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ECHTSCHIEDING

Bij beschikking van het Gerecht in Eerste Aanleg van St. Maarten, van de **17^{de} maart 2014**, de echtscheiding is uitgesproken tussen **LEONEL ALEXANDER LAURENCE RONDON**, gedaagde, wonende op, Sint. Maarten, thans zonder bekende woon-of verblijfplaats, partijen zijn met elkander gehuwd op 8 oktober 1994 in de Dominicaanse Republiek.

De deurwaarder, Mark John Rabess

ECHTSCHIEDING

Bij beschikking van het Gerecht in Eerste Aanleg van St. Maarten, van de **17^{de} maart 2014**, de echtscheiding is uitgesproken tussen **SIMEON JERMAIN JEREMIE STEVENSON**, gedaagde, wonende te Yorkshire Drive, Fort Wayne Indiana, USA 46806, thans zonder bekende woon-of verblijfplaats, partijen met elkander gehuwd op 7 september 2004 op Fort Wayne, Indiana, USA.

De deurwaarder, Mark John Rabess

ECHTSCHIEDING

Bij beschikking van het Gerecht in Eerste Aanleg van St. Maarten, van de **17^{de} maart 2014**, de echtscheiding is uitgesproken tussen **SOLLYKA CLEMENTINA BUSBY** wonende op Sint Eustatius en **FABIAN ST. PATRICK CAMPBELL**, gedaagde, wonende te Suckergarden Road 10, Sint Maarten, thans zonder bekende woon-of verblijfplaats, partijen zijn met elkander gehuwd op 18 oktober 2003 op Sint Eustatius.

De deurwaarder, Mark John Rabess

OPHEFFING ONDERCURATELESTELLING

Bij vonnis van de E.A. Heer Rechter in het Gerecht in Eerste Aanleg van Sint Maarten van 7 april 2014, is de onmiddellijke opheffing van de ondercuratelestelling van ANTOINETTE SYLVIA SHERMAN geboren FLEMING, gelast.

Gemachtigde
mr. J.P. Westra

Curatoren
E.C.L. Gumbs & L.C. Gumbs

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **FERLAND CORPORATION LTD** voorheen wonende te **EMERALD MERIT ROAD # 30, OYSTER POND** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **30 januari 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **MARY REGINA CO. LTD** voorheen wonende te **RHINE ROAD # 149, LOWLANDS** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **14 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **MARCLUB N.V.** voorheen wonende te **PUERTA DEL SOL UNIT # 312, COLE BAY** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **14 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **WHITE PLAINS REALTY N.V.** voorheen wonende te **SIMPSON BAY YACHT CLUB # 4** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **14 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **VMW TAXAND N.V.** voorheen thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **24 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **XIN DIA RESTAURANT N.V.** voorheen wonende te **WELFARE ROAD # 23** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **14 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **ARRINDELL-MAYNARD ROSITA V.** voorheen wonende te **PIETER-BOER STRAAT # 23 Z/N CURA CABA I ARUBA** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **24 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **PETERSON, ROLAND B.** voorheen wonende te **P.O. BOX 2058, SIMPSON BAY** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **27 februari 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **HOME CARE SERVICES N.V.** voorheen wonende te **AIRPORT ROAD LA PALAPA # 7 & 8** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **26 februari 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **AQUINO SEVERINO DOMINGA** voorheen wonende te **RUBBER TREE DRIVE # 2, COLE BAY** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **17 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van de **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **YOGEN FRUZ ST. MAARTEN N.V.** voorheen wonende te **BLUE MALL RHINE ROAD 2ND FLOOR** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **15 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **CONCH REEF HOTEL** voorheen wonende te **AIRPORT ROAD # 41** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **15 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **ROSSINI BOUTIQUE N.V.** voorheen wonende te **UNION ROAD UNIT 4 88** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **24 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **29 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Antonio Boasman** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **PHOENIX ENTERPRISES N.V.** voorheen wonende te **AIRPORT ROAD # 12 UNIT # 2-C, SIMPSON BAY** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **17 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Antonio Boasman,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **BLOOMING BASKETS N.V.** voorheen wonende te **AIRPORT ROAD LA PALAPA Z/N** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **16 december 2013**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **29 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Antonio Boasman** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **MO, JUN QIANG, NELLY'S MEI MEI BAR.** voorheen wonende te **L.B. SCOTT ROAD # 41, CUL DE SAC** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **13 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Antonio Boasman,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **KARUNA N.V.** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangsbrief betekend, welke uitgevaardigd is op d.d. **24 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **29 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Antonio Boasman** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **ADDLANTIC CONSTRUCTION N.V.** voorheen wonende te **JAQUAR ROAD # 6, CAY HILL, ST. MAARTEN** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangschrift betekend, welke uitgevaardigd is op d.d. **26 februari 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Antonio Boasman,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **29 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Antonio Boasman** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **POCHETTE SERVILIO** voorheen wonende te **WATERFRONT ROAD # 2, COLE BAY** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangschrift betekend, welke uitgevaardigd is op d.d. **22 april 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Antonio Boasman,
Deurwaarder der belastingen

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **29 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Antonio Boasman** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **PELICAN RESORT CLUB, THE MANAGEMENT COMPANY N.V.** voorheen wonende te **BILLY FOLLY # 25** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangschrift betekend, welke uitgevaardigd is op d.d. **27 Februari 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Antonio Boasman,
Deurwaarder der belasting

AANKONDIGING

Bij exploit van de **27^{ste} mei 2014**, heb ik, Ervin A. Arrindell, deurwaarder bij het Gerecht in Eerste Aanleg van Sint Maarten, gevolg gevende aan een beschikking van de E.A. Heer Rechter in het G.E.A., Sint Maarten van de 14de mei 2014,

OPGEROEPEN

COHEN WINE SELECT N.V. zonder bekende vestigingsplaats op Sint Maarten, voor de terechtzitting van dinsdag **9 september 2014**, des voormiddags te 08.30 uur, ten Raadhuize te Philipsburg, ten einde op de door: **BANCO DI CARIBE N.V.**, gedomicilieerd aan de Rhine Road # 38, ten kantore van mr. K. Huisman, tegen haar ingestelde vordering te antwoorden.
A.R. No: 92/14

De deurwaarder voornoemd,
E.A. Arrindell.

AANKONDIGING

Op grond van artikel 5, zevende lid, van het Wetboek van Burgerlijke Rechtsvordering van Sint Maarten. Bij exploit van **25 april 2014**, waarvan een afschrift is gelaten aan de Ambtenaar van het Openbaar Ministerie op Sint Maarten, heb ik, **Jossy Richardson** deurwaarder der belastingen te St. Maarten op verzoek van de **Ontvanger**, aan **OYSTER POND ESTATES FOUNDATION** voorheen wonende te **P.O. BOX 1074, ST. MAARTEN** thans zonder bekende woon- of verblijfplaats op Sint Maarten of elders, een dwangschrift betekend, welke uitgevaardigd is op d.d. **13 maart 2014**, door de Ontvanger te St. Maarten, met bevel om binnen twee dagen aan de inhoud daarvan te voldoen.

De deurwaarder voornoemd,
Jossy Richardson,
Deurwaarder der belastingen

OPROEPING

Bij exploit d.d. **20 mei 2014**, afschrift waarvan is gelaten aan de Officier van Justitie op St. Maarten, heb ik, Solange M. Apon, deurwaarder op St. Maarten alhier,

OPGEROEPEN

Caribbean Industrial Gases SARL, zonder bekende adres op St. Maarten, om op dinsdag, **26 augustus 2014 te 08:30 uur** voormiddag ter zitting van het gerecht in eerste aanleg op St. Maarten, ten Raadhuize te Philipsburg te verschijnen, om op de vordering van Sol Antilles N.V. & Sol Brands Inc., gedomicilieerd ten kantore van mr. Lucas Berman, gevestigd op St. Maarten, alhier, te antwoorden. (AR 06/14)

De deurwaarder, S.M. Apon

OPROEPING

Bij exploit d.d. **20 mei 2014**, afschrift waarvan is gelaten aan de Off. van Justitie op St. Maarten, heb ik, Solange M. Apon, deurwaarder op St. Maarten, alhier.

OPGEROEPEN

de erfgenamen van wijlen Louis Napoleon Illidge, zonder bekende adres op St. Maarten, **de erfgenamen van wijlen Mercedes Theresita Thomas**, wonende op Aruba en **Englantine Altagracia William-Thomas, Jacqueline A. Thomas, Louis Illidge en Purita Illidge**, om op vrijdag, **6 juni 2014 te 11:00 uur** voormiddag ter zitting van het gerecht in eerste aanleg op St. Maarten, ten Raadhuize te Philipsburg te verschijnen, om op de vordering van **Marie Charles-Barthelemy & Patricia Nancy Buntin**, gedomicilieerd ten kantore van dhr. Edwin Maduro, gevestigd op St. Maarten, alhier, te antwoorden. (KG 57/14)

De deurwaarder, S.M. Apon

SUSTAINABLE WASTE SERVICES B.V.

In liquidatie, gevestigd te Sint Maarten

Bij besluit van de Algemene Vergadering van Aandeelhouders van de vennootschap is besloten de vennootschap per 29 oktober 2012 te ontbinden.

De Vereffenaar

SUSTAINABLE OPERATING COMPANY B.V.

In liquidatie, gevestigd te Sint Maarten

Bij besluit van de Algemene Vergadering van Aandeelhouders van de vennootschap is besloten de vennootschap per 29 oktober 2012 te ontbinden.

De Vereffenaar

CAMAQUIP INTERNATIONAL N.V.

In liquidatie gevestigd te St. Maarten

Bij besluit van de op 28 april 2014 gehouden buitengewone algemene vergadering van aandeelhouders is besloten tot ontbinding der vennootschap per 28 april 2014. Het plan van uitkering ligt ter inzage bij het Handelsregister en ten kantore van de vennootschap.

De Vereffenaar

BEKENDMAKING VEROORDELING:

Bij vonnis van 21 maart 2014 van het Gerecht in Eerste Aanleg op verzoek van:

- 1. Emencia Eudora PETERS**, handelende voor zichzelf en als gevolmachtigde van **Roland Le Roy PETERS** en **Alvin Antonio PETERS**
- 2. Lilian Altagracia Peters en Catarien Lucrecia PETERS**, handelende voor zichzelf en als gevolmachtigden van de overige erfgenamen van Alvin Antonio PETERS,
- 3. De erfgenamen van Hubert Isidore Peters**, eisers vertegenwoordigd door de advocaten mr. C. Marica respectievelijk mr. R. Groeneveldt

Zijn de gezamenlijke erfgenamen van Abraham PETERS en Alexandrina PETERS – WILSON, in het bijzonder zij die menen aanspraak te maken op de onroerende goederen bekend onder meetbrieven nrs. 337/1992, 225/2001, 185/2001, 186/2001, 365/1992 en 366/1992 gezamenlijk en afzonderlijk gelast en veroordeeld tot medewerking binnen 14 dagen na betekening van dit vonnis aan de juridische overdracht van de hierna vermelde onroerende goederen aan de respectievelijke eisers als volgt:

- Onroerend goed bekend onder meetbrief nr. **337/1992** aan de gezamenlijke erfgenamen van **Austin Antonio Peters**
- Onroerend goed meetbrief nrs. **185/2001** (met aftrek van het gedeelte gemarkeerd "new 2012" groot 3616m²), **186/2001** en **225/2001** aan eiseres sub 1
- Onroerend goed bekend onder C11 nummer 23 zoals aangemerkt op de kaart (**productie 15**) als "new 2012 groot 3616m²" aan eiseressen sub 2 en 3
- Onroerende goederen bekend onder meetbrieven **365/1992** en **366/1992** evenals de lappen grond **groot 2050.83 en 2065.61 m² gelegen naast perceel "new 2012/185/2011** zoals aangeduid op de handmatig vervaardigde kaart aangehecht aan het vonnis als **percelen F en G** aan eisers sub 4

En voorts is bepaald dat, zodra de bovengenoemde termijn zal zijn verstreken zonder de volledige medewerking van één of meer van gedaagden aan de overdracht van de respectievelijke onroerende goederen aan de respectievelijke eisers, het vonnis in de plaats zal treden en/of de benodigde toestemming van gedaagden tot overdracht van de respectievelijke onroerende goederen en/of de daartoe benodigde akten en/of alle andere rechtshandelingen vervangt voor elk van de eisers gezamenlijk dan wel afzonderlijk

En zijn eisers elk afzonderlijk gemachtigd de juridische overdracht van de respectievelijke onroerende goederen aan elk van hun respectievelijk zelf te bewerkstelligen middels inschrijving van uw vonnis in deze in de registers van het Kadaster.

