm for the season, Beryl, provided an unlikely dress rehearsal and an opportunity to fine tune weaknesses of plans and required action.

The importance of record keeping

Evaluation of the disaster of September 2017 revealed an inadequate systematic documentation within government, which resulted in high reliance on discussions for responses. The UNDP emphasized that proper record keeping improves accountability, removes reliance on memory and allows for more objective analysis.

The Ombudsman consistently expounded upon the significance of adequate record keeping (systematic documentation/archiving) in numerous reports. This matter continues to remain a crucial shortcoming within the government administration, which manifested itself in the Disaster Management operations.

Curfew

A general comment is that the curfew could have been organized better. Many business owners complained that the curfew and their inability or rather ineligibility to obtain hurricane passes restricted their movement, and therefore obstructed them from checking on their (damaged) businesses.

The Ombudsman notes from information through the media, that the matter of hurricane passes has recently been addressed by government together with the Chamber of Commerce and Industry and the various business organizations. It was reported that special limited hurricane mobility passes will be issued for business organizations. The hurricane mobility passes will enable selected business owners to check on their businesses after the passing of the storm, while a curfew is still in effect.

Recovery and Preparedness

The NRRP establishes that the government and the people of Sint Maarten realized in addition to the devastation, that Irma exposed fundamental shortcomings of its development path, most particularly the failure to build resilience into all its operations and activities. Its overarching goal is to restore, secure, and strengthen the well-being of the people of Sint Maarten. This requires among others a transparent, effective government with enhanced capacity.



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The Ombudsman observes that widespread devastation and state of reconstruction of many structures on the island bear much concern among the people and government alike. While the government of Sint Maarten is expected to be in the driver's seat in leading the reconstruction, aided by the funds (to be) made available by the Dutch government through the World Bank, the realities surrounding actual access to the funds by no means ensure full preparedness of the government (and by extension the people) in the midst of the hurricane season, to curb possible large scale effects of even a minor hurricane in 2018. A reality check and proper communication with stakeholders and the general public is required. Expectations about allocation of the Trust Fund to be managed by the World Bank and public funds available to government for repairs and recovery of private properties, may not match the realities. The need for private initiative and assuming the responsibility for repairs of properties need to be properly communicated and made clear to the public in general. As a means of overall preparedness and curb greater damage in case of a storm, government should play an active role in encouraging and communicating to the public to take measures beyond '*checking your disaster supply kit and reviewing your disaster plan*' before the next possible storm. It should be clearly communicated that preparation should include actions to address structural weaknesses of homes and businesses, rather than expecting government to come to one's rescue. Announcements through the media regarding the annual hurricane season clean up to be continued in the month of July is an important step. However, in the absence of available ESF sub- and action plans, an overall published contingency plan is required. This should include identification of shelters and descriptions of scenario of approach to make these operational should be drafted and persons to manage same on alert before a hurricane strikes.

Conclusion

Considering the findings stated above, the Ombudsman concludes that notwithstanding the enormous activities engaged by government in the aftermath of the hurricanes of September 2017, the structural absence of vital documents, among which sub- and action plans to be provided by the various ESF's, seriously impedes the state of readiness of the country in the midst of the hurricane season 2018. External conditions such as the procedural rules to access the aid made available by the Netherlands through the Trust Fund add to the government (and by extension the people of Sint Maarten) not being fully equipped for the effective prevention of major consequences a hurricane may have on (the public of) Sint Maarten, and deal with same in the aftermath of a possible disaster.

The threat of the storm Beryl provided an opportunity to test EOC Standard Operation Procedures and exercise the entire organizational structure and other recommendations issued as a result of the evaluation by UNDP. Full participation of all actors could reveal gaps and weaknesses.



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Having received no follow up from government on the Preliminary Findings Report dated 9 July 2018, the content of same and findings are considered factual and the recommendations approved by the Minister of General Affairs.

Judgment:

Notwithstanding comprehensive efforts made to remedy shortcoming regarding the state of preparedness for the hurricane season 2018, the government is not ready pursuant to the National Ordinance Disaster Risk Reduction and the Disaster Management Plan.

In the absence of a comprehensive package of sub- and action plans as provided for by law, the Ombudsman provides the following recommendations in addition to the recommendation provided by UNDP and the possible lessons learned from the dress rehearsal in preparation for the passing of the storm Beryl.

