



Parliament of Sint Maarten

Staten van Sint Maarten

Parliamentary Year 2017-2018-114

National Ordinance to accept the draft kingdom law from the Member Van Laar amending the articles 14 and 38 of the Charter of the Kingdom of the Netherlands (Parliamentary Year 2017-2018-114)

**Report
No. 5**

Parliament in its meeting of the Central Committee has exchanged views with the Government on the Draft National Ordinance to accept the draft kingdom law from the Member Van Laar amending the articles 14 and 38 of the Charter of the Kingdom of the Netherlands

Parliament considers the present draft to be adequately prepared when the questions below are answered in time for the public meeting so that the draft can be discussed in a public meeting.

The United Democrats-faction has taken note of the draft with interest. The faction mentioned that this Kingdom law that has not yet gone into effect and has a long history, starting with the initiative of Mr. Van Oven and taken over by Mr. van Laar.

There was a particular procedure that was part of the process having to do with the amendment to make it possible for individual Members of Parliament of the countries to submit an initiative Kingdom law. It was then decided that Amendment would be retracted and the advice of the Council of State would be requested. That was done. The advice of the Council of State was submitted and one of the recommendations was that consideration be given to change the Charter to make it possible, not for individual Members of Parliament of the Caribbean Countries, but rather of Parliaments of the Caribbean countries to be able to submit a draft or a draft amendment to a Kingdom law.

Hence a request was made to change the Charter in conformity with the advice of the Council of State to change article 15 of the Charter to make it possible for the

representative bodies on this side of the Atlantic; the Parliaments of Aruba, Curacao, and Sint Maarten to also be able to submit draft Kingdom laws to be handled by the Kingdom Council. That the Government consider this matter regarding the advice from the Council of State on the amendment and pursue that via Sint Maarten's Minister of Plenipotentiary.

This was also the advice from the Council of Advice on Sint Maarten. This will help to eliminate the democratic deficit that Sint Maarten is experiencing.

The Government is asked if they heard or did anything regarding the Dispute regulation and the proposal that is currently on the table that was promised by the 1ste of November 2018.

There is a serious caveat in the law. Article 51 of the Charter is exempting the Kingdom Council. At present, the Kingdom Council can execute Kingdom laws and decrees without having a legal base in the law. Can the Government clarify this?

This law seems to be creating more Democratic deficit than what the country is already experiencing. The Netherlands will be interfering more in Sint Maarten's business. What would accept such an amendment mean for the county's autonomy? The amendment speaks of being implemented only under extreme circumstances. What is meant by "extreme circumstances?" Give examples and clarity?

The National Alliance-faction has taken note of the draft. The faction posed the following questions: Define what is meant with the Democratic deficit? How does this law's amendment increase or decrease a positive position for Sint Maarten? Are there any other articles that Parliament should be requesting to be amended in the Kingdom Charter to further increase equality within the Kingdom when it pertains to decision making?

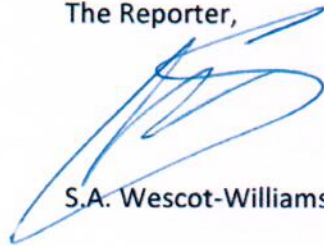
The members of the United St. Maarten Party have the following questions:

Where in the draft law is provision made to allow Sint Maarten to object to an intended imposition of Higher supervision? Is this regulated in the law? Can the Government point out in the law where that possibility is to be found?

This report is to be considered as Final Report.

Stipulated in the meeting of the Central Committee of
October 11th, 2018.

The Reporter,



S.A. Wescot-Williams