ALLE gedaagden kunnen voor verlening van hun medewerking contact opnemen met deurwaarder Rabess.

Deurwaarder Rabess

CENTRALE BANK VAN CURAÇAO EN SINT MAARTEN**Government loans****GOVERNMENT OF SINT MAARTEN**

2.250% Sint Maarten June 2nd, 2014 – 2029

2.375% Sint Maarten June 2nd, 2014 – 2034

2.450% Sint Maarten June 2nd, 2014 – 2044

Amount	NAf. 60,000,000 with duration of 15 years NAf. 45,400,000 with duration of 20 years NAf. 40,000,000 with duration of 30 years
Interest	Respectively 2.25%, 2.375% and 2.450% p.a., semi-annual payments commencing on December 2nd, 2014
Redemption	at par on June 2nd, respectively 2029, 2034 and 2044
Subscription	until Friday, May 23rd, 2014 10:00 o'clock through local foreign exchange banks
Payment	June 2nd, 2014
Terms of the loan	http://www.centralbank.cw/government-loans



Ministerie van Financiën

BEKENDMAKING

Besluit van de Minister van Financiën op basis van de Landsverordening Openbaarheid van Bestuur.

Namens het Land Sint Maarten maakt de Minister van Financiën (FIN) hierbij bekend dat er op 1 april 2014 een besluit is genomen op basis van de Landsverordening Openbaarheid van Bestuur. Dit besluit betreft het verzoek van dhr. Oldain Hodge. De inhoud van het besluit ligt ter inzage op www.sintmaartengov.org onder het Ministerie van Financiën, onderdeel Besluiten, subonderdeel Landsverordening Openbaarheid van Bestuur.

Binnen de beroepstermijn is geen beroep aangetekend door de verzoeker noch door de derde-belanghebbenden, waardoor de openbaarmaking van dit besluit plaats kan vinden.

ANNOUNCEMENT

Decision of the Minister of Finance based on the National Ordinance Open Government.

On behalf of the Country Sint Maarten the Minister of Finance (FIN) hereby announces that a decision was taken based on the National Ordinance Open Government on April 1, 2014. This decision was taken with regards to the request of Mr. Oldain Hodge. The content of the decision is available for inspection at www.sintmaartengov.org under the Ministry of Finance, section Decision, sub-section National Ordinance Open Government.

Within the appeal period no appeal was made by the applicant nor by third-parties, which makes the publication of this decision possible.

No. 127-14/JUS



Besluit van de Minister van Justitie houdende benoeming buitengewoon agent van politie

Gelet op:

Artikel 10 Rijkswet Politie van Curaçao, van Sint Maarten en van Bonaire, Sint Eustatius en Saba (hierna aangeduid als Rijkswet Politie).

BESLUIT:

Artikel 1

Parveen Boertje-Marhe, geboren op 6 december 1979 te Den Haag, werkzaam in de functie van Hoofd Heffing, Invordering en Inspectiedienst bij het Uitvoeringsorgaan Sociale en Ziektekostenverzekering (SZV), wordt voor de duur van drie jaren aangesteld als buitengewoon agent van politie en beschikt over de bevoegdheden, bedoeld in artikel 13, leden 2 en 7, van de Rijkswet Politie.

Artikel 2

De buitengewoon agent, bedoeld in artikel 1, is bevoegd tot het opsporen van de feiten strafbaar gesteld bij of krachtens de in de bijlage bij dit besluit genoemde regelgeving.

Artikel 3

Het diensthoofd van de uitvoerende organisatie, onder wier verantwoordelijkheid de buitengewoon agent, bedoeld in artikel 1, werkzaam is, brengt per kwartaal aan de Minister van Justitie verslag uit over:

- a. de verrichte opsporingsactiviteiten en het aantal gevallen waarin daarbij gebruik is gemaakt van de bevoegdheden, bedoeld in artikel 13, leden 2 en 7, van de Rijkswet Politie;
- b. het aantal klachten dat is ingediend tegen de buitengewoon agent van politie en de aard van die klachten.

Artikel 4

Dit besluit treedt met ingang van heden in werking en is geldig tot 9 april 2017.

Dit besluit wordt in de Landscourant geplaatst.

De Minister van Justitie

Philipsburg *negende* april 2014

BIJLAGE als bedoeld in artikel 1 van het Besluit van de Minister van Justitie van 9 april 2014, No. 127-14/JUS.

Overzicht van de regelgeving, bedoeld in artikel 2, onderdeel a, van het besluit:

- 1° De Landsverordening Ziekteverzekering;
- 2° De Landsverordening Ongevallenverzekering;
- 3° De Landsverordening Algemene Ouderdomsverzekering;
- 4° De Landsverordening Algemene Weduwen en Wezenverzekering.

No. 128-14/JUS



Besluit van de Minister van Justitie houdende benoeming buitengewone agenten van politie

Gelet op:

Artikel 10 Rijkswet Politie van Curaçao, van Sint Maarten en van Bonaire, Sint Eustatius en Saba (hierna aangeduid als: Rijkswet Politie).

BESLUIT:

Artikel 1

De medewerkers van het ministerie van Volksgezondheid, Sociale ontwikkeling en Arbeid (VSA), genoemd in de bijlage bij dit besluit worden voor de duur van drie jaren aangesteld als buitengewoon agent van politie en beschikken over de bevoegdheden, bedoeld in artikel 13, leden 2 en 7, van de Rijkswet Politie.

Artikel 2

De buitengewone agenten van politie, bedoeld in artikel 1, zijn, voor zover dit niet bij of krachtens landsverordening aan anderen is opgedragen, bevoegd tot het opsporen van de feiten strafbaar gesteld bij of krachtens wetgeving op het gebied van volksgezondheid, gezondheidszorg, sociale zaken en arbeid.

Artikel 3

Het diensthoofd van de uitvoerende organisatie, onder wier verantwoordelijkheid de buitengewone agenten van politie, bedoeld in artikel 1, werkzaam zijn, brengt per kwartaal aan de Minister van Justitie verslag uit over:

- c. de verrichte opsporingsactiviteiten en het aantal gevallen waarin daarbij gebruik is gemaakt van de bevoegdheden, bedoeld in artikel 13, leden 2 en 7, van de Rijkswet Politie;
- d. het aantal klachten dat is ingediend tegen de buitengewone agenten van politie en de aard van die klachten.

Artikel 4

Dit besluit treedt met ingang van heden in werking en is geldig tot 9 april 2017.

Dit besluit wordt in de Landscourant geplaatst.

Philipsburg, *negende* april 2014

De Minister van Justitie

BIJLAGE als bedoeld in artikel 1 van het Besluit van de Minister van Justitie van 9 april 2014 No. 128-14/JUS.

Lijst van personen, werkzaam bij ministerie van Volksgezondheid, Sociale ontwikkeling en Arbeid, die zijn aangesteld als buitengewoon agent van politie:

- 1° Earl W.A. Best;
- 2° Leoudson E.N. Gijsbertha;
- 3° Tamisha C.D. Priest.

No. 2014/916

**LANDSBESLUIT****VAN DE 21^{ste} MEI 2014, no. LB-14/0134****DE GOUVERNEUR VAN SINT MAARTEN**

In overweging genomen hebbende:

- dat de zittingsduur van de Staten eindigt op 9 oktober 2014;
- dat de dag van de kandidaatstelling voor de verkiezing van de leden van de Staten bij landsbesluit op voordracht van de Minister van Algemene Zaken wordt bepaald op een tijdstip gelegen tussen de negentigste en de tachtigste dag voor het einde van de zittingsduur van de Staten;

Gelet op:

- artikel 21 van de Kiesverordening;

HEEFT BESLOTEN:**Artikel 1**

De dag van de kandidaatstelling voor de verkiezing van de leden van de Staten wordt bepaald op vrijdag 11 juli 2014.

Artikel 2

Dit landsbesluit treedt in werking met ingang van de eerste dag na datum van uitgifte van de Landscourant waarin deze is gepubliceerd.

Philipsburg, *eenentwintigste* mei 2014
De Gouverneur van Sint Maarten

Tweëntwintigste mei 2014
De Minister van Algemene Zaken

No. 2014/917



LANDSBESLUIT

VAN DE 22^{ste} mei 2014, no. LB-14/0315

DE GOUVERNEUR VAN SINT MAARTEN

In overweging genomen hebbende:

- dat de zittingsduur van de Staten eindigt op 9 oktober 2014;
- dat de dag van de kandidaatstelling voor de verkiezing van de leden van de Staten wordt bepaald op een tijdstip gelegen tussen de negentigste en de tachtigste dag voor het einde van de zittingsduur van de Staten;
- dat de dag van de stemming voor de verkiezing van de leden van de Staten bij landsbesluit op voordracht van de Minister van Algemene Zaken wordt bepaald zodanig dat tussen de dag van de kandidaatstelling en die van de stemming ten minste achtenveertig dagen gelegen zijn;

Gelet op:

- artikelen 46 en 48 van de Staatsregeling; en,
- artikelen 2, 21 en 41 van de Kiesverordening;

HEEFT BESLOTEN:

Artikel 1

De ontbinding van de Staten vindt plaats op vrijdag 10 oktober 2014 op een door de Voorzitter van de Staten te bepalen tijdstip.

Artikel 2

De stemming voor de verkiezing van de leden van de Staten vindt plaats op vrijdag 29 augustus 2014.

Artikel 3

De eerste samenkomst van de nieuwgekozen Staten vindt plaats op vrijdag 10 oktober 2014 op een door de Voorzitter van de Staten te bepalen tijdstip.

Artikel 4

Dit landsbesluit treedt in werking met ingang van de eerste dag na datum van uitgifte van de Landscourant waarin deze is gepubliceerd.