Recommendation(s):

- 1) Prepare a comprehensive contingency plan for immediate implementation, describing real time actions in case of a hurricane, including collaboration with Collectivité de Saint Martin.
 - 2) In addition to the plan of action prepare a scenario of approach ('draaiboek'), describing detailed executable actions (identifying persons, required tools etc) required to actually realize the plans, including a checklist.
 - 3) Engage a public campaign to encourage the citizens of Sint Maarten to assume responsibility for the protection of private property by actively undertaking the necessary actions to repair homes and businesses to safeguard the well being of the surroundings.
 - 4) Provide a solution for abandoned properties, which present a possible hazard for the surroundings.
 - 5) Consider structured and guided recycling of dumped material as a result of Hurricane Irma, and distribute same in aid in the most vulnerable areas.
 - 6) Identify, prepare and publish the location of all available shelters soonest, and have them properly equipped to serve the communities.
- I agree with the recommendation(s)
- I do not agree with the recommendation(s) (please explain by submitting a written reaction no later than 17 August 2018).

The Ombudsman requests a status report on the recommendation(s) within three (3) months from the date of this letter, however no later than 30 November 2018.



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Elucidation:

Investigation:

2 February 2018: By Notification of Systemic Investigation (NOSI) dated 2 February 2018 the investigation was initiated.

18 May 2018: After some delay the following responses to the NOSI were received.

I. Pursuant to article 3 of the National Ordinance Disaster Risk Reduction (DRR) , a yearly updated Disaster Management Plan and subsequent sub-plans and action plans must be established. You are requested to provide the Ombudman:

1. A (digital) copy of all eleven (11) updated sub-plans as provided for by law:

- a. Information / Public Information (DCOMM)
- b. Population warning (Fire department)
- c. Evacuation, shelter & care (Dept. of Social Development & Police)
- d. Water and energy (GEBE)
- e. Telecommunication (Fire Department & Telecommunication providers)
- f. Disaster area support (VROMI)
- g. Source, effects and impact management (Fire Department)
- h. Public order & Safety and traffic circulation (KPSM)
- i. Medical assistance (VSA)
- j. Aftercare (VSA)
- k. Administrative affairs (AZ)

Answer: The requested documents were not provided.

2. A (digital) copy of the updated action plans associated with the aforementioned sub-plans;

Answer (Q1&2): The sub plans of all the ESF groups are currently not available. This has been requested in a recent meeting of the EOC on May 14th. Those ESF groups are also subject to amendment following the planned "Taking Charge" Disaster Preparedness Conference on May 24th & 25th, 2018.

3. In the event that no approved sub- and or action plans are available: What plans were structurally followed to reduce the risks and manage the effects of the 2017 hurricane season, more in particular the predicted hurricanes that struck Sint Maarten?

Answer: The evaluation of UNDP will show how the Fire Department responsible for Disaster Management handled the preparations leading up



to Hurricane Season 2017. The UNDP Evaluation report is being revised after the first draft was sent in April. The outcome of the evaluation will be discussed during the conference.

4. What is the state of preparedness of the country for the hurricane season 2018?

Answer: Preparation for the Hurricane Season 2018 has been ongoing as early as February 5th with an internal meeting of the Emergency Operations Center (EOC) that brought together Emergency Support Function groups at the Cay Hill- Fire & Ambulance Station to discuss early preparations for the upcoming Hurricane Season. A second EOC meeting was conducted on May 14th to receive updates from the various ESF groups. Additional to the activities of the EOC, there has been other initiatives that are being executed.

- *UNDP Evaluation report upon the request of the Prime Minister;*
- *VNG has been requested to assist in the following areas:*
 1. *Government institutions are strengthened in their disaster preparedness capacities to anticipate and adapt, provide safety and response to all communities in future disasters;*
 2. *St. Maarten institutions are building back better towards increased resilience to prevent and mitigate future disaster threats.*

The Prime Minister has organized a Disaster Preparedness Conference for May 24th & 25th on Sint Maarten bringing together the agencies that form the Emergency Operation Center together with key stakeholders internally and externally to accomplish the following objectives:

1. *Preparatory / Feedback meetings with ESF groups and their respective external stakeholders;*
2. *National & International Evaluation of Hurricane Irma and Maria;*
3. *Create a forum for discussions and ideas based on (professional) experiences Post Hurricane Irma. Include in the discussions Future vision on the restructuring of the EOC that fills the missing gaps with key stakeholders both internal and external;*
4. *Stimulate a change of approach that focuses on best practices that will lead to a National Integrated EOC Operation Plan with focus on Hurricane 2018.*



