



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Prime Minister and Minister of General Affairs
Ms. S.E. Jacobs
Government Administration Building
Philipsburg

UV/248/2020-2021

Philipsburg, May 25, 2021

Re: Questions from MP G.S. Heyliger-Marten regarding short and long-term financial-economic solutions for Sint Maarten

Hon. Prime Minister,

Herewith I submit to you questions posed by Member of Parliament, Mrs. G.S. Heyliger-Marten 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



Grisha S. Heyliger-Marten

Member of the Parliament of Sint Maarten

The Hon. Chairman of the Parliament of St. Maarten
Mr. Rolando Brison
Government Administration Building
Souliga Road #1
Pond Island, Philipsburg
Sint Maarten

STATEN VAN SINT MAARTEN		
Ingek.	18 MAY 2021	
Volgnr.	15/665/20-21	
Par.	UB	GR

Philipsburg, May 18th, 2021

Ref: Short and long-term financial-economic solutions for Sint Maarten

Honorable Chairman,

Please find attached a letter addressed to the Hon. Prime Minister, Minister of Finance and Minister of TEATT short and long-term financial-economic solutions for Sint Maarten short and long-term financial-economic solutions for Sint Maarten for your urgent attention.

Thank you in advance for your cooperation.

Sincerely,

Grisha S. Heyliger-Marten
Faction Leader UP faction, and Second Vice Chair of Parliament

Cc.: Mr. Garrick Richardson –Secretary-General of Parliament



Grisha S. Heyliger-Marten

Member of the Parliament of Sint Maarten

The Hon. Prime Minister, Minister of Finance, and Minister of Tourism, Economic Affairs, Transport and Telecommunication of Finance of St. Maarten

Ms. Silveria Jacobs, Mr. Ardwel Irion, and Ms. Ludmila N.L. de Weever
Government Administration Building
Soualiga Road #1
Pond Island, Philipsburg
Sint Maarten

Philipsburg, May 18th, 2021

Ref: short and long-term financial-economic solutions for Sint Maarten

Honorable Prime Minister and Ministers,

In light of the recent developments surrounding the liquidity support for Sint Maarten as agreed to with the Government of the Netherlands, I hereby would like to express my deep concerns as well as share my thoughts on an integral approach for moving forward in the best interest of Sint Maarten and its people.

From its recent actions and statements, it is clear that the Dutch Government continues to use the liquidity support which has been pledged to Sint Maarten to strong-arm the Government of Sint Maarten into (not) taking decisions that don't fit the long-term colonial agenda of the Dutch Government. As I have indicated in my letter to the Hon. Prime Minister of May 13th, 2021, the interference of BZK and the Royal Schiphol Group with PJIA is one clear example of attempts to execute this agenda. These attempts began right after the passing of hurricane Irma, and starting in April of last year, the Dutch Government has used the Covid-19 situation to intensify the implementation of its agenda.

Similar developments are taking place in Curaçao. The incoming Government there recently received an undated letter from the Dutch Government in which it threatened to stop additional liquidity support if the incoming Government of Curaçao refuses to participate in meetings regarding the COHO. The same undated letter also includes the explicit threat that the ANG 334 mln. in liquidity loans provided to Curaçao thus far will have to be repaid starting in April of 2022.

In light thereof, the incoming Curaçao government alluded to a "plan B". I would like to advise you to reach out to the incoming Curaçao government with the objective to learn more about this "plan B" and see to

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what extent a similar plan or solution can be devised or is available for Sint Maarten. An alternative course of action, if feasible, will give the Sint Maarten government the necessary flexibility to continue meeting the urgent needs of Sint Maarten and its people while continuing the negotiations with Holland.

It must be noted that the current Dutch Government resigned over a long-standing scandal in January of this year and as such, it has a care-taker status. It is also important to note that the COHO proposal which it tried to impose on the Caribbean islands was shot down by the Raad van State. One of the main reasons was that the proposal violates the autonomy of the islands. Also, the budgetary cuts which this Parliament passed on the Dutch government's insistence were sent for annulment to the Constitutional Court by the Ombudsman.

Despite these two major rejections of attempts by the Dutch Government to impose unlawful legislation on the Government and people Sint Maarten, care-taker State Secretary Knops stubbornly continues his efforts to bully his way through. He does so while trying to save face about these two failures. He wants to now "discuss" the same COHO law which first was non-negotiable, and it remains to be seen what his response will be to the decision of the Constitutional Court once issued. His visit to the islands this week should therefor be seen as him making his rounds to inspect his subjects and impose on them, instead of seeking cooperation with equal partners for the benefit of the population.

