

STATEN VAN SINT MAARTEN	
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Par.	Philipsburg

To the Honorable President of Parliament
Wilhelminastraat 1
Philipsburg

Philipsburg, January 17, 2018

Re: Request advice from Council of Advice on election February 26, 2018

Honorable President,

Over the past few months, the Parliament of Sint Maarten adopted several motions in which Parliament directly or indirectly objected to the upcoming election slated for February 26, 2018. Enclosed are copies of these motions.

The National decree dated November 3, 2017 to dissolve Parliament, refers in its consideration to "shipjumping"¹ and the principle of "vrije mandaat" as the primary reasons for calling the election (see attachment).

It should also be noted that the dates in the amended National decree dated November 12, 2017 exceed the constitutional 3 months period as laid down in article 59, paragraph 2, of the Constitution (see attachment).

Finally, an online petition initiated by citizens objecting to the election has yielded approximately 3000 signatures so far.

The above mentioned in my opinion are enough reasons to ask the Council of Advice for advice on the following (legal) questions to bring clarity once and for all to these matters:

- What is the relation between article 33, paragraph 2, and article 59 of the Constitution?
- Are there criteria (written or unwritten) for the application of article 33, paragraph 2, of the Constitution?

¹ The phenomenon of shipjumping by Members of Parliament can be described as the phenomenon whereby a Member of Parliament, after having been elected as a Member of Parliament, leaves the party by which he or she was elected to Parliament, to position him or herself as an independent Member of Parliament, or to join another political party than the one by which he/she was elected to Parliament. As a result of this, a Government coalition can lose support of the majority in Parliament and falls, should the independent Member of Parliament join another majority in Parliament (as described by the Commission for Electoral Reform).

- Are there criteria (written or unwritten) for the application of article 59 of the Constitution?
- Are the National decree dated November 3, 2017 and the (amended) National decree dated November 12, 2017 in line with article 59 of the Constitution and stipulations in the Electoral Ordinance?
- How does "shipjumping" relate to article 61, paragraph 3, of the Constitution? And how can "shipjumping" be legally curbed?

I hereby request you to place this request on the agenda of the Central Committee and subsequently of the Public Meeting for approval. Once approved the request can be forwarded to the Council of Advice for advice in accordance with article 14, paragraph 1, of the National Ordinance Council of Advice.

Respectfully,



Sarah A. Wescot-Williams
Member of Parliament