Outside the scope of the Ministry of General Affairs, additional initiatives are being taken by other Ministries and Departments such as the below but not limited to these:

- *Training on Child Protection in Emergencies (CPiE) by the Court of Guardianship & UNICEF;*
- *Meteorological Department attended the annual National Hurricane Conference in Orlando with the theme, Improving Hurricane Preparedness;*
- *Ministry of Education Culture Youth & Sport have scheduled trainings with UNICEF on School Safety with the following objectives:*
 - *Recognise the importance of school safety;*
 - *Illustrate the concepts of hazards, vulnerability, risk and resources as they relate to disaster riskmanagement;*
 - *Explain how to apply tools to assess school safety of a given establishment;*
 - *Advise School Emergency Response Teams (SERT) on the development of School Safety and Emergency Plans (SSEP).*

- 5. Provide a copy of the document describing the procedures to be followed yearly to update the DRR, ensure that the procedures are tested before the start of the hurricane season, as well as the coordination of same with the Collectivité de Saint Martin. In case such a document is non-existent, you are requested to describe the procedures to be followed before the hurricane season 2018.**

Answer: The procedural document has to be provided by the Fire Department at a later date.

- 6. What provisions are in place to ensure that at all times during the hurricane season, a qualified substitute is available for the National Disaster Coordinator (article 5 DRR) and the Medical Coordinator (article 6 DRR)?**

Answer: The National Disaster Coordinator is the Fire Chief who has a chain of command in place within the organisation. As it relates to the Medical Coordinator, ESF 6 will be consulted to receive a proper answer.

- 7. Outline the procedures and the status of the early warning systems to the public with regard to the upcoming hurricane season?**

Answer: In anticipation of any approaching weather disturbance or storm the Meteorological Department is sufficiently equipped to inform the EOC and the public of Sint Maarten via all available media outlets of any



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possible that [threat] it may pose. For immediate disasters such as earthquakes, tsunamis and flash floods when the response time is severely restricted, the current siren system is inadequate to handle the response required. Proposals are being put forward for a mobile APP solution and a direct SMS emergency system which will be funded by the BTP and Fire Department jointly.

- 8. Considering the six (6) months provided by the DRR for the Minister of General Affairs to provide Parliament an evaluation report after a disaster, you are requested to provide the Ombudsman:**
- ✓ a copy of said report;
 - ✓ a summary of the lessons learned from said evaluation in preparation for the upcoming hurricane season.

Answer: Considering that not [now] the evaluation report is in its second draft this report will be delivered to the Parliament & Ombudsman once completed.

II. Pursuant to article 4 of the National Ordinance Disaster Risk Reduction (DRR), the Minister of General Affairs must draft a Ministerial Regulation to manage each predicted disaster and ensure that the DRR is periodically tested.

- 9. What provisions are in place for timely drafting of the Ministerial Regulation pursuant to the DRR in the event hurricanes are predicted for the season which starts on 1 June 2018?**

Answer: Based on the current state of affairs as it relates to planning and preparations, the National Ordinance Disaster Risk Reduction is being worked on. The Prime Minister through the actions of the EOC will work on the Ministerial Regulation following the Disaster Preparedness Conference.

- 10. When and how will the public in general be informed and involved in preparation for the upcoming hurricane season?**

Answer: The annual communication plan will be executed by the Department of Communication (DCOMM) in conjunction with the Cabinet of the Prime Minister.

- 11. What measures are being taken to prevent additional damage to persons and or goods as a result of damages still not cleared and visible from the hurricanes in 2017?**

Answer: With the agreements made by the Government of Sint Maarten & the World Bank, the Trust Fund has been established and projects to assist persons in the community will be funded through this arrangement. These involve debris removal, employment programs and roof repairs just to name a few.



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18 May 2018: An invitation was extended to the Ombudsman to attend a Disaster Preparedness Conference organized by the Prime Minister from 24 to 25 May 2018.

22 May 2018: The Daily Herald reports that government will issue special limited hurricane mobility passes for business organizations.

24 to 25 May 2018: Disaster Preparedness Conference titled 'Taking Charge' (attended by the Ombudsman (partly) and the Secretary General).