Time and again, it has become abundantly clear that the Dutch Government is an untrustworthy partner. It keeps moving the goalpost, renegeing on agreements, and providing different excuses for doing so. We have to conclude that the Dutch Government is not willing to-, and/or capable of working together with that of Sint Maarten in good faith and in accordance with local, Kingdom, and international laws. And most importantly, as the Raad van State clearly pointed out, the current COHO proposal will result in the Dutch Government being placed above that of Sint Maarten. Needless to say that this is unacceptable, unconstitutional, and unlawful on a local, Kingdom, and international level.

This Dutch agenda only re-emphasizes the need to finalize the decolonization process post-haste, as indicated in my letter to the Hon. Prime Minister of May 13th, 2021.

The Dutch Government needs to (re)-commit and live up to its obligations under international law and retroactively pay its dues to Sint Maarten based on article 73 of the UN Charter. As acknowledged by the Dutch Government in the court case initiated by Pro Soualiga, there is no proof that the UN has discharged it from its obligations under said article.

Finalizing the decolonization process will empower the Government and Parliament of Sint Maarten to safeguard the best interests of the current and future generations of the people of Sint Maarten, including their human rights and social-economic development. In accordance with the motion of November 5th, 2020, a proposal for starting this process has been sent to the Prime Minister by the Hon. Chairman of Parliament.

At the same time, it is incumbent on both the Government and Parliament to take decisive actions based on a review of the viable alternatives for achieving reform, securing our sustainable social-economic development, and ensuring the financial stability of Sint Maarten based on the needs and wishes of its own

population. This must be done without outside interference by an unreliable partner who imposes unlawful demands on us, and it is our duty as representatives of the people to take this responsibility seriously.

As far as the Government is concerned, moving forward requires an integral approach. This in turn will mean close cooperation and coordination by at least the three Ministries which fall under your responsibility, of course supported by your colleagues in the Council of Ministers. Parliament can support the process with the required legislation.

In order to initiate this process as soon as possible, and in preparation for this process, I would like to receive answers to the following questions in order to accomplish this:

1. What is the status of the document "A Path to Economic Recovery", which was presented to Parliament last year?
2. Are any of the following entities involved in drafting this plan: the Dutch Government (BZK), the Cft, the Central Bank of Curacao and Sint Maarten? If so, what has been the input of these entities, and can this be provided to Parliament?
3. What is the status of the tax reform that was included in the document "A Path to Economic Recovery"? Are the Ministries of Finance and TEATT collaborating on this tax reform and if so, how?
4. How are the elements in the document "A Path to Economic Recovery", including the tax reform, related to the elements in the country packages?
5. Can the Government's plans as outlined in the document "A Path to Economic Recovery" be overruled by the Dutch Government or any other third party based on the country packages?
6. What is Government's plan if the Dutch Government continues to refuse to provide liquidity support by the end of this month?
7. Has the Government considered legal action against the Government of the Netherlands based on local-, Kingdom-, or international laws?
8. Have your Ministries jointly or individually, explored, within the realms of local-, Kingdom-, and international laws local/regional alternatives for short-, medium, and long-term funding for/of Government?
9. If so, can Parliament receive information regarding these alternatives? If not, what was the reason that alternatives were not considered?
10. If alternatives were considered, which criteria other than the interest rates were used to assess these alternatives?
11. Is the Minister of Finance willing to carry out a legal review to determine if floating a bond and/or accessing funding outside of the Kingdom is possible based on international law and Sint Maarten's UN-mandated right to a full measure of self-government?
12. The incoming Curaçao Government has recently alluded to a "plan B". Have any of your Ministries contacted the incoming Curaçao government in order to learn more about this "plan B", and see to what extent a similar plan or solution can be devised or is available for Sint Maarten?
13. If so, what was the outcome of said contact(s)?
14. If not, why not?
15. Do you believe that an alternative course of action like the incoming Government of Curaçao is considering, if feasible?

16. Do you believe it will give the Sint Maarten Government the necessary flexibility to continue meeting the urgent needs of Sint Maarten and its people, while continuing the negotiations with the Dutch Government and exploring alternative options?

I look forward to receiving the answers to these questions, and having a constructive dialogue with you soon.

Sincerely,



Grisha S. Heyliger-Marten
Faction Leader UP faction and Second Vice-Chair of Parliament