Philipsburg, eenentwintigste mei 2014
De Gouverneur van Sint Maarten

Tweëntwintigste mei 2014
Minister van Algemene Zaken



Beschikking nummer: 1/2014

Datum: 17 april 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij The United People's Party Association van 19 maart 2014 tot registratie van The United People's Party Association;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De politieke partij The United People's Party Association wordt geregistreerd in het register van politieke partijen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 17 april 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- The United People's Party Association

Sint Maarten, 17 april 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Beschikking nummer: 2/2014

Datum: 17 april 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij The United People's Party Association van 19 maart 2014 tot registratie van de aanduiding **UP** als aanduiding die geplaatst zal worden boven de door de politieke partij in te dienen lijst van kandidaten;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie van de aanduiding;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De aanduiding **UP** wordt geregistreerd in het register van aanduidingen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen, als de aanduiding die zal worden geplaatst boven de door de politieke partij The United People's Party Association in te dienen lijst van kandidaten.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 17 april 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- The United People's Party Association

Sint Maarten, 17 april 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Beschikking nummer: 3/2014

Datum: 17 april 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij Citizens for Positive Change van 2 april 2014 tot registratie van Citizens for Positive Change;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De politieke partij Citizens for Positive Change wordt geregistreerd in het register van politieke partijen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 17 april 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- Citizens for Positive Change

Sint Maarten, 17 april 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Beschikking nummer: 4/2014

Datum: 17 april 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij Citizens for Positive Change van 2 april 2014 tot registratie van de aanduiding **4 Positive Change** als aanduiding die geplaatst zal worden boven de door de politieke partij in te dienen lijst van kandidaten;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie van de aanduiding;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De aanduiding **4 Positive Change** wordt geregistreerd in het register van aanduidingen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen, als de aanduiding die zal worden geplaatst boven de door de politieke partij Citizens for Positive Change in te dienen lijst van kandidaten.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 17 april 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- Citizens for Positive Change

Sint Maarten, 17 april 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Beschikking nummer: 5/2014

Datum: 26 mei 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij Social Reform Party van 8 april 2014 tot registratie van de Social Reform Party;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De politieke partij Social Reform Party wordt geregistreerd in het register van politieke partijen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 26 mei 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- De Social Reform Party

Sint Maarten, 26 mei 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Beschikking nummer: 6/2014

Datum: 26 mei 2014

DE ELECTORALE RAAD VAN SINT MAARTEN,

Gelezen:

het verzoek van de politieke partij Social Reform Party van 8 april 2014 tot registratie van de aanduiding **SRP** als aanduiding die geplaatst zal worden boven de door de politieke partij in te dienen lijst van kandidaten;

Overwegende:

dat er geen bezwaar bestaat tegen voldoening aan het verzoek tot registratie van de aanduiding;

Gelet op:

de artikelen 19 en 24 van de Landsverordening registratie en financiën politieke partijen;

HEEFT BESLOTEN:

Artikel 1

De aanduiding **SRP** wordt geregistreerd in het register van aanduidingen, bedoeld in artikel 14, tweede lid, van de Landsverordening registratie en financiën politieke partijen, als de aanduiding die zal worden geplaatst boven de door de politieke partij Social Reform Party in te dienen lijst van kandidaten.

Artikel 2

Deze beschikking treedt in werking met ingang van de dag na de dagtekening van de Landscourant waarin zij is geplaatst en werkt terug tot en met 26 mei 2014.

Artikel 3

Deze beschikking wordt gepubliceerd in de Landscourant en een of meer dagbladen.

Afschrift van deze beschikking wordt gezonden aan:

- De Minister van Algemene Zaken
- De Algemene Rekenkamer
- Het Centraal Stembureau
- De Social Reform Party

Sint Maarten, 26 mei 2014

B.G. Hofman
Voorzitter

G.C. Richardson-Nicolaas
lid

L.A. Richardson
lid

Een belanghebbende kan op grond van artikel 25 van de Landsverordening registratie en financiën politieke partijen uiterlijk op de zesde dag na de dagtekening van de Landscourant waarin deze beschikking is geplaatst, tegen deze beschikking beroep instellen bij het Gerecht in eerste aanleg van Sint Maarten.



Decision No.: 1/2014

Date: April 17, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party The United People's Party Association of March 19, 2014 for registration of The United People's Party Association;

Considering:

That there is no objection to comply with the application for registration;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The political party The United People's Party Association shall be registered in the register of political parties, as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- The United People's Party Association

St. Maarten, April 17, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.



Decision No.: 2/2014

Date: April 17, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party The United People's Party Association of March 19, 2014 for registration of the reference **UP** as the reference that shall be placed above the list of candidates to be submitted by the aforementioned political party;

Considering:

That there is no objection to comply with the application for registration of the reference;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The reference **UP** shall be registered in the register of references as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties as the reference that shall be placed above the list of candidates to be submitted by The United People's Party Association.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- The United People's Party Association

St. Maarten, April 17, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.



Decision No.: 3/2014
Date: April 17, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party Citizens for Positive Change of April 2, 2014 for registration of Citizens for Positive Change;

Considering:

That there is no objection to comply with the application for registration;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The political party Citizens for Positive Change shall be registered in the register of political parties, as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- Citizens for Positive Change

St. Maarten, April 17, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.



Decision No.: 4/2014

Date: April 17, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party Citizens for Positive Change of April 2, 2014 for registration of the reference **4 Positive Change** as the reference that shall be placed above the list of candidates to be submitted by the aforementioned political party;

Considering:

That there is no objection to comply with the application for registration of the reference;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The reference **4 Positive Change** shall be registered in the register of references as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties as the reference that shall be placed above the list of candidates to be submitted by Citizens for Positive Change.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- Citizens for Positive Change

St. Maarten, April 17, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.



Decision No.: 5/2014

Date: May 26, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party Social Reform Party of April 8, 2014 for registration of Social Reform Party;

Considering:

That there is no objection to comply with the application for registration;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The political party Social Reform Party shall be registered in the register of political parties, as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- Social Reform Party

St. Maarten, May 26, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.



Decision No.: 6/2014

Date: May 26, 2014

THE ELECTORAL COUNCIL OF ST. MAARTEN,

Having read:

The application of the political party Social Reform Party of April 8, 2014 for registration of the reference **SRP** as the reference that shall be placed above the list of candidates to be submitted by the aforementioned political party;

Considering:

That there is no objection to comply with the application for registration of the reference;

In view of:

Articles 19 and 24 of the National Ordinance on Registration and Finances of Political Parties;

HAS DECIDED:

Article 1

The reference **SRP** shall be registered in the register of references as referred to in Article 14, par. 2 of the National Ordinance on Registration and Finances of Political Parties as the reference that shall be placed above the list of candidates to be submitted by Social Reform Party.

Article 2

This Decision shall enter into force on the day following the date of its publication in the National Gazette and shall be retroactive until April 17, 2014.

Article 3

This Decision shall be published in the National Gazette and in one or more local daily newspapers.

Copies hereof to be forwarded to:

- The Minister of General Affairs
- The General Audit Chamber
- The Central Voting Bureau
- The Social Reform Party

St. Maarten, May 26, 2014

B.G. Hofman
Chairman

G.C. Richardson-Nicolaas
Member

L.A. Richardson
Member

Based on Article 25 of the National Ordinance on Registration and Finances of Political Parties, an interested person may file an appeal against this Decision with the Court in First Instance of no later than the sixth day following the date of publication of this Decision in the National Gazette.

Articles of incorporation of Citizens for Positive Change

Upon this twentieth day of March of the year two thousand fourteen, came and appeared before me, Meredith Maritza Boekhoudt, civil law notary on Sint Maarten: -----

1. Mr. PAUWEL WILLEM MAARTEN DIJKHOFFZ, a manager, residing at Match Me Drive 5, Mary's Fancy, Sint Maarten, born on Curaçao, formerly the Netherlands Antilles, on December 8, 1973, according to his declaration married, who identified himself with an identity card issued by the former Netherlands Antilles with number 341483; -----
2. Mr. PAUL JAAP HENRIQUEZ, a businessman, residing at Peacock Road 6, Point Blanche, Sint Maarten, born on Aruba, formerly the Netherlands Antilles, on April 16, 1973, according to his declaration married, who identified himself with a passport issued by the Kingdom of the Netherlands with number NX164R6B7; and -----
3. Mr. RUEBEN JERPHAAS THOMPSON, an environmental consultant, residing at Gladiola Road 18, Mary's Fancy, Sint Maarten, born in Zwolle, the Netherlands, on September 19, 1981, according to his declaration not married and never been married, who identified himself with an identity card issued by Sint Maarten with number IRT017436. -----

The appearers declared to herewith establish an association and to lay down the following Articles of Association: -----

Article 1 -----

DEFINITIONS -----

The following definitions apply: -----

- a. **Auditing Committee:** the independent body of the Association charged with the review and oversight of the Association's financial reporting, internal and external financial control. -----
- b. **Board:** the body of the Association entrusted with the management of the Association. -----
- c. **Campaign Committee:** the body of the Association charged with devising and execution of a campaign during parliamentary elections as well as in the period between said elections. -----
- d. **Candidate Committee:** the independent body of the Association charged with comprising the candidate list for parliamentary elections and advising upon this matter. -----
- e. **Dispute Committee:** the independent body of the Association charged with pronouncing rulings in those situations dictated by these Articles of Association or the By-Laws. -----
- f. **Districts:** consists of all the members of the Association who are residing in an area on Sint Maarten, designated as a District by the Board. -----
- g. **Executive Body:** the body of government vested with the authority and responsibility of the daily administration of Country Sint Maarten. -----
- h. **General Meeting:** any plenary meeting of the members of the Association. -----
- i. **Honorary Members:** natural persons who have been of exceptional service to Citizens for Positive Change. -----
- j. **Ordinary Members:** natural persons who are eligible to vote in the parliamentary elections of Country Sint Maarten. -----
- k. **Party Congress:** the highest body of the Association which consists of all the members. -----
- l. **Party Council:** the body of the Association which has the task to advise and supervise the Board on behalf of the Party Congress. -----
- m. **Political Leader:** the natural person who is entrusted with the political leadership of Citizens for Positive Change. -----
- n. **Representative Body:** the Parliament of Country Sint Maarten, or any other type of governmental legislative body representing citizens. -----
- o. **Supporting Members:** natural persons eighteen (18) years of age or older, who do not have Dutch nationality, but who have legal residency on Sint Maarten and are a supporter of Citizens for Positive Change. -----

Article 2 -----

NAME AND SEAT -----

The Association, further also to be referred to as "the Association" bears the name: "**CITIZENS FOR POSITIVE CHANGE**". -----

The Association has its seat on Sint Maarten. -----

Article 3**DURATION**

The Association is established for an indefinite period of time.

Article 4**OBJECTIVES/PRINCIPLES**

1. The objectives of the Association are:
 - a. To act as a political organization in order to achieve and exercise positions of governance in which the interests of the society of Sint Maarten are central.
The objectives will be more specifically outlined in a program established by the Party Congress.
 - b. To serve and improve the wellbeing of the society of Sint Maarten by effecting improved legislation and effecting accountability and transparency from the administrative branch of government.

This will be characterized by:

- Promoting a society that offers equal opportunity to individuals for a maximum social, economic, cultural and creative development of these individuals.
 - Promoting a society where every individual takes responsibility for his or her own development, but maintains loyalty and solidarity towards society.
 - Fostering a society that lives, works and exploits its business in harmony with the environment, in order to guarantee an improved quality of life locally as well as globally for future generations.
 - Working towards an increase in the extent of democratic controls and institutions in order to guarantee the freedom and dignity of each individual.
2. The principles of the Association are:
"Transparency, Accountability, Democracy, Equality, Participation, Respect for Natural and Cultural Heritage, Sustainable Development and Dignity".

Article 5**MEANS TO ACHIEVE THE OBJECTIVES**

Citizens for Positive Change strives to achieve its objectives by:

- a. Participating in parliamentary elections of Country Sint Maarten by postulating candidates that ascribe to the party program and by promoting their election.
- b. Holding public meetings, providing lectures and presentations.
- c. Publication and distribution of printed works.
- d. Establishing and promoting organizations that share the ideology of the Association.
- e. All other legally permissible means.