13 June 2018: World Bank Procurement Procedures training (attended by the Ombudsman and staff member Bureau Ombudsman).

14 June 2018: The Daily Herald reports that the Dutch Defence acknowledged that it underestimated the effects of the destruction caused by Hurricane Irma.

February – June 2018: Several meetings were held with various stakeholders, included on the list mentioned under 'Legal Basis' below.

July 2018: Annual hurricane season clean-up and schedule announced by DCOMM through the media.

5 July 2018: Government update via the media regarding Tropical Depression # 2, Tropical Storm Beryl.

9 July 2018: A Preliminary Findings Report (PFR) was sent to the government for review and comment. After an extension was provided, no reaction to the content and findings were received.

Findings:

Both the answers to the NOSI (see above) and the information presented at the 'Taking Charge' Conference indicate that government, the Prime Minister who is in charge of the EOC, has taken various initiatives and actions to address the matter of disaster preparedness and management. Additional initiatives are (being) taken by other Ministries and Departments as well. During the Conference information was shared on the Organizational structure Disaster Management Sint Maarten: the Strategic National Disaster Staff/Emergency Operations Center (EOC), as well as the operations and preparations of the Emergency Support Functions (ESF's). A follow up (digital) package with information shared at the Conference was provided to the Ombudsman on June 1, 2018 (see list under 'Legal Basis'), which supported and or complimented the information provided by the Minister in response to the NOSI.



Suspicions which prompted the systemic investigation, that most sub-plans and related action plans appeared not to be in place, the absence of a yearly updated Disaster Management Plan, including contingency plans to be drafted and followed in case of an emergency, and the procedures to draft a Ministerial Regulation in preparation of an anticipated disaster, were confirmed.

An evaluation commissioned by the Prime Minister indicated that some plans exist, but need updating. Not clear is how plans are reviewed and circulated. Many persons were unaware of plans outside their sphere. However, looking forward in preparation of the 2018 hurricane season, the (not yet published) evaluation by the UNDP provides many recommendations.

▪ **UNDP**

Though the report was still in draft, the UNDP presented its preliminary findings at the 'Taking Charge' Conference, indicating that the catastrophic event (September 2017) provided valuable experience which can be integrated into the national programme, as well as the opportunity to integrate DRR into recovery and rebuilding and national development planning.

What went well as expressed by persons interviewed:

- Preparatory information and warnings to public
- Immediate clearing of roads, return to service of airport
- Efforts by local groups/persons to help
- Assistance from external sources

What could have gone better as per interviewees:

- Curfew and state of emergency - Comments surrounded timing, enforcement and restriction of movement (hurricane passes)
- Information flow post – impact (e.g. Schedules for clean-ups, water delivery, relief delivery)

It was established that an annual exercise is organised by Fire Department, COPI ("*Commando Plaats Incident*")/On Scene Command. However, not all levels of plans are exercised – usually to ESF level, as well as mixed response and participation.

Recommendations

- Exercise entire organisational structure for a major hazard event.
- Full participation of all actors, including the policy level, NGO partners and community groups.
- In the context of resource constraints, a rotation among table-top, functional and full-scale exercises could be done.

The importance of exercises, including the EOC, has been emphasized to test plans and procedures in non-critical situations, to identify gaps, problem areas, what cannot work, and allowing familiarisation with roles and responsibilities as well as characteristics of actors.

Recommendations to EOC

- Develop EOC Standard Operation Procedures (SOPs)
- Increase staffing level of EOC - Journal Clerk, Map Manager, Data manager for status boards (or electronic equivalent)
- Train volunteers



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- Clarify responsibilities and levels of authority - who takes which decisions
- Recognise authority of EOC Manager (usually PM). EOC Manager gives orders in the EOC. In absence of Prime Minister the National Disaster Coordinator (NDC) has this authority.
- Ensure the EOC is the coordinating centre for operations, all information from satellite EOCS/coordinating centres should be channelled to EOC where it is collated, displayed and made available as required.
- EOC assigns tasks, manages deployment where necessary.
- Consider satellite EOCS (coordinating centres/focal points) as appropriate to local circumstances.
- Review/upgrade emergency communications system, ensure redundancy
- Locate back-up communications capability in EOC (Military)
- Cross-border interoperability

Considering the findings in evaluating the *Communication and Relief*, among others, the following recommendations are issued.

