

STATEN VAN ST. MAARTEN			
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Par.			

The Parliament of Sint Maarten
 Attn: The Chairlady of Parliament
 Mrs. drs. G. Arrindell
 Wilhelmina steeg #1
PRESENT

Philipsburg, December 5, 2011

Reference number : BU-11/00257

Subject : Observance of Article 53 of the Constitution of Sint Maarten

Dear Ms. Arrindell,

Further to the Parliament meeting of November 17, 2011, I hereby present the following for your review and consideration.

During mentioned meeting two motions were tabled in relation to the dispute between employees and the operators and owners of the time share resort located in Pelican – commonly referred to as “Pelican Resort”. Of the fourteen members of Parliament present at the meeting, thirteen (13) voted on the motions. Based on available information, one of the thirteen (13) members which voted was at the time of voting a proxy or representative of the operators and owners of the time share resort involved in the dispute.

Pursuant to article 53, subsection 1, of the Constitution of Sint Maarten, members of the Parliament shall abstain from voting on matters, that personally affect them. or in which they are involved as proxies¹. Abovementioned case when placed against the provisions of article 53 of the Constitution is cause for legal observance concerns and review. The observance concerns are due to, amongst others, the potential effects for the legislative process and for confidence in the rule of law on which our democracy is based². Moreover, the cause for concern and review is reinforced considering that members of Parliament are required, in keeping with their pledge as stipulated in article 56, to always help to uphold the constitution³.

¹ Artikel 53 van de Staatsregeling bepaalt: De leden van de Staten onthouden zich van medestemmen over zaken, die hen,, persoonlijk aangaan, of waaraan zij als gelastigden zijn betrokken.

² De preambule van de staatsregeling bepaalt: WIJ, HET VOLK VAN SINT MAARTEN VERKLAREN dat wij een volk zijn dat gelooft in het beginsel van democratie, de heerschappij van het recht

³ Artikel 56 van de Staatsregeling bepaalt: De leden van de Staten leggen alvorens hun betrekking te aanvaarden, in handen van de Gouverneur de volgende eed (verklaring of belofte) af: Ik zweer (beloof) dat ik de Staatsregeling van Sint Maarten steeds zal helpen onderhouden en het welzijn van Sint Maarten naar mijn vermogen zal voorstaan.



Gouverneur van Sint Maarten

Based on the above I hereby invite you for a meeting to discuss this important governance matter further. My aide-the-camp shall contact your office soonest to make arrangements for the meeting.

GOVERNOR OF SINT MAARTEN

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

E.B. Holiday