

Honorable Minister of Public Housing, Spatial Planning, Environment & Infrastructure
Christopher Wever
Government Administration Building
Soulaliga Blv 1

Philipsburg, October 15th, 2019



Dear Honorable Minister Wever,

As instructed, the Department of Domain Affairs was made aware of your memo dated Friday, October 11th, 2019 regarding the responsibilities of the Acting Head of Domain Affairs. In this memo you have stated to relieve the responsibilities of Mr. Raeyhon Peterson, LL.M. as the Acting Department Head of Domain Affairs as of Monday, October 14th, 2019. It was also mentioned that the staff of the department will subsequently report directly to the Secretary General, Mr. Louis Brown and will no longer require Mr. Peterson's signature on advices. We, the department of Domain Affairs, fully respect your decision. However, we have stringent concerns, which we would like to elaborate hereafter:

Mr. Peterson has indicated on multiple occasions that the department is severely understaffed. Domain Affairs has not been able to adequately process all items in its accumulated backlogs due to this understaffing. The two former Ministers were both informed of this situation and permitted P&O to place ads to recruit more personnel, in accordance to the formation plan. As you know, the formation of the Ministry of VROMI is described in a national decree as stated in articles 6 and 10 of the 'Landsverordening Inrichting en Organisatie en Landsoverheid' (hereafter referred to as 'LioL'). According to the function book of Domain Affairs, the department is supposed to function with a total of seven staff members, which is nowhere near enough to process all incoming requests. On top of that, the department is currently staffed with four members and will, as a result of your decision, have to function under more pressure, which will make it more difficult for us to adequately process the accumulated backlog as well as daily tasks. Honorable Minister Wever, we sincerely hope that you understand that working under high pressure on a daily basis is not healthy for any human being.

With all due respect to the function of the Secretary General of VROMI, according to article 3 of the LioL, it is the Secretary General's responsibility to ensure operational management and also the business operations and results of the "afdelingen" of VROMI. However, the department of Domain Affairs is not an "afdeling", but an "uitvoerende organisatie". That means that in the case of Domain Affairs, article 3 section 2 of the LioL is not applicable, but mainly articles 7 and 8. The responsibility of the "uitvoerende organisatie" according to article 8, section 2 of the LioL, falls under the competence of the Department Head. Article 7, section 4 of the LioL also states that the Secretary General only has a role to play in the "uitvoerende organisatie" when it comes to the policy aspect of the department, not the day to day management. Consequently, interference by the Secretary General in issues pertaining to Domain Affairs, will continue to hinder the productivity of the department.

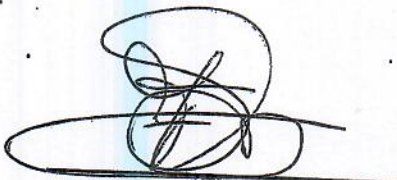
Furthermore, both the LioL as well as the 'Organisatiebesluit Volkshuisvesting, Ruimtelijke Ordening, Milieu en Infrastructuur' give a clear distinction of the function of the Secretary General and that of the Department Head. A clear distinction is also made between the Department Head of the Policy Department, and the Department Head of the other departments within VROMI ("afdeling" and "dienst uitvoerende organisatie"). Only the Policy Department falls to some extent directly under the Secretary General. The responsibility for the rest of the departments lies with the respective Department Heads. According to article 6 of the 'Organisatiebesluit Volkshuisvesting, Ruimtelijke Ordening, Milieu en Infrastructuur' the Secretary General gives instructions to the Department Head of the Policy department, and according to article 10, the Secretary General is mainly responsible for the managing aspect of the other departments through a management agreement, whereas the Department Head is responsible for the executive aspect of the department.

We are now under the impression that the Secretary General will currently be filling both the managerial and the executive position, which means that there will be no task division with regards to our upcoming advices and therefore no segregation of tasks or internal control. Consequently, there will be no checks and balances anymore, because as based on your memo, only the Secretary General can now decide which cases to send up to the Minister. The advices of Domain Affairs as of now will not be signed by 3 persons, in this case by the responsible Department Head, the Secretary General and the Minister, but from now on, only by the Secretary General and the Minister. Honorable Minister Wever, we sincerely hope that you understand that by law your decision creates a severe conflict of interest by removing the checks and balances necessary to ensure fairness and due process.

Mr. Peterson understands the issues that the Department of Domain Affairs are faced with on a daily basis and has always fought in our best interest. His approach as Acting Department Head has taken a heavy strain off of our backs and has made the work environment more pleasant, despite the constant backlashes and pressure. For the department, Mr. Peterson has thus far done an exceptional job with his strategic approach to generate more income for the Ministry, as well as analyzed and signed off on a great deal of national decrees to try to reduce backlogs and accommodate the public.

Honorable Minister, by means of this letter we are officially protesting your decision to dismiss Mr. Peterson as Acting Head of Domain Affairs and your decision to require Domain Affairs to report directly to the Secretary General. We urge you to reconsider your decision, as this decision threatens the ability of Domain Affairs, the Ministry of VROMI and the government, to function with integrity.

We hereby remain,



Francisca Smith



Jeannette Baidjoe, LLB