

Message of the Chairman of Parliament, William Marlin on Constitution Day 2019

People of Sint Maarten, today we celebrate Constitution Day amid ironically a constitutional crisis caused by a political upheaval created by and within the ranks of the now former ruling coalition of 8. I am certain that not one of us envisaged that we would be where we are now, struggling with a document that we all signed on to nine years ago, a document we saw as the harbinger of our autonomy as a nation following about 400 years of being governed by others. October 10, 2010 represented, at least for me, the culmination of a decade of a relentless struggle for St. Maarten to begin its journey towards the realization of our self-determination.

Looking back at the difficult negotiations at the Round Table Conference and the great optimism and sense of pride and accomplishment with which we ushered in the new autonomous country of Sint Maarten within the Kingdom of the Netherlands, the question we must ask ourselves nine years after is: where are we today?

Have we become more autonomous than we were before 10-10-10 or have we given up more and more of our autonomy to The Hague? Is this what the people voted for in the referendum of June 23, 2000? Is the current state of affairs what we envisioned then? Is this what we really want? Nine governments in nine years and four elections in the same period? Is our Constitution the problem, or are politicians to blame for its being dysfunctional?

All these questions in themselves are indicative that something is fundamentally wrong with the current state of our constitutional structure. And maybe we don't need to look far to begin to see some of its weaknesses.

The very Preamble of our Constitution begins like this: "WE, THE PEOPLE OF SINT MAARTEN". However, we know that as many commentators have pointed out, this was a cut and paste job, based on the Constitutions of the now defunct Netherlands Antilles and of Aruba, with a dash of St. Maarten originality here and there. "We, the People of Sint Maarten" was inspired in the Constitution of the United States of America, a sovereign power, whose laws are not subordinate to those of any other nation. Alas, we are not yet sovereign.

In the same Preamble, we "DECLARE that we are a people that believe in the principle of democracy, the rule of law, the principle of the segregation of powers, the dignity and value of the individual, the entitlement of all persons to the fundamental rights and freedoms." However, how do those beliefs match up with the reality of our daily lives? How do we actually practice "the principle of the segregation of powers" or the Trias Politica? Does it really exist in our system of government?

Much has also been said and written about the oath of office members of Parliament and of the Council of Ministers take on assuming office. We swear allegiance first to the King, then to the Charter of the Kingdom of the Netherlands (or the so-called Statuut) and then to "**always help to**

uphold the Constitution of Sint Maarten and support the welfare of Sint Maarten”. How is this “help” defined? Is “help” not a voluntary moral concept?

It is not my intention to analyze the fault lines in our Constitution, I’ll leave that to the experts; rather, I wish to draw attention to the fact that we cannot be doing the same thing over and over again, using the same legal tools, and expecting a different result each time. I believe that is Albert Einstein’s definition of insanity.

In an atmosphere in which we have voices from beyond the ocean proposing that the Kingdom Charter should be relegated to the garbage bin, (and there is “instability” in their government too), do we want to wait until indeed this becomes the case before we wake up and realize that to get back on track, we have to do things differently; that we have to grow up and put St. Maarten first, as only we can do?

We have our work cut out for us as we enter the 10th year of an autonomous status in which we find ourselves very uncomfortable. Can our Constitution be improved? Absolutely, yes! Can we do the job ourselves? Again, absolutely yes! Do we want to remain a colony for eternity? Absolutely, not!

It’s time for reflection, St. Maarten. It’s time for us to refocus and allow the true patriots to arise and make this country work for each and every one of us.

Happy Constitution Day!