Article 6**FUNDS**

1. The funds of Citizens for Positive Change shall consist of:
 - b. Enrollment fees, contributions and other dues of Ordinary and Supporting Members;
 - c. Donations;
 - d. All other legally obtained revenues;
2. Enrollment fees and (yearly) contributions are established by the Party Congress in a General Meeting upon proposal by the Board and are subject to revision from time to time. The fees are due on acceptance as Ordinary Member or Supporting Member. At the discretion of the Board the enrollment fees and other membership dues can be paid in installments.

Article 7**MEMBERS**

1. The Membership of the Association consists of the following categories:
 - a. Ordinary Members;
 - b. Supporting Members; and
 - c. Honorary Members.
2.
 - a. Ordinary Members will be designated to a District as mentioned in article 13 of this Articles of Association.
 - b. Supporting Members will also be designated to a District as mentioned in article 13. of this Articles of Association. Supporting members may serve on a committee, but may not be appointed to the Board.
 - c. Honorary Members do not have voting rights.

3. Members must be accepted as such by the Board of Citizens for Positive Change. The Association can further set guidelines in the By-Laws. If a decision is made to not accept a person as a member, the reasons for this refusal must be stated in a letter to the person, who then may appeal to the Dispute Committee. -----
 4. An Ordinary Member and a Supporting Member of the Association cannot at the same time be a member of another political organization, nor at the same time be a candidate of any other political organization taking part in the elections of any Representative Body. In case such a situation arises despite the above, it will entail the immediate termination of the membership once the situation becomes known and is confirmed by the Board. The Board will confirm the termination immediately to the member in question. -----
 5. Membership of a Citizens for Positive Change member in more than one elected office is incompatible, except in cases when the Board - in the general interest of the party - decides otherwise. -----
 6. Other incompatibilities and consequences of same shall be regulated in the By-Laws and in the absence thereof by the Party Council. -----
- This article is, after the approval of these Articles of Association and until the next election for a Representative Body, not applicable to these members elected to Representative Bodies, who at the time of approval of these Articles of Association are members of any other political party or have been elected to more than one elected office. -----

Article 8 -----

TERMINATION MEMBERSHIP -----

1. The Membership ends: -----
 - a. by death of the individual member; -----
 - b. by written notice of termination by the member to the Board, whereby a period of thirty (30) days should be observed; -----

A member moreover may terminate his/her membership with immediate effect, within one (1) month from his/her having taken cognizance or having been informed of a resolution or an amendment to these Articles of Association restricting his/her rights or increasing his/her obligations. The resolution or the amended provisions of the Articles of Association shall not apply to him/her then; -----
 - c. by written notice of termination by the Board in accordance with paragraph 4. of Article 7. of these Articles of Association; -----
 - d. upon notice of termination in writing by the Board to the member, which will take place in case of incompatibility as per article 7., paragraph 5. Said termination can take place at any time without any term of notice being required in case it cannot reasonably be expected from the Association to continue the membership; -----
 - e. by expulsion of the member by the Board pursuant to a decision from the Party Council, which expulsion can only take place in case the member acts in contravention of these Articles of Association, the regulations or resolutions of the Association or if the member does injury to the Association in an unreasonable way. -----

The notice of expulsion by the Board must be in writing and include the reasons for which the member is being expelled or his/her membership terminated. It must be sent by registered mail to the member within one (1) month of the decision of the Board. When a member has been expelled or his/her membership terminated, he/she may appeal to the Committee of Disputes. This must be done in writing by the member concerned within one (1) month of receipt of the notice. The appeal will be handled in the next following meeting. During the time limited for appeal and pending the appeal the member will be suspended; -----
 - f. by cancellation of the Honorary Membership by the Party Congress. -----
2. A member of Citizens for Positive Change who is also a member of any Representative Body or who by means of succession is eligible for a position on a Representative Body, must at the termination of his/her membership relinquish his/her position in the Representative Body or must not accept the position. -----
3. In case of termination of the membership as meant in paragraph 1. sub c. during the course of the fiscal year of the Association, the contribution will be due for the entire fiscal year, unless the Board decides otherwise. In all other cases of termination the contribution will be due till the date of termination or expulsion. -----
4. A member, whose membership has been terminated for not paying contribution for more than one (1) year, can only be reinstated if and when the outstanding contributions have been paid in full. -----

Article 9**PARTY CONGRESS/GENERAL MEETING**

1. The Party Congress outlines the general policy of the Board and evaluates the execution of said policy. ----
2. All powers that have not been conferred to other bodies of the Association as stipulated by the law or these Articles of Association are vested in the Party Congress. -----
3. Each calendar year at least one (1) General Meeting (which can also be called the "PARTY CONGRESS") is held, the latest in the month of April. -----
In said meeting the following shall be done: -----
 - a. An annual report shall be given by the President and the Secretary concerning the foregoing fiscal year;
 - b. The Treasurer shall give a financial report of the preceding fiscal year; -----
 - c. The Auditing Committee shall give its report; -----
 - d. Vacancies on the Board shall be filled; -----
 - e. A new Auditing Committee and a Committee of Disputes will be elected. Members of the Board may not be members of the Auditing Committee or of the Committee of Disputes; and -----
 - f. The Board shall present a report of the activities for the upcoming year.
4. Special General Meetings shall be held as frequently as the Board deems fit.
5. General Meetings shall be convened in writing and published in one (1) or more local newspapers at least fourteen (14) days prior to the meeting itself. The agenda must be simultaneously made known. -----
Agenda points which have been submitted to the Board at least forty-eight (48) hours before the aforementioned convocation are sent and published, with due observance of the term to convene a meeting, have to be mentioned in the convocation. The Board shall notify the membership of a scheduled General Meeting in order for the membership to be able to submit aforementioned agenda points in a timely manner. -----
In cases of urgency the Board may deviate from the term of fourteen (14) days, but must adhere to a minimum of seven (7) days. -----
6. Special General Meetings can also be held at the request of at least such a number of members as shall be competent to cast ten percent (10%) of the votes in a General Meeting. -----
7. In the event the Board neglects to honor such a request within two (2) weeks, the members shall be entitled to convene said Special General Meeting themselves. -----
8. General Meetings shall be valid if at least one-third (1/3) of the voting members is present. If at this meeting one-third (1/3) of the voting members is not present, a second meeting must be convened with the same agenda and in accordance with paragraph 5. of this article, which meeting is to be held within not less than one week (1) and not more than three (3) weeks of the first mentioned meeting, in which second meeting the topics to be dealt with can be decided upon regardless of the number of the voting members present at this meeting. -----
9. All resolutions are taken by a simple majority of the votes cast unless otherwise provided for in these Articles of Association. -----
10. Only Ordinary Members have the right to vote. -----
11. A member with a right to vote is not permitted to cast a vote via power of attorney. -----
12. Voting on matters is done verbally, voting on persons in writing through sealed and unsigned ballots. In case of doubt, the Board shall decide whether there is a case of persons or matters. -----
13. Abstentions and blank ballots shall not be considered as votes cast. -----
14. If an appointment is voted upon, the person who has obtained the absolute majority of the votes cast, is held to be elected. -----
In the event that nobody has obtained such a majority, a second ballot shall be taken between the two persons who have obtained the greatest number of votes. -----
If more than two persons have obtained the same number of votes and at the same time, the greatest number of the votes cast, then a second ballot is taken between the two of those persons elected thereto by lot. If in a second ballot both persons should obtain the same number of votes, lots shall be drawn. -----
15. The President and the Secretary of the Board or their respective substitutes shall also act as such at General Meetings. -----

Article 10**DISTRICT**

1. A District consists of all the members of the Association who are residing in an area on Sint Maarten, designated as a District by the Board.
2. Each District shall have a District Board.
3. The composition and functioning of the Districts and the District Boards shall be regulated by the By-Laws.

Article 11**THE BOARD**

1. The Board consists of a number of at least three (3) persons, who will fulfill at least the functions of: President, Secretary and Treasurer. The Board may introduce more functions, the number of Board members shall however not exceed the number of seven (7) persons.
2. The duties assigned to the above mentioned functions are as follows, however not limited to what is mentioned hereinafter:
 - **President:** proposes policies in line with the Association's objectives, ensures that the Board conducts its business effectively and efficiently thereto making necessary decisions and ensuring that action thereto is taken, presides at all meetings of the Board and General Meetings, establishes the agenda for meetings of the Board and serves as a contact to the Party Council.
 - **Secretary:** keeps documentation that will reflect when, why and how the Board's decisions were executed and will therefore record accurate minutes of Board meetings, as well as General Meetings and ensure the distribution of the minutes and the approval thereof. Furthermore the Secretary will give timely notice of any meetings.
 - **Treasurer:** is responsible for the proper management and reporting of the Association's funds, the maintenance and oversight of bank accounts and financial transactions thereto, establishes budgets and financial policies.With the exception of the President, the Secretary and the Treasurer, the board members may hold two (2) functions on the board.
3. The Board is furthermore charged with the task of registering the name, address, birthplace and birthdate of every member of the Board in the appropriate register of the Sint Maarten Chamber of Commerce and Industry.
4. The Board shall also render periodical reports to the Party Congress concerning the activities of the Committees.
5. The Board will remain legally constituted even when the number of Board members drops below three (3), but in such a case the vacancies should be filled within thirty (30) days.
6. In case of impediment or default of all Board members, the Association shall be temporarily managed by two (2) persons designated thereto by the Party Congress.
7. Board members are elected from the Ordinary Members by the Party Congress and must be eighteen (18) years of age or older.

Article 12**REPRESENTATION**

The Association shall judicially and extra-judicially be represented by the President, the Treasurer and the Secretary jointly, or their respective substitutes.

Article 13**TERMINATION BOARD MEMBERSHIP**

1. Members of the Board are elected in function for a period of two (2) years, nevertheless the Party Congress can suspend and/or dismiss a Board member in accordance with the manner stipulated in the By-Laws.
2. Membership to the Board ends in addition by:
 - a. Death;
 - b. Resignation (in writing). A notice of three (3) months must be observed;
 - c. Expiration of the above mentioned term;
 - d. Irrevocable bankruptcy, the loss in any way of the free management of own capacity or capital of one of the members, as well as being put under trusteeship;
 - e. Dismissal granted by the Board or the Party Congress;
 - f. Dissolution and liquidation of the Association;
 - g. Dismissal by the judge under Article 55 of Book 2 of the Civil Code;

- h. The first of January following the seventieth (70) birthday of a Board member. -----
3. Outgoing Board members are immediately eligible for re-election. -----

Article 14 -----

BOARD MEETINGS -----

1. Board meetings shall be held as frequently as the President or the Board deems fit, but at least once (1) every month. -----
2. Board Meetings shall be valid if more than half of the Board members are present. If at this meeting more than half of the members are not present, a second meeting must be convened with the same agenda, which meeting is to be held not less than forty-eight (48) hours and not more than seven (7) days after the first meeting, in which second meeting the topics to be dealt with can be decided upon regardless of the number of the Board members present at this meeting. -----

--

Article 15 -----

PARTY COUNCIL -----

1. The Party Council is charged with the task of advising and supervising the Board on behalf of the Party Congress. -----
2. The Party Council will advise upon request or at its own initiative. -----
3. The Party Council shall be appointed by the Party Congress and shall consist of all the Board members, the District Chairpersons and the Chairpersons of the Permanent Committees (or their substitutes) and members of the party elected or respectively appointed to Representative and Executive Bodies. -----
4. The Party Council is chaired by a chairperson elected every other year from among the District chairpersons at the annual Congress. The chairperson is therefore appointed for a period of two (2) years. -----
5. The Party Council shall meet at least once a month. -----

