



# Parliament of Sint Maarten

## Staten van Sint Maarten

Parliamentary Year 2016-2017-099

**National Ordinance amending the Sanctions National Ordinance to implement recommendation 6 of the Financial Action Task Force to implement without delay the restrictive measures and some technical legal adjustments**

**Verslag  
No. 5**

Parliament in its meeting of the Central Committee has exchanged views with the Government on the Draft National Ordinance amending the Sanctions National Ordinance to implement recommendation 6 of the Financial Action Task Force to implement without delay the restrictive measures and some technical legal adjustments.

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

**The National Alliance faction** has taken note of this draft and notes that international laws are higher in hierarchy than Kingdom legislation and our own legislation. Furthermore, the faction notes that under Article 3 of the Charter foreign relations are a matter of the Kingdom. As foreign relations are a Kingdom matter and the Kingdom is signatory to the European treaties, who must bear the financial burden? Did Curaçao and Aruba already adopt a similar draft? Did Curaçao change the Sanctions National Ordinance?

**The United Sint Maarten Party faction** has taken note with interest of the draft and notes that if a country is part of a Kingdom, it has two options. Either the country goes along or the country goes its separate way. What are the consequences if Sint Maarten doesn't approve this draft? And if that is the case, what then? How will the cost of

implementation be dealt with when certain things occur? Is there a separate fund to cover these types of costs? If assets are frozen, how does Sint Maarten get its share?

**The Democratic Party faction** has taken note of the draft and has concerns about the implementation. The faction asks how the implementation of this draft will take place in view of the lack of finances, personnel and expertise. Are we adequately equipped to enforce the implementation of this legislation? In case it concerns regulations from the UN, it is the Kingdom of the Netherlands who has the obligation to proceed to implementation. While in the case of EU regulations only the Netherlands is obliged to proceed with implementation. The other countries within the Kingdom will then be invited to proceed with implementation. The Netherlands is better equipped to implement these types of regulations. Has it been agreed during the negotiations with the Netherlands that support or collaboration would be provided with regard to the islands? How do we give hands and feet to this draft? How will the UN and EU sanctions be implemented?

**The United People's Party faction** has taken note of the draft and notes that the draft in fact intends to accelerate a process that already exists. Reference was made to the freezing of bank accounts and other assets. Because of this change the freezing will take place through a ministerial order rather than a national ordinance. How will this new procedure help to prevent errors? How will it improve the implementation of these measures?

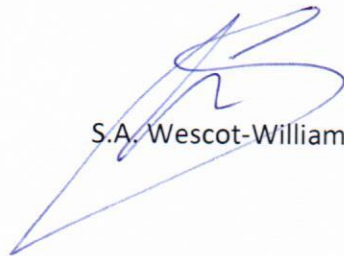
The faction asks whether it is true that the draft seeks to amend an existing ordinance. The process is accelerated. How often did Sint Maarten have to freeze bank accounts and assets? What happens to the property if someone is convicted? Is there a crime fund? Should the assets be redirected to our crime fund? What happens if the assets are frozen? What happens when the possessions are indeed associated with

terrorism? If possessions have never been frozen, why will the Sanctions National Ordinance be amended?

This report is to be considered as Final Report.

Stipulated in the meeting of the Central Committee of March 6<sup>th</sup>, 2017.

The Reporter,



S.A. Wescot-Williams