- Government should develop MOUs with partners, including data sharing.
- Update plans based on successful procedures and identified gaps (Welfare Guidance Doc)
- Consider development of master needs assessment list to which all entities would contribute data - use to guide distribution
- Include procedures for special needs populations
- Consider arrangements for preferential access to supplies for government (MOUs, pre-payment etc.)
- Document success and capture in plans, procedures as good practices
- Build regional, bi-lateral links – initial informal contacts/ sharing of experiences.
- Take advantage of (considerable) available information
- To inform DRM programming
- Build on Community Involvement to establish CBDRM programme with initial training in needs assessment, first aid.
- Solidify partnerships emerging from Irma experience

Notwithstanding the above stated summary of findings and the UNDP recommendations, vital documents and information requested in the NOSI under questions 5 (coordination with the Collectivité de Saint Martin), 6 (substitute for the Medical Coordinator), 9 (Ministerial Regulation), 10 (Communication Plan) remain vague or unanswered, while the final evaluation report to be presented by the UNDP is still on its way.

Other sources of information gathered by the Ombudsman

- **Notitie stand van zaken wederopbouw** dd. 8 maart 2018, Mr. Hans Leijtsens.

The Netherlands has reserved 550 million euros for the (material and immaterial) rebuilding of Sint Maarten. The financial support will be mainly provided via agreements reached with the World Bank to guide and supervise the reconstruction. To this effect investments were made to draft a National Recovery and Resilience Plan for Sint Maarten, as well as strengthening capacity in preparation of the execution of the reconstruction program.



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- **The Sint Maarten National Recovery and Resilience Plan; A Roadmap to Building Back Better** (NRRP).

The NRRP offers a comprehensive strategy to respond to the immediate needs of the people of Sint Maarten and to address other recovery and resilience needs in the near future. This roadmap was prepared in the aftermath of Hurricanes Irma and Maria, under the overall leadership of the Government of Sint Maarten, with the financial support of the Government of the Netherlands and the strategic support of the World Bank Group. The 76 page document provides among others a Summary of Damages, Losses, and Needs, as well as Proposed Recovery and Resilience Interventions.

- **Meetings regarding Disaster Management and Recovery** with Head Dutch Civil Mission, representative Vereniging Nederlandse Gemeenten (VNG), Netherlands Red Cross, Dutch Representative Steering Committee Trust Fund, the Prime Minister, President of Parliament, White and Yellow Cross (recipient Early Recovery Funds), Representative of the Netherlands in Philipsburg¹, representatives Interim Recovery Committee (IRC).

The many courtesy and fact finding meetings revealed that notwithstanding the prospect of financial assistance from the Netherlands via the Trust Fund, the realities to access the funds for recovery are rather complex. With the start of the hurricane season and the peak of the season approaching rapidly, the roadmap of formal structures to engage projects and the lack of local funds prevent the government of Sint Maarten to properly 'take charge' to adequately prepare for a repeat of a catastrophic event as presented in 2017. Challenges impeding swift actions related to the recovery range from: both the donor and the recipient of the Trust Fund being insufficient familiar with World Bank requirements and procedures to the coordination of efforts on private and public level. Jumpstarting priority projects via a 'reimbursable' program is not feasible as Sint Maarten does not have the money to advance the costs, but even so such a procedure is non-existent at the World Bank, which would have to provide a 'declaration of no objection' to execute same. Identified priorities to build back better are also hampered in the execution as a result of capacity restrictions and lack of on-island expertise.

The round of talks in the company of the National Ombudsman of the Netherlands to assess the role and possible contribution of both Ombudsman institutions in the process revealed that the subject at the center of the relief and recovery efforts, the well being of the people of Sint Maarten, is practically lost in the bureaucracy of procedures. Greater understanding at the level of the people, and a sense of urgency regarding the fact that Sint Maarten is in the midst of the hurricane season need to be applied by both the government in the Netherlands and on Sint Maarten, to answer to the immediate needs to prevent a greater disaster, if Sint Maarten is faced with yet another storm in this season. Too many structures remain unattended for whatever the reason may be, forming a hazard and increasing the vulnerability of the people, while general expectations of the role of government in providing relief does not meet the reality.