Article 16 -----

CAMPAIGN COMMITTEE -----

1. The Party Council shall appoint a Campaign Committee charged with devising and execution of a campaign in such a manner that the committee is installed at the latest six (6) months prior to any election. -----
2. The Campaign Committee must include at least the Political Leader, the President and Treasurer of the Board of Citizens for Positive Change. -----
3. The Campaign Committee must submit a budget to the Board for approval. -----

Article 17 -----

CANDIDATE COMMITTEE/LIST -----

1. The Candidate Committee is charged with the task of comprising a nomination list of candidates for the parliamentary elections in an independent manner. -----
2. Only Ordinary Members are eligible for nomination. -----
3. The nomination list shall be laid down for inspection by the Party Congress at an appropriate place or published in a manner accessible to the Party Congress, at least twenty-one (21) days prior to a General Meeting called for that purpose or a General Meeting in which the appointment of the candidates has been placed on the agenda. -----
4. Within seven (7) days of the date of the notification that the nomination list has been laid down or published as referred to in paragraph 3., an Ordinary Member who wishes to be added to the nomination list must file a written request to that end with the Dispute Committee. -----

Article 18 -----

DISPUTE COMMITTEE AND OTHER COMMITTEES -----

1. The General Meeting shall appoint a Dispute Committee charged with the task of ruling in those situations where there is a dispute concerning the interpretation and application of these Articles of Association and the By-Laws. -----
2. The Party Congress will establish regulations pertaining to the tasks, operating procedures and authority of the dispute committee, as well as the appointment of its members. -----
3. Whenever the Advisory Committee has given any ruling it shall report it to the Board. -----
4. The Party Congress and the Board shall also establish other Permanent or Ad Hoc Committees and regulate their tasks as well as the manner of their functioning, when deemed necessary. -----

Article 19**POLITICAL LEADER**

2. The Association has a Political Leader, who is entrusted with the political leadership of Citizens for Positive Change.
3. The Political Leader is chosen from the Ordinary Members by the Party Congress.
4. The Political Leader shall in principle be the person heading the list of candidates for the parliamentary elections of Country Sint Maarten.
5. The procedure for choosing a Political Leader shall be established in the By-Laws.

Article 20**POLITICAL PROGRAM**

Citizens for Positive Change will publish its political program in a timely manner, more specifically at least one hundred (100) days prior to the termination of a parliamentary term.
The Party Congress is charged with establishing the political program and the election program for the elections for the Parliament of Country Sint Maarten.

Article 21**BY-LAWS**

1. Other stipulations regarding the organization and management of Citizens for Positive Change shall be dealt with by the By-Laws, as far as not herein provide for. The By-Laws shall not contain any stipulations conflicting with these Articles of Association.
The Board may draw up By-Laws to be submitted at a General Meeting for approval by the Party Congress.
2. The resolution to approve or amend the By-Laws shall be passed by a majority of at least two-thirds (2/3) of the votes cast in a General Meeting, in which at least fifty-one percent (51%) of the members with voting rights are present.
3. The paragraphs 2. and 3. of article 22. are likewise applicable.

Article 22**AMENDMENT OF THE ARTICLES OF ASSOCIATION**

1. These Articles of Association shall be amendable only in a General Meeting specially convened for such purpose and wherein at least two-thirds (2/3) of the voting members are present and the amendment is approved by at least a two-thirds (2/3) majority vote.
2. In the event the required number of voting members is not present at the time of this special General Meeting, within not less than one (1) week and not more than four (4) weeks thereafter, a special meeting can be convened wherein valid decisions can be taken regardless of the number of voting members present.
3. The proposal to amend these Articles of Association shall be laid down for inspection by the Party Congress, at an appropriate place or published in a manner accessible to the Party Congress, at least fourteen (14) days prior to the first General Meeting in question and until after the end of the first or in the alternative second meeting.

Article 23**DISSOLUTION OF THE ASSOCIATION**

1. A resolution to dissolve the Association requires the same number of votes and the same quorum as required for a resolution to amend these Articles of Association;
the paragraphs of article 22. are likewise applicable.
2. In case of a resolution as meant in paragraph 1. of this article, the Party Congress decides about the allocation of a positive balance. Any positive balance of funds will be divided between selected non-governmental organizations active in the areas of environmental protection and conservation of local cultural heritage, unless otherwise be decided by the Party Congress.
The paragraphs of article 22. are likewise applicable to this last mentioned resolution.
3. After a resolution as meant in paragraph 1., the Board is in charge of the liquidation. The Board may however appoint one (1) or more liquidator(s).
The provisions of these Articles of Association remain in force as much as possible during the liquidation.
4. The liquidation will furthermore be effected with due observance of the provisions of the applicable articles of the Civil Code.

Article 24**FISCAL YEAR AND REPORTS**

1. The fiscal year of the Association runs from January first up to and including December thirty-first of each year.
2. Per the end of each fiscal year the books of the Association are closed.
3. Within eight (8) months after the end of the fiscal year – subject to any extension of this term by the Party Congress - the Board shall present in a General Meeting an annual report on the course of the business of the Association and the management conducted. The Board shall submit the annual accounts, consisting of at least a balance sheet and a statement of assets and liabilities and an explanatory memorandum with respect to these documents, to the meeting for approval.
The annual accounts shall be signed by the Board members. If the signature of any one or more of them should be lacking, this shall be noted with the reason thereby stated.

FINAL PROVISIONS

The appearers furthermore declared:

- that the first fiscal year of the Association runs from the commencement of its activities up to and including December 31, 2014;
- that in deviation from the abovementioned – as far as concerns the manner of appointment – the present Board members of the Association are:
 1. Mr. RUEBEN JERPHAAS THOMPSON, the appearer sub 3., as President;
 2. Mr. PAUWEL WILLEM MAARTEN DIJKHOFFZ, the appearer sub 1., as Secretary; and
 3. Mr. PAUL JAAP HENRIQUEZ the appearer sub 2., as Treasurer;who have all accepted their nomination.

The appearers are known to me, civil law notary.

----- WHEREOF THIS DEED
has been executed on Sint Maarten, in one original copy, on the date mentioned in the heading hereof. -----
After relating the substance of this deed to the appearers, they declared to have examined the contents thereof
and not to require a full reading thereof. -----
Then, after summary reading of this deed, this deed was signed by the appearers and by me, civil law notary. -
(w.s.) P. Dijkhoffz, P. Henriquez, R. Thompson, M. Boekhoudt. -----

ISSUED FOR TRUE COPY

Articles of incorporation of Social Reform Party

Upon this

in the year two thousand and thirteen, came -----
and appeared before me, Lars Peter de Vries, a -----
candidate civil law notary, residing on Sint -----
Maarten, hereinafter referred to as "civil law -----
notary" legally deputizing for Henry Parisius, -----
civil law notary on Sint Maarten: -----
-Mr. JACINTO MOCK, born in Santo Domingo, -----
Dominican Republic on July twenty-first, -----
nineteen hundred sixty-eight, residing at A.T. -----
Illidge Road 28, Philipsburg, Sint Maarten, -----
according to his declaration single, of Dutch -----
nationality, who identified himself with a -----
Kingdom of the Netherlands passport, issued on -----
Sint Maarten; by these presents acting as -----
President of **SOCIAL REFORM PARTY**, an -----
Association established on Sint Maarten, with -----
office address A.Th. Illidge Road 28, Lower Princess Quarter, Sint Maarten.-----
The appearer acting as aforementioned, -----
declared that the Board of mentioned -----
Association in its meeting of -----
two thousand and fourteen has decided to amend -----
its articles of incorporation, as appears from -----
the minutes of that meeting a copy which will -----
be attached to this deed. -----
The appearer acting as aforementioned declared -----
to amend the constitution of aforementioned -----
Foundation in such a way, that the present -----
constitution is cancelled and replaced in its -----
entirety which reads as follows: -----

NAME -----

Article 1 -----

The Association bears the name: -----
SOCIAL REFORM PARTY abbreviated as "SRP" and -----
for the purpose of this constitution to -----
also to be referred to as the "Party" or -----
"Association". -----

SEAT -----

Article 2 -----

The party is established on Sint Maarten. -----

DURATION -----

Article 3 -----

The Party is established for an indefinite -----
period of time. -----

FISCAL YEAR -----

Article 4 -----

The fiscal year of the Association runs from -----
January first up to and including December -----
thirty-first of each calendar year. -----

OBJECTIVES -----

Article 5 -----

The objectives of the Party are: -----
1. To invite lecturers on various -----

humanitarian-oriented topics, hold -----
 meetings and distribute information -----
 including all activities related to -----
 selecting, recruiting, training, promoting -----
 and placement of political candidates to -----
 participate in political elections on Sint-----
 Maarten. -----

The Association will adhere to the laws of -----
 Sint Maarten, while placing honest and -----
 competent political candidates from the -----
 social reform party of Sint Maarten into -----
 parliament and ministries and promote the -----
 cause of democracy and good governance -----
 while observing all constitutional laws, -----
 human rights requirements and -----
 international treaties. -----

2. To provide support and charitable services-----
 to the community of Sint Maarten by -----
 promoting, sponsoring, initiating, -----
 affiliating and cooperating with other -----
 entities. -----

WAYS AND MEANS -----

Article 6. -----

The party shall achieve its objectives through-----
 all legal ways and means and in particular, -----
 but not limited thereto by: -----

1. Participating in elections for public -----
 office. -----

The Party will submit a list of -----
 candidates, after a selection from -----
 nominations of the General Membership -----
 Meeting, made during a meeting of the General Membership, convened for this purpose.
 (Prospective) Candidates must be members -----
 of the party, declare to abide by this -----
 constitution and other Party regulations -----
 and directives. Every election year, the -----
 Party will decide on a maximum amount of -----
 candidates. -----

The Party can jointly with (an)other -----
 Party(ties) submit a list of candidates on -----
 the basis of an Memorandum of -----
 Understanding between Parties. -----

2. Convening internal and public meetings, -----
 organizing conferences, seminars, -----
 congresses, assemblies, contact meetings -----
 and forums. -----
3. The use of television, radio, newspapers, -----
 press conferences electronic and social -----
 media or any other legal innovative form -----
 of communication in the future. -----
4. Publishing and distributing of pamphlets. -----
5. Publishing, printing and distributing its -----
 own internal information paper. -----
 Every election year, as much as possible -----
 simultaneously with its candidates' list, -----

- the Party will publicize its party's -----
 political program and or vision for -----
 St. Maarten. -----
- 6. Affiliation with different international -----
 political organizations with the same -----
 ideology. -----
- 7. All other legally permissible means. -----

MEMBERS -----

Article 7. -----

- 1. The membership of the Association consists -----
 of the following categories: -----
- a. Ordinary members; -----
- b. Honorary members; -----
- c. Extra-ordinary members; -----
- d. Aspiring members. -----

Ordinary members must: -----

- 1. Be an inhabitant of Sint Maarten and have -----
 the right to vote. -----
- 2. Have a minimum age of eighteen years. -----
- 3. Have no affiliation with any other -----
 political party or association of this -----
 same nature. -----
- 4. Be willing to adhere to the articles of -----
 the Constitution of the Association and -----
 its By-laws if any. -----
- a. The Party board, in accordance with the -----
 By-Laws if any, shall decide on the -----
 admission of ordinary Members. -----
- b. Honorary Members are those who have -----
 been of exceptional services to the Party -----
 in particular and for Sint Maarten in -----
 general. -----
- c. Extra-ordinary Members are those who -----
 reside or do not reside on the island of -----
 Sint Maarten. -----
- Extra-ordinary members are appointed by -----
 the National Council. -----
- Extra-ordinary members carry a -----
 consultative voice in Party affairs. -----
- d. Aspiring Members, are persons who share -----
 the ideology and support the objectives of -----
 the party, but who are limited by -----
 (waiting) time to qualify as full fledged -----
 members. (Youth members naturalization -----
 candidates, etcetera). -----
- Aspiring members shall be introduced by a -----
 full fledged member in good standing. -----
- 3. Members have to be accepted as such by the -----
 Board of the Party, in accordance with the -----
 guidelines determined in the By-Laws if -----
 any. -----

