



# Parliament of Sint Maarten

## Staten van Sint Maarten

To MP S.A. Wescot-Williams  
Wilhelminastraat # 1  
**Philipsburg**

UV/319/2019-2020

Philipsburg, June 3, 2020

Re: Response to your letters dated May 29, 2020

Hon. MP Wescot-Williams,

Herewith I confirm receipt of your letters dated May 29, 2020, our reference: IS/889/2019-2020 and IS/891/2019-2020.

On May 29, 2020 the Minister of Finance send the answers to your questions posed in the aforementioned letters. The Minister also indicated that he was of the opinion that the questions were sufficiently answered and hence no Question Hour was needed in accordance with article 69c of the Rules of Order (IS/894/2019-2020).

This letter from the Minister, IS/894/2019-2020, was also officially forwarded to you by letter of June 2, 2020, UV/310/2019-2020.

I hope to have informed you sufficiently on this important matter.

R. Brison  
President of Parliament



# Parliament of Sint Maarten

## Staten van Sint Maarten

To MP S.A. Wescot-Williams  
Wilhelminastraat # 1  
**Philipsburg**

UV/310/2019-2020

Philipsburg, June 2, 2020

Re: Answers by MinFin

Hon. MP Wescot-Williams,

Herewith I forward to you the answers to your questions as received from the Minister of Finance (IS/894/2019-2020, dated May 29, 2020).

I hope to have informed you sufficiently on this important matter.

R. Brison  
President of Parliament

**Linette A. Gibs**

**Subject:** FW: Invitation Public meeting (Question hour)  
**Attachments:** answers to Questions from MP Wescot Williams regarding CBCS - may 6th 2020.pdf;  
IS -747 Questions posed by MP S. Wescot-Williams - 14 April 2020.pdf

**From:** Nancy R. Guishard-Joubert  
**Sent:** Friday, May 29, 2020 3:51 PM

**From:** Sharlesha Vanterpool <[Sharlesha.Vanterpool@sintmaartengov.org](mailto:Sharlesha.Vanterpool@sintmaartengov.org)>  
**Date:** 5/29/20 3:26 PM (GMT-04:00)  
**To:** "Nancy R. Guishard-Joubert" <[nancy.joubert@sxmparliament.org](mailto:nancy.joubert@sxmparliament.org)>, Rolando Brison  
<[Rolando.Brison@sxmparliament.org](mailto:Rolando.Brison@sxmparliament.org)>  
**Cc:** "Buncamper, Maria" <[Maria.Buncamper@sintmaartengov.org](mailto:Maria.Buncamper@sintmaartengov.org)>  
**Subject:** RE: Invitation Public meeting (Question hour)

STATEN VAN SINT MAARTEN	
Ingek. 29 MAY 2020	
Volgnr.	IS/894/19-20
Par.	AB NG

Dear Mrs. Guishard,

On behalf of the Minister, please find attached the answers as posed by MP S. Wescot-Williams. Based on these questions and answers, the Minister is of the opinion that these answers also answer the questions as posed for the question hour. With this in mind, there may no longer be a need for this question hour.

Hoping to have informed you sufficiently.

With Kind Regards,

*Mrs. Sharlesha Harrigan-vanterpool*  
Executive Assistant  
Cabinet of the Minister of Finance, Mr. Ardwell Irion  
Government of Sint Maarten  
Email: [sharlesha.vanterpool@sintmaartengov.org](mailto:sharlesha.vanterpool@sintmaartengov.org)  
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**From:** Nancy R. Guishard-Joubert <nancy.joubert@sxmparliament.org>  
**Sent:** Friday, May 22, 2020 2:11 PM  
**To:** Charlesha Vanterpool <Charlesha.Vanterpool@sintmaartengov.org>  
**Cc:** Irion, Ardwell <Ardwell.Irion@sintmaartengov.org>; Buncamper, Maria <Maria.Buncamper@sintmaartengov.org>; van Duinkerken, Jaap <Jaap.vanDuinkerken@sintmaartengov.org>  
**Subject:** RE: Invitation Public meeting (Question hour)

A friendly reminder to the e-mail below.

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**From:** Nancy R. Guishard-Joubert  
**Sent:** Friday, May 22, 2020 9:03 AM  
**To:** Charlesha Vanterpool (Charlesha.Vanterpool@sintmaartengov.org)  
**Cc:** Irion, Ardwell; Buncamper, Maria; 'van Duinkerken, Jaap'  
**Subject:** Invitation Public meeting (Question hour)  
**Importance:** High

Dear Ms. Vanterpool,

On behalf of the President of Parliament, I would like to invite the Minister of Finance for the following meeting:

Monday, May 25, 2020	OV	10.00 – 11.00	Question hour: Questions from MP S.A. Wescot-Williams directed to the Minister of Finance related to the Central Bank of Curaçao and Sint Maarten and Solidarity Initiative Political Authorities (IS/808/2019-2020 dated May 1, 2020, IS/809/2019-2020 dated May 1, 2020, IS/816/2019-2020 dated May 7, 2020 and IS/817/2019-2020 dated May 7, 2020)	MinFin	To be confirmed by MinFin	New meeting	
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Can you please confirm participation of the Minister by 11 am today? Thank you.