¹ Meetings with the Prime Minister, President of Parliament, White and Yellow Cross (recipient Early Recovery Funds), and the Representative of the Netherlands in Philipsburg were held in collaboration with the National Ombudsman of the Netherlands in an effort to determine the role of both the Dutch and Sint Maarten institutions within their mandate of protecting the rights of the people in the recovery process.



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Announcements on 5 July 2018 regarding the second storm for the season, Beryl, provided an unlikely dress rehearsal. Timely announcements were made via traditional and social media by the Prime Minister. The availability of three shelters was announced prior to the storm. However, it appeared that a detailed scenario of approach (*'draaiboek'*), indicating among others how they would be manned and managed for actual occupation seemed not to be in place. As such the opportunity for a functional and full-scale exercise as recommended by UNDP was missed.

A Preliminary Findings Report (PFR) was sent to the government for review and comment. After an extension was provided and no reaction was received to the content and findings, the PFR is considered factual, and provided the basis for the judgement in the systemic investigation of the state of preparedness of the government of Sint Maarten pursuant to the law.

Legal Basis:

Pursuant to article 19 sub 1 of the National Ordinance Ombudsman, the Ombudsman is authorized to request from government bodies, civil servants, the complainant, civil servants as experts or witnesses, all information and or documents pertaining to the investigation.

The persons mentioned in the aforementioned article are obliged to respond to the request within the time indicated by the Ombudsman, except in cases where the persons can appeal to legal grounds (*"verschoningsrecht"* - see article 19 sub 4).

- National Ordinance Disaster Risk Reduction (DRR- AB 2013, GT no. 7)
- Subsequent sub-plans and action plans (not available/ received)
- Ministerial Regulation managing each predicted disaster (not available / received)
- National Decree containing general measures Disaster Management (DMP- AB 2013, GT no. 150)
- National Ordinance States of Emergency (AB 2010, GT no. 27)

Other Sources

- Notitie stand van zaken wederopbouw d.d. 8 maart 2018, Hans Leijtens

Hurricane Preparedness Conference, May 24-25, 2018

- Presentation 'draft UNDP Evaluation Report – Hurricane Irma response', Dr. Barbara Carby
- Presentation 'Evaluation and Lessons Learned Curaçao', Lesley Fer, Director Risk and Crises Management Curaçao
- Presentation 'Taking Charge NV GEBE Hurricane Preparedness' (ESF 1)
- Deelplan BTP (ESF 2)
- Presentation 'Evaluation Irma Response' (ESF 4)
- Presentation 'Elements Preparation Plan (ESF 5)



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- Presentation Public Health (ESF 6)
- Presentation 'Taking Charge – St. Maarten Disaster Preparedness/Population Care-Community Emergency Preparedness' (ESF 7)
- DCOMM Hurricane plan presentation (ESF 8)
- Presentation 'Taking Charge Looking forward' (ESF 9)
- Presentation 'Taking Charge' (ESF 10)
- Business and Hotels preparedness tips (ESF 10)
- Presentation COCI 'Taking Charge'
- Ministry TEATT Disaster Management Plan

Meetings regarding Disaster Management and Recovery

- Head Dutch Civil Mission, Nico Schoof, and VNG representative, Renske Steenbergen (Disaster Management project), February 2018
- Netherlands Red Cross, Eunelda Cairo, April 2018
- Dutch Representative Trust Fund Steering Committee, Frans Weekers, May 2018
- Prime Minister Sint Maarten, Leona Romeo-Marlin, June 2018
- President of Parliament, Sarah Wescot-Williams, June 2018
- White and Yellow Cross (Early Recovery funds), Bregje Boetekees, June 2018
- Representation of the Netherlands, Chris Johnson, and Mirte Coppelmans, ('Wederopbouw, Trustfund, Wereld Bank'), June 2018
- Interim Recovery Committee, Abel Knotterus, Jennifer Fer, June 2018

Standard(s) of Proper Conduct:

The Ombudsman investigates whether the behavior of public bodies towards citizens is correct. Administrative accuracy requires that government acts with due care towards citizens. Good governance and the essence of proper government behavior requires among others that government is open and clear, as well as involved and result oriented.

Promptness and Adequate organization of services are required at all times. Sint Maarten lies in a hurricane belt, implementation, compliance, follow up and monitoring of crucial regulations and policies is essential. All tools and mechanism should be readily in place and tested annually.

Philipsburg, 7 August 2018

Dr. R. (Nilda) J.A. Arduin
Ombudsman