THE ENDING OR INTERRUPTION OF MEMBERSHIP -----

Article 8. -----

- 1. Membership ends: -----
- a. By death; -----

- b. Upon notice in writing by the member to -----
the board which can take place at any -----
time. -----
- c. In the case that a member does not -----
comply any longer with the requirements as -----
mentioned in the previous article 7, and -----
also when it cannot reasonably be required -----
of the association that it causes the -----
membership to continue in effect. In such -----
a case the Board will confirm the -----
termination of the concerned member in -----
writing mentioning the reasons of the -----
measure. -----
- d. By expulsion or termination of the -----
Membership by the Board in accordance with -----
the Civil Code. -----
2. Membership interrupted: -----
- a. When a member is suspended for -----
disciplinary reasons as laid down in the -----
By-Laws. -----
- b. Or when a member so desires and so -----
expresses in writing for valid and -----
acceptable reasons. -----
(In the case of travel, transfers, -----
etcetera.) -----
3. General procedures of interruption/ -----
termination: -----
- a. Any notice of suspension, expulsion or -----
termination of Membership by the Board -----
must be in writing and substantiated with -----
the reasons for which the member is being -----
penalized. This writing must be sent by -----
registered mail or fax or by licensed -----
courier or marshal within a month of the -----
decision of the Board. When a member has -----
been suspended or expelled or his/her -----
membership terminated, he/she may appeal -----
to the Committee of Disputes. This appeal -----
must be submitted in writing within a -----
month after the written suspension, -----
expulsion or termination has been received -----
by the member concerned. A member whose -----
membership has been interrupted for not -----
paying his/her membership dues for more -----
than a year, can only be reinstated if and -----
when the outstanding contributions have -----
been paid up in full. -----
- b. When a member tenders his/her -----
resignation to the Board, this notice of -----
resignation does not absolve this member -----
of the obligation to pay contribution in -----
arrears or current up until the official -----
ending of his/her membership. -----
4. A member of the Party who is also a member -----
of a Representative Body or who by means -----

of succession is eligible for a position -----
 on a Representative Body, must at the -----
 termination of his/her Party membership, -----
 relinquish his/her position in the -----
 Representative Body or must decline the -----
 acceptance of said position. -----

FUNDS -----

Article 9. -----

The funds of the party shall be derived from: -----

- 1.a. Enrollment fees, contributions, and other dues from members; -----
- b. Donations; -----
- c. Fundraising events; -----
- d. All other income permitted by Law. -----
2. Enrollment fees and contributions are -----
 established by the General Meeting of -----
 Members upon proposal by the Board and are -----
 subject to revision from time to time. These -----
 fees are due upon the official acceptance of -----
 a member. At the discretion of the Board the -----
 enrollment fees and other membership dues -----
 can be paid in installments. -----
3. With regard to finances the party shall at -----
 all times adhere to the rules and -----
 regulations of the National Ordinance of -----
 Registration and finances of political -----
 parties (AB 210.GT No: 11) -----
4. The Treasurer is in charge of the financial -----
 management. -----

THE GENERAL MEETING OF MEMBERS. -----

THE NATIONAL COUNCIL. -----

Article 10. -----

1. Each year an Annual General Meeting of -----
 Members (also to be called the "National -----
 Council") will be held at the latest in -----
 the month of June. -----
 2. In said meeting the following topics will -----
 be part of the agenda and will be dealt -----
 with: -----
 - a. The annual board report, to be -----
 presented by the President and -----
 highlighting the important past year's -----
 events and developments and setting -----
 targets for the coming year; -----
 - b. The annual report of the Secretary -----
 General; -----
 - c. The annual financial report, by the -----
 Treasurer; -----
 - d. Report by the Auditing Committee; -----
 - e. Elections for vacancies on the Board; -----
 - f. Appointment of new members of the -----
 Auditing Committee; -----
 - g. Appointment of new members of the -----
 Committee of Disputes. -----
- Members of the Board may not be a member -----

- of the Auditing Committee or a member of -----
the Committee of Disputes. -----
3. Ordinary or extra-ordinary General Members -----
Meetings shall be held whenever a -----
situation arises, in which the Board deems -----
it necessary or responsibly called for to -----
inform the members on important matters or -----
developments. -----
4. General Members Meetings shall be convened -----
in writing and published in one or more -----
local daily newspapers at least fourteen -----
(14) days prior to the meeting itself. The -----
agenda must be made known simultaneously. -----
Topics for the meeting which have been -----
submitted to the Board in due time and -----
which can be prepared for announcement -----
with due observance of the term to convene -----
the meeting, shall be mentioned or be part -----
of the convocation. -----
In cases of urgency the Board may reduce -----
the notice term of fourteen (14) days to -----
seven (7) days as long as the intentions -----
and objectives of the Meeting are not -----
hampered or frustrated. -----
5. Special General Meetings can also be -----
called at the request of at least one -----
third (1/3) of the Ordinary Members and/or -----
Voting Members be done in writing with a -----
proposed agenda and signed by those -----
requesting the meeting; providing that all -----
who signed will be present as quorum when -----
the meeting is opened. If there is no -----
quorum to carry the agenda during the -----
meeting, then the board may postpone this -----
meeting until further notice. -----
6. In the event that the Board neglects or -----
declines to honour a request for a special -----
General Meeting (as referred to under -----
article, 10, sub. 5.) for more than -----
fourteen days, then the Members shall be -----
entitled to convene a special General -----
Meeting themselves as stipulated in the -----
By-Laws. -----
7. To be valid, the quorum of a General -----
Meeting during attendance must amount to -----
at least one third (1/3) of the total -----
voting membership. -----
If during this first gathering the -----
attendance is less than one third (1/3) of -----
the voting membership, then a second -----
meeting with the same agenda must be -----
convened and in accordance with paragraph -----
4. of this article. -----
This second meeting is to be held within a -----
time frame of not less than one (1) week -----

- and not more than three (3) weeks. In this -----
 second meeting the agenda topics can be -----
 dealt with and decided upon regardless of -----
 the number of voting members present at -----
 this meeting. -----
8. All resolutions are taken by majority of -----
 the votes cast, unless otherwise provided -----
 for in this Constitution. -----
9. Voting on matters shall be done verbally, -----
 voting on persons shall be done in -----
 writing, through "sealed" (secret) and -----
 unsigned ballots. In case of doubt, the -----
 Board shall decide whether there is a case -----
 of persons or matters. -----
10. Abstentions and blank ballots shall not be -----
 considered as votes cast. -----
11. If an appointment is voted upon, the -----
 person who has obtained the absolute -----
 majority of the votes cast, is held to be -----
 elected. In the event that nobody has -----
 obtained such a majority, a final run-off -----
 ballot shall be taken between the two (2) -----
 persons who have obtained the largest -----
 number of votes. If more than two (2) -----
 persons have qualified for the final run- -----
 off ballot, then an interim run-off ballot -----
 will take place. If necessary more than -----
 one interim ballot shall be held to -----
 determine the two (2) candidates for the -----
 final run-off ballot. If in a FINAL ballot -----
 both persons should obtain the same number -----
 of votes, lots shall be drawn to determine -----
 the winner. -----
 This principle of selection is also -----
 applicable in the event of a deadlock of -----
 votes to select and determine the second -----
 candidate who has to qualify for a run-off -----
 election. -----

THE BOARD -----

Article 11. -----

1. The task of the Board is to -----
 administratively run the Party in a -----
 responsible way. Furthermore it is among -----
 others the task of the Board to make it -----
 possible for the Party's membership in -----
 particular and the community in general to -----
 interact with its political elected -----
 members, to build and maintain an ever -----
 expanding support base for these elected -----
 members wherever possible so that they can -----
 carry out their tasks and assignments -----
 responsibly and independently according to -----
 the Sint Maarten Constitution, according -----
 to the Law, according to their Conscience -----
 and their Oath of Office. -----

2. The Board consists of a maximum of eleven -----
(11) persons to with: Nine (9) elected -----
Board Members being: -----
The President, the Secretary-General, the -----
Treasurer, these three (3) forming the -----
Executive Board. -----
The Vice-President, the Deputy Secretary- -----
General, the Deputy Treasurer and three -----
(3) Commissioners. -----
The position of President and Vice-----
President will automatically be filled by -----
the Party Leader; the position of Vice- -----
President will be automatically filled by -----
the Deputy Party Leader. -----
3. Board members are elected from the Ordinary -----
Members and by the General Meeting of -----
Members, which election will take place -----
during the Annual General Meeting of -----
Members. The candidates must be at least -----
eighteen (18) years of age on the day of -----
postulation. -----
4. Members of the Board are elected in -----
function for a period of two (2) years. -----
5. The General Meeting of Members can suspend-----
and/or dismiss a Board member. -----
6. A board member who has been elected to a -----
Representative Body of Government and -----
accepts his/her office, has to vacate -----
his/her board position unless given -----
dispensation by the General Meeting. -----
7. In deviation from the statutory -----
stipulations in this Constitution, interim -----
or founding Board members, interim or -----
"start-up" committees and committee -----
members, etcetera will remain in function -----
until at such time it will be reasonably -----
possible to fully apply the regulations of -----
this Constitution, but within one year of -----
the first annual General Meeting of -----
Members. -----
8. The results of Board member elections as -----
stipulated in the paragraphs of this -----
article will be duly recorded by the -----
Election Committee in an official -----
procedure report (proces verbaal). Board -----
member candidates who have not been -----
elected during the last election, will be -----
instituted as reserve board members, -----
ranking according to the amount of votes -----
they accumulated during the last Board -----
election. These reserve board members will -----
be ranked according to the amount of votes-----
they accumulated during their first -----
original ballot count. The votes a -----
candidate received during an interim or -----

- final run-off ballot will not be -----
applicable. A reserve Board member will be-----
a replacement for a retiring, resigning, -----
suspended or dismissed board member in the-----
order as stipulated by this Constitution -----
or further supplemented in the By-Laws. -----
The results of the last elections for -----
Board members automatically replaces the -----
previous existing line-up of reserve Board -----
Members and their rank. -----
9. In the case that the President of the -----
Board is unavailable or in the case of his -----
absence for whatever reason, his duties on -----
the Board will be filled by the Vice- -----
President. If the Vice-President is -----
unavailable as well, these duties will be -----
filled by the Secretary-General and then -----
by the Treasurer in that order. -----
10. If the President, the Secretary-General or-----
the Treasurer should resign or be -----
suspended or dismissed or hindered to -----
carry out their respective tasks for -----
whatever other reason, then these members -----
will be replaced by their deputies, the -----
Vice-President, the deputy Secretary, the -----
deputy Treasurer in that order, until the -----
next Annual General Meeting of Members and -----
the then statutory elections for Board -----
members. -----
11. In such a case as mentioned under -----
paragraph 10. of this article, the -----
remaining Board within its Chambers will -----
replace the then vacant "vice or deputy" -----
position on the Board by electing one of -----
the Commissioners to that position. -----
12. The vacant seat of Commissioner on the -----
Board will be filled by the highest -----
ranking reserve Board Member and if he/she -----
declines for whatever reason or does not -----
qualify then by the second highest ranking -----
reserve Board Member, etcetera until the -----
following elections. Any such appointment -----
will be initiated by the sitting Chairman -----
of the Election Committee. -----
13. Board meetings shall be held as frequently-----
as the President and/or the Board deems -----
this necessary for the proper functioning -----
of the Party, but at least once every -----
month. -----
14. Board meetings shall be valid if more than-----
half of the Board members are present. If -----
at this meeting more than half of the -----
members are not present, a second meeting -----
must be convened with the same agenda, -----
which meeting is to be held not less than -----

forty eight (48) hours and not more than -----
 seven (7) days after the first meeting, in-----
 which second meeting the topics to be -----
 dealt with can be decided upon regardless -----
 of the number of the Board members present-----
 at this meeting -----