Sincerely  
N.R. Guishard-Joubert, LL.M.



**Secretary General of Parliament/  
Griffier van de Staten van Sint Maarten/  
Secretario General del Parlamento de San Martin**

Wilhelminastraat #1  
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Sint Maarten  
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**MINISTER OF FINANCE**  
Minister van Financiën

Philipsburg, May 22 2020

Parliament of Sint Maarten  
Attn: President of Parliament Rolando Brison  
Wilhelminastraat # 1,  
Philipsburg

Re: Questions from MP S.A. Wescot-Williams regarding CBCS - UV/280/2019-2020

Honorable President of Parliament,

Based on the questions received as per the above caption letter which are copied below I hereby respond as follows:

Questions MP Wescot-Williams:

1. **Have you received this letter via the Secretariat of Parliament?**
2. **Have you forwarded the letter to the Central Bank of Curacao and St. Maarten?**
3. **If not, do you plan to forward this letter?**
4. **Do you agree with the positions stated in the letter by the Member of Parliament, Rolando Brison?**
5. **Are you inclined to support a replacement of Board and Management of the CBCS?**
6. **Do you agree with the implicit tone and implication of the MP's letter, alleging that the CBCS does not work in the best interest of St. Maarten?**
7. **If you are, what steps have you, as co-shareholder of the CBCS, taken to mitigate this alleged dereliction of duties by the CBCS?**

Answers Minister:

1. The letter was sent by email to my cabinet, but missed. It was resent today May 22<sup>nd</sup> after which it was noticed that it was indeed sent on April 25<sup>th</sup> 2020. The original has not been received to date.
2. The letter was not forwarded to the CBCS.
3. That is no longer necessary as the letter was sent and responded to by the CBCS.
4. Points raised in letter are relevant.

**Minister of FIN / Minister van FIN**

Government Administration Building  
Post Office Box 943, Philipsburg / Soualiga road 1, Sint Maarten  
(T) +721-{Add general office number} – (E) minFIN@sintmaartengov.org

5. The appointment of board-members and management of CBCS is regulated in article 25 and article 20 of the Central Bank's Statute respectfully and has thus far not been considered.
6. It has been my experience thus far with the CBCS that it is necessary to dialogue regularly on matters relevant to the monetary union, to discuss the needs of the country, request the assistance required and give directives where needed.
7. I have not taken any steps in connection with the letter.

Hoping to have informed you accordingly.

Respectfully Yours,



Ardwell M.R. Irion  
Minister van Financiën / Minister of Finance

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**Minister of FIN / Minister van FIN**

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# Sarah A. Wescot-Williams

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## Member of Parliament Sint Maarten

Minister of Finance  
Honorable Ardwell M.R. Irión  
Government Administration Building  
Philipsburg, Sint Maarten

Philipsburg, April 28, 2020

Honorable Minister of Finance,

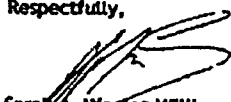
Enclosed please find a letter addressed to the Chairperson of Parliament, which is self-explanatory.

However, with this letter having been sent to you, I wish to ask you the following:

1. Have you received this letter via the Secretariat of Parliament?
2. Have you forwarded the letter to the Central Bank of Curacao and St. Maarten?
3. If not, do you plan to forward this letter?
4. Do you agree with the positions stated in the letter by the Member of Parliament, Rolando Brison?
5. Are you inclined to support a replacement of Board and Management of the CBCS?
6. Do you agree with the implicit tone and implication of the MP's letter, alleging that the CBCS does not work in the best interest of St. Maarten?
7. If you are, what steps have you, as co-shareholder of the CBCS, taken to mitigate this alleged dereliction of duties by the CBCS?

Thanking you for your prompt attention,

Respectfully,

  
Sarah A. Wescot-Williams,  
Member of Parliament  
United Democratic Party





**Sarah A. Wescot-Williams**  
**Member of Parliament**  
**Sint Maarten**

STATEN VAN SINT MAARTEN	
Ingek. 01 MAY 2020	
Volgnr.	SI 000/19-20
Nar.	✓

To:  
Parliament of Sint Maarten  
Attention: President of Parliament  
Wilhelminastraat #1  
Phillipsburg, St. Maarten

Phillipsburg, April 28, 2020

Dear Honorable President of Parliament,

I hereby submit to you questions directed to Minister of Finance, Honorable Ardwell M.R. Irlon, regarding the Central Bank of Curaçao and St. Maarten.

I kindly ask that these be forwarded.