THE PARTY LEADER and THE DEPUTY LEADER -----

Article 12. -----

1. The Party Leader is the captain of the body -----
 "politique" of the Party. The Party Leader -----
 will be the leader in Government, in times -----
 of elections, political debates, in -----
 political bodies, in giving key political -----
 statements etc. etc. and will head the -----
 political list for the elections. -----
2. The Party Leader and the Deputy Party -----
 Leader will be elected by the rank and -----
 file of the Party as specifically -----
 stipulated in the By-Laws of the -----
 Association. -----
3. In order to maintain a continuous liaison -----
 between the Executive Branch (the Board) -----
 and the Elected Representatives (the -----
 political elected faction), Two (2)Board -----
 member positions will be reserved for the -----
 duly elected Party Leader and Deputy Party -----
 Leader. -----

Article 13. -----

1. The PARTY shall judicially and extra-----
 judicially be represented by the Executive -----
 Board. -----
2. The Executive Board shall consist of the -----
 President, the Treasurer and the Secretary-----
 General or their respective deputies and -----
 substitutes as laid down in the -----
 Constitution. -----

ADVISORY COMMITTEE AND OTHER COMMITTEES. -----

Article 14. -----

1. The General Meeting of Members shall -----
 appoint an ADVISORY COMMITTEE with the -----
 task to advise the Bodies and Committees -----
 of the PARTY. -----
2. The Advisory Committee will advise upon -----
 request or at its own initiative. -----
 Whenever the Advisory Committee has given -----
 any advice it shall report the same to the -----
 Board simultaneously. -----
3. The General Meeting of Members and the -----
 Board shall also establish other Permanent -----
 or Ad Hoc Committees and those as -----
 mentioned in the By-Laws and regulate -----
 their tasks as well as the manner of their-----
 functioning. -----
4. These Committees will report to the Board -----
 from time to time on their activities, -----

projects and the progress thereof. The -----
 Board shall render periodical reports to -----
 the General Meeting of Members concerning -----
 the status and progress of the various -----
 Committees. -----

THE BY-LAWS. -----

Article 15. -----

Other stipulations regarding the organization -----
 and management of the PARTY, shall be dealt -----
 with in the BY-LAWS as far as not herein -----
 contained. The By-Laws shall not contain any -----
 regulations conflicting with this CONSTITUTION -----
 of the ASSOCIATION. In matters not regulated -----
 in Law, the Constitution, in the By-Laws or by -----
 other resolutions of the General Meeting of -----
 Members, the General Meeting shall decide. -----

AMENDMENTS OF THE CONSTITUTION. -----

Article 16. -----

This CONSTITUTION shall be amendable only in a -----
 General Meeting of Members specially convened -----
 for such purpose and wherein at least -----
 two-third of the Members are present and the -----
 amendment is approved by at least a two-third -----
 majority vote. In the event the required -----
 number of Members is not present at the time -----
 of this special general meeting, within not -----
 less than one (1) week and not more than four -----
 (4) weeks thereafter a special meeting can be -----
 convened wherein valid decisions can be taken, -----
 regardless of the number of voting members -----
 present. -----

The proposal to amend the articles of this -----
 constitution should be laid down for -----
 inspection by the members seven (7) days prior -----
 to the first general meeting in the question -----
 and until after the end of the first or in the -----
 alternative second meeting. -----

DISSOLUTION -----

Article 17. -----

- a. A resolution to dissolve the Association -----
 can be taken in a meeting specially -----
 convened for said purpose and requires the -----
 same number of votes and the same quorum -----
 as required for a resolution to amend the -----
 articles of this constitution; -----
 the stipulations of article 16 are -----
 likewise applicable. -----
- b. In case of a resolution as meant sub a, -----
 the general meeting decides about the -----
 allocation of a positive balance by lack -----
 of which any positive balance will be -----
 granted to for equal and/or pro ratio part -----
 to the members of the Association. -----
 The liquidation will furthermore be -----
 effected with due observance of the -----

provisions of the civil code. -----
c. After a resolution as meant sub a, the -----
Board is in charge of the liquidation, -----
while the provisions of the articles of -----
this constitution remain in force as much -----
as possible during the liquidation. -----

The appearer is known to me, civil law notary.
WHEREOF THIS DEED, has been executed on Sint -----
Maarten, in one original copy, on the date -----
mentioned in the heading hereof. -----
After relating the substance of this deed to -----
the appearers, he declares unanimously to have
examined the contents of this deed and not to -----
require a full reading hereof. -----
Then, after summary reading of this deed, this-----
deed was signed by the appearer and me, civil -----
law notary. -----



Sociaal Economische Raad

Social Economic Council

**SER advice nr.
2014 – 001**

Flexicurity for Sint Maarten

Advice on an integrated approach to dismissal procedures, short term labor contracts and unemployment insurance

Philipsburg, January 31, 2014

The Social Economic Council Sint Maarten (“Sociaal Economische Raad”, referred to below as “SER”) is an independent advisory body to the government of Sint Maarten. The SER advises upon request by one or more Ministers (solicited) or on its own initiative (unsolicited) on all important social economic issues.

The SER was established by law (“Landsverordening Sociaal- Economische Raad”) in 2010.

The SER consists of representatives of employees’ and employers’ organizations as well as independent experts. The objective of the SER is to achieve a broad concept of wealth in Sint Maarten by offering quality advice and reaching consensus on social economic issues.

For more information, please visit our website www.sersxm.org

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Introduction

On September 17, 2012 the SER advice on the "Draft ordinance on temporary labor contracts" was presented to parliament. When drafting this advice, the SER realized that the issue of temporary contracts is closely intertwined with other labor market- related issues like dismissal regulations and questions of unemployment. One immediate link is the assumption that employers make (too much) use of temporary contracts, because of the circumstance that it is overly complicated to fire an employee once he or she is in permanent service.

Therefore, the SER decided to review these different labor market questions in conjunction with each other, and to pursue a more far-reaching and comprehensive unsolicited advice on temporary labor contracts, and on the other hand the question of permanent contracts and dismissal laws. On the other hand, simplifying dismissal procedures naturally brings to the forefront the questions of job security, social and economic security for the employee. In any case, a balanced approach should be followed between – on the one hand - making labor relations more flexible and therefore promoting employment, efficiency and economic growth and – on the other hand – improving the social and economic security of employees, taking the opportunity to propose some long-discussed, sometimes long overdue revisions and additions of our social security system.

In the idea of "flexicurity" the SER found a fitting concept in which flexibility and increased security are reconciled, a concept with which extensive experience has been gained in Europe and elsewhere over the past decades. Flexicurity is to be distinguished from the classic 'welfare state' model, in that it has a far more dynamic approach to employment and unemployment. While flexicurity allows more flexibility in ending a labor relation, it also pro-actively transitions workers to new jobs, enhances their labor market chances, while it still guarantees solid social security.

This advice seeks to translate a number of core elements of flexicurity to the specific Sint Maarten situation, fitting our socio-economic realities while connecting to our existing legislative framework.

By choice of the SER board, some elements of 'flexicurity' are not immediately covered in this advice. Issues like permanent education (lifelong learning), strategies to actively promote reintegration of the unemployed into the labor market, and better connections between education and prospective employment are possible topics for future advice.

Furthermore, the crucial flexicurity dimension of a – second tier – pension arrangement (additional to AOV) is the subject of a separate SER advice.

1 Background and history

1.1 The concept of 'flexicurity'

The question of achieving a balance between the interest of the employer in terms of flexibility of the labor contract on the one hand, and the interest of the employee in terms of social and economic security in the same labor relation, is not new, nor is it limited to Sint Maarten.

The term "flexicurity" was coined in Denmark in the 1990s. The roots of the concept are in the continental European tradition of mutual recognition of opposing interests between employers and workers. In this tradition, labor unions and business sector usually resolve their differences through bargaining and compromise, often in long-standing negotiating institutions, of which the SER is an example. Government is often involved in these negotiations; however legislation is seen as confirmation of compromise reached between social partners, rather than a means of enforcing such compromise.

In the original Danish definition, flexicurity was comprised of

1. Flexibility in the labor market,
2. Social security and
3. An active labor market policy with rights and obligations for the unemployed.¹

The European Commission adopted the "flexicurity" concept as a cornerstone of European social policy as of 2005 and beyond. Flexicurity is seen as well as a means to revive and revise the less successful 2000 Lisbon strategy, in which the EU originally set its sights on a knowledge-based economy in view of the increased global competition. In its original form, the EC considers flexicurity as an integrated strategy to simultaneously enhance flexibility and security in the labor market. In their keystone report "*Towards Common Principles of Flexicurity*" of July 2007 the European Commission defines flexicurity and recognizes four policy elements:

1. Flexible and reliable contractual arrangements;
2. Comprehensive lifelong learning strategies;
3. Effective active labor market policies;
4. Modern social security systems providing adequate income support during employment transitions.²

At the same time, the European social partners (labor unions and business community) in a joint 2007 statement recognize the necessity for a flexicurity-type development in the report *Key challenges facing European labor markets: a joint analysis of European social partners*. Adding to the four points of the EU definition of flexicurity a fifth item: "*A social dialogue contributing to a negotiated balance between flexibility and security, improving the smooth functioning of the labor market and the adaptability of enterprises and workers.*"³

Furthermore, after the 2008 global financial and economic crisis, flexicurity became increasingly prominent in the EU as a direction to help economic recovery and renewed growth. For instance, in the 2011 "Euro-plus pact" a covenant among a number of EU members to promote fiscal responsibility and economic competitiveness among more stringent lines than the 1998 "Stability and Growth pact" (well known for its fiscal deficit and public debt limits for member states) explicitly mentions "flexicurity" as the first attention point to promote employment.⁴

On a global level, the Organization for Economic Cooperation and Development (OECD), an international organization tending more towards the employers' point of view, praised the "flexicurity" models of Denmark and Austria (notwithstanding the important differences between the two) as early as their 2007 Employment outlook.

With regards to flexicurity, the Sint Maarten situation (based on the former Netherlands Antilles legislation) is a hybrid: job security is relatively high, with several safeguards against random dismissal and an intricate system of permits and legal procedures for termination. This part of our legislation is carried over from the post-world war II Dutch situation. On the other hand, the Netherlands Antilles (while copying the Dutch 1950s AOV and pension related regulations) missed out on the Dutch developments WW (unemployment insurance) and WAO (disability insurance) systems. Summarizing; while job protection is high, our social security framework is incomplete and somewhat lopsided.

¹ Wikipedia, "Flexicurity" article, retrieved March 2013.

² EC "Towards Common Principles of Flexicurity: More and better jobs through flexibility and security" July 2007, page 12. Contains COM(2007)359 final.