Respectfully,

  
Sarah A. Wescot-Williams,  
Member of Parliament  
United Democratic Party



# Parliament of Sint Maarten

## Staten van Sint Maarten



To the Hon. Minister of Finance  
Mr. A.M.R. Irion  
Government Administration Building  
Philipsburg

UV/280/2019-2020

Philipsburg, May 6, 2020

Re: Questions from MP S.A. Wescot-Williams regarding CBCS

Hon. Minister Irion,

Herewith I submit to you questions posed by Member of Parliament, Mrs. S.A. Wescot-Williams pursuant to article 62 of the Constitution and article 69 of the Rules of Order of the Parliament of Sint Maarten.

The letter is self-explanatory.

Yours truly,

R. Brison  
President of Parliament

MAY 25 2020



**MINISTER OF FINANCE**  
Minister van Financiën

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Philipsburg, May 29 2020

Parliament of Sint Maarten  
Attn: President of Parliament Rolando Brison  
Wilhelminastraat # 1,  
Philipsburg

Re: Questions from MP S.A. Wescot-Williams letter April 29, 2020 regarding IS-747 Solidarity Initiative

Honorable President of Parliament.

Based on the questions received as per the above caption letter which are copied below I hereby respond as follows:

Questions MP Wescot-Williams:

1. **Kindly explain what the legal basis is for this 10% deduction?**
2. **Have all current political authorities signed the Solidarity Initiative and when?**
3. **How binding is this agreement?**
4. **What happens when/if a political authority withdraws from this agreement?**
5. **When will the parliament receive the draft legislation "to regulate the contribution towards the pension of political authorities"?**

Answers Minister:

1. The Legal basis for the 10% deduction is the document signed by all members of Parliament voluntarily agreeing to the deduction of various allowances.

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Minister of FIN / Minister van FIN

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2. Yes all political authorities signed the initiative. The dates written on the document are between March 4<sup>th</sup> and March 23<sup>rd</sup>.
3. An agreement is binding, that is the main purpose of any agreement. Even if an agreement is not in writing, it is binding. The Roman Law was based on Pacta Sunt Servanda, meaning agreements must be kept. Nowadays also international laws are founded on this basic principle.
4. There are two types of contracts: fixed-term and permanent contracts. The contribution based on the Solidarity Initiative will take place until the formalization of the legislation regulating the contribution towards the pension of the political authorities is finalized, and as such this Initiative can be seen as concluded for a fixed-term. Contrary to popular belief, the premature termination of a fixed-term agreement is not so simple. In several judgments, the Supreme Court has now taken the position that an agreement concluded for a fixed-term, if interim cancellation is not stipulated, cannot in principle be terminated unilaterally by cancellation.

According to the Supreme Court, only circumstances that are not foreseen at the conclusion of the agreement and that have arisen through no fault of the terminating party are grounds for cancellation. Moreover, these circumstances must still be so serious that it is not reasonable and fair to maintain the agreement.


The Solidarity Initiative is expressed by representatives of the people of Sint Maarten and all political authorities, which solidarity with our people and our country serves the rebuilding of our country after the destruction of the hurricanes Irma and Maria. Your term as member of Parliament has just started and the 10% reduction of your remuneration and emoluments went just into effect per April 2020.

In addition, it must be noted that this commitment formed part of conditions for the liquidity support already received, therefore breaking this commitment will have negative consequences for the country. Taking all the above into account, I do not consider it reasonable to terminate the agreement.

5. The draft legislation was sent to JZW on March 24th 2020 and I am awaiting the advice.

Hoping to have informed you accordingly,

Respectfully Yours,

  
Ardwell M.R. Irion  
Minister van Financiën / Minister of Finance

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Minister of FIN / Minister van FIN

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# Sarah A. Wescot-Williams

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## Member of Parliament Sint Maarten

Minister of Finance  
Honorable Ardwell M.R. Irlon  
Government Administration Building  
Philipsburg, Sint Maarten

Philipsburg, April 29, 2020

Honorable Minister of Finance,

I wish to refer to your email of April 14<sup>th</sup>, registered under IS-747, concerning the document *Solidarity Initiative Political Authorities*, which is self-explanatory.

In particular I wish to draw your attention to the following passage from that document:

- that legislation will be established to regulate the contribution towards the pension of political authorities;
- that as of today political authorities, pending the formalization of the legislation as mentioned in the previous point, will commence contribution by means of approving the withholding of the salary post "VARIOUS ALLOWANCES" which now forms part of the overall compensation;
- that the commitment of the political authorities is confirmed by this signed solidarity statement.

This is what MPs and Ministers have voluntarily agreed to, anticipating the necessary legislation.

The "various allowances" referred to, amount to 6% according to the applicable law.

The government of St. Maarten has apparently applied a 10% salary reduction, starting April 2020 from the "political authorities".

In connection herewith, kindly respond to the following:

Kindly explain what the legal basis is for this 10% deduction?

Have all current political authorities signed the Solidarity Initiative and when?



How binding is this agreement?

What happens when/if a political authority withdraws from this agreement?

When will the parliament receive the draft legislation "to regulate the contribution towards the pension of political authorities"?

I look forward to your prompt response and remain,

Respectfully,

  
Sarah A. Wescot-Williams,  
Member of Parliament  
United Democratic Party