³ Key challenges facing European labor markets: a joint analysis of European social partners, 18 October 2007, page 53.

⁴ EUCO 10/1/11 rev 1. Page 17

1.2 Current legal framework

As far as the flexicurity elements in this advice are concerned, the following legal regulations are most relevant:

The labor contract (arbeidsovereenkomst) is regulated in the (former Netherlands Antilles) Civil Code, book 7A:

- Civil Code, book 7A, articles 1613 – 1615x

In addition to the Civil Code, the termination of a labor contract is regulated by a separate 'Dismissal Ordinance':

- Landsverordening beëindiging arbeidsovereenkomsten
Landsverordening houdende bijzondere regels ten aanzien van de beëindiging van arbeidsovereenkomsten (Sint Maarten AB 2013, GT no. 750; previously Netherlands Antilles PB 1972 no. 111)
- Article 6 of the LV beëindiging arbeidsovereenkomsten in further regulated by a National Decree entailing general measures (LB-ham; Sint Maarten AB 2013, GT no. 209)

The institution of a Labor office is regulated by the following ordinance:

- Landsverordening houdende de instelling van een arbeidsbureau (Sint Maarten AB 2013, GT no. 343; previously Netherlands Antilles P.B. 1946, no. 109)

An ordinance regulating temporary labor agencies (uitzendbureaus) was introduced in the Netherlands Antilles in 1983. However, it was never implemented in Sint Maarten during the Netherlands Antilles era. The ordinance entered into force in 2013.

- Landsverordening op het ter beschikking stellen arbeidskrachten (August 1, 2013, Sint Maarten AB 2013, no. 28). The text of this law is not adapted to the Sint Maarten situation post- 10/10/10.

The cessantia⁵ system is regulated by the following ordinance:

- Cessantia landsverordening
Landsverordening tot het vaststellen van nieuwe regels inzake een verplichte eenmalige uitkering aan de werknemer, bij ontslag buiten zijn toedoen (Sint Maarten AB 2013, GT no. 529; previously Netherlands Antilles PB 1983 no. 125)

⁵ The term "cessantia" in this advice is spelled in accordance with the Dutch (legal) sources and therefore with double s. In Papiamentu/o sources the term is spelled as "cesantia" after the Spanish language.

2 Flexicurity challenges in Sint Maarten

2.1 The current context: too little flexibility *and* too little security

In more than one way, the Sint Maarten labor market lacks flexibility.

First, there is too little voluntary labor market mobility. Because of the low level of AOV entitlement, the great differences in employer-bound pension schemes and the difficulty of transferring those, employees with a permanent contract tend to stay with the same company until retirement. The most important example of this phenomenon is of course government, which is the largest single employer in our country as well as the employer with one of the most favorable –non-transferable– pension schemes.

This lack of voluntary mobility effectively divides our already tiny labor market into even smaller isolated compartments. The cessantia system, having a dual purpose of dismissal retribution and retirement benefit, compounds the rigidity of the labor market by actively discouraging employees to change to a different employer; accumulated cessantia entitlements in the event of dismissal evaporate, while in the final years before retirement almost the entire retirement benefit would be cancelled upon changing jobs.

From the macro point of view of optimal use of human resources in our economy, as well as from the micro points of view of career development for the worker and recruitment of optimum personnel for the employer, our economy badly needs more voluntary labor market mobility.

Secondly, according to many, the Sint Maarten labor market also lacks the flexibility for employers to dismiss workers in case of reduced production or output, technically known as 'external numerical flexibility'. In the present situation, employers cannot freely do this; a permit system is in place, requiring the company to motivate and supply evidence of reduced output and revenue. This type of flexibility covers among other factors 'normal' business cycle reductions of personnel (in case of an economic downturn) but may also be intertwined with the strong seasonal patterns in our economy, related to the annual tourism cycle. Some employers are of the opinion that, because of the limitations and conditions on laying off employees in times of economic adversity, they are forced to absorb too large a share of the economic risk of the employee. As the argument goes, this may make them reluctant to hire in the first place, leading to missed business opportunities, hence reduced economic growth as well as failed employment opportunities.

Apart from dismissal on economic grounds, there is the category of cases where there is a mismatch between employer and employee, for instance when the employee is not performing his/her tasks properly. Also in these cases, the procedures to let an employee go are seen as overly complicated. On the other hand, in the same cases there needs to be sufficient protection for the employee, as the motives for dismissal may be far more subjective than in cases of 'economics'.

In the middle of the flexibility and security debates is the question of the use and abuse of temporary contracts. There is relatively wide acceptance of the use of temporary contracts in relation to seasonal (tourism) services, hence the popular term "six month contracts". However, there is concern about and almost universal rejection of the serial use of temporary contracts in cases where the employment is permanent, at least within the boundaries of normal business risk. The impression exists however, that employers "flee" into the use of temporary contracts because of the difficulty in firing an employee once he or she is granted permanent employment. Another factor in this respect is employers using a temporary contract as an "extended trial period".

Moreover, apart from the considerations of employers to choose between offering temporary or permanent to an employee, there is the question of the seasonality of unemployment. To a certain extent, seasonal unemployment is a structural and almost unavoidable characteristic of our economy. The recognition by many stakeholders of a shared responsibility for the welfare of seasonal workers during the low season gives rise to the idea of an unemployment benefit to cover this forced seasonal unemployment partially or entirely. Another direction to alleviate the problem of seasonal unemployment would be to relax the permit system for temporary entrance and exit of immigrant seasonal workers to the country.

The other side of the flexicurity equation consists of the social security situation of employees in Sint Maarten. Mention was already made of the low level of AOV entitlement, combined with the hard-to-transfer secondary pensions (covering only a minority of employees, mostly (semi-) government and a few private enterprises).

The introduction of some type of unemployment insurance has been subject of debate for many years in the Netherlands Antilles and recently in Sint Maarten as well. If flexicurity is taken seriously, this building block of social security is indispensable. The main questions are of course what the extent of such a benefit should be in the Sint Maarten context in terms of *depth* (what part of the lost wages is covered) *length* (timespan of the payment) but also *scope* (Who exactly is covered? Is everyone covered, for instance, regardless of age or residence status?).

Unemployment insurance is where the Sint Maarten social security system is perhaps most defective; at this moment there is no real unemployment benefit in place at all. However, a certain level of insurance against the risk of

business-related unemployment is necessary to compensate for flexibility in dismissal regulations. If not, the individual risk of unemployment caused by business factors would be shifted to the employee entirely. In the Dutch system for instance, the business-related unemployment risk (to the extent that it is covered) is seen entirely as part of the risk of doing business and therefore the WW-premium is covered by the employers alone. Employees do not contribute to the premium. The insurance aspect lies in the risk being collectivized among businesses in the same branch of industry. Companies in a branch of industry with a higher incidence of unemployment therefore pay a higher premium percentage. All of this in a framework of a certain universal depth (insurance benefit as percentage of the lost pay) and length (timespan of the benefit, which is in turn related to the employment history of the worker).

Outside the direct dismissal-related security, improvement of AOV and transferability of secondary pensions are essential flexicurity measures as well, as they have a very important bearing on the objective and subjective security of an employee. The future of AOV has been the subject of a 2012 SER advice, while second-tier pensions are handled in a separate SER advice expected in 2013.

In the paragraphs below, the current situation in Sint Maarten will be described in the fields of dismissal regulations, temporary contracts and unemployment benefits.

2.2 Dismissal regulations

Leaving aside the possibility of voluntary dissolution of a labor contract, where an amicable solution is reached, terminating a labor contract on the initiative of the employer can follow two basic tracks.

One is dismissal by giving notice. In this case a dismissal permit has to be requested through the Labor Affairs Department. The other is a legal procedure through the Court of First Instance. Exceptions exist; e.g. dismissal during a trial period, dissolution in case of bankruptcy of the employer, or reaching the end date of a temporary contract. Immediate dismissal for an urgent reason (ontslag op staande voet) is in a separate category that may or may not lead to a court case from the employee's side. We focus here on "ordinary" dismissal tracks initiated by the employer, that are either based on business reasons or on a (non-urgent) mismatch between employer and employee.

2.2.1 Dismissal by giving notice (permit required)

Following the Dismissal Ordinance, in all cases where the employer seeks to terminate a labor contract by giving notice, the employer needs to apply for a dismissal permit with the Secretary-General of the ministry of Health, Social Development and Labour. This does not include immediate notice (Dutch: ontslag op staande voet). The original background to this legislation is the post-World War II situation in the Netherlands, where emergency laws were implemented to temporarily regulate the labor market in the postwar economic recovery situation. As it turned out, in the entire Kingdom of the Netherlands the successors of these laws are still in place over 65 years later, despite decades of discussions and negotiations to change or abolish them, in the Netherlands as well as in the other Kingdom territories. In the governing program of the current Dutch government (Rutte-II) of late 2012 revision of the permit system is again put on the agenda. Initial responses are mixed and reluctant.

In Sint Maarten, application by an employer for permission to dismiss one or more employees is advised upon by a Dismissal Committee comprised of a chairperson, two representatives of labor unions and two of the business community. In 2012, 68 dismissal requests were handled, of which 40 (59%) were granted, 15 were denied and 13 withdrawn.⁶ The view of many entrepreneurs is, that the dismissal permit procedure often takes longer than the legal maximum of six weeks, and is generally considered too time consuming, while the outcome is not always transparent.

In summary, the dismissal permit procedure is seen by many as outdated, time-consuming and is often regarded as a disincentive to grant an employee permanent employment.

⁶ Labor affairs department 2013, p. 5/6 table of dismissal requests.

2.2.2. Dissolution of the labor contract by court

Following the Civil Code article 1615w the employer can seek dissolution of the labor contract. This article pertains to so-called "serious reasons" (gewichtige redenen). In 2012, 81 cases pertaining to dissolution (setting aside) of a labor contract appeared before the Court of First Instance in Sint Maarten.⁷

Table 1 below aims to give an overview of the most important ways in which – from the point of view of the employer – termination of a labor contract can be reached. The purpose of this overview is to give clarity as to the situations in which the employer may be required to pay compensation to the employee.

Some scenarios have been excluded, specifically those that have no Court involvement:

- Agreement to terminate by mutual consent;
- Dismissal by giving notice during a trial period;
- Termination by reaching the end date of a temporary contract or by dissolution criteria included in the (temporary) contract being met;
- Termination by law in case of death of employee or employer;
- Termination on the grounds of Civil Code article 1615x (non-compliance or breach of contract) is left out for practical reasons, as this article is very seldom invoked.

Table 1. Selected elements of the current dismissal procedures and regulations

TERMINATION OF A LABOUR CONTRACT Overview of possible actions from the point of view of the employer, and selected court procedures		
BY GIVING NOTICE		
COURSE OF ACTION BY EMPLOYER		FOLLOW-UP
A	Regular dismissal with notice (length of notice according to Civil Code art 1615i) The employer applies for a dismissal permit by the SG of the Ministry of Public Health, Social Development and Labour (Dismissal law). Only after the permit is granted, dismissal can be given and the notice period starts. Filing period is deducted from notice period leaving minimum 1 month notice.	<ul style="list-style-type: none"> • Permit declined The employer may resort to scenario C (dissolution)
		<ul style="list-style-type: none"> • Permit granted Employee can challenge dismissal in Court on grounds of being "manifestly unreasonable" (kennelijk onredelijk). (1615s) If granted: Compensation "naar billijkheid" for the real damages. (no "kantonrechttersformule")
		Employee can challenge irregularities in the dismissal (e.g. non-compliance with length of notice period) and Court can grant compensation for damages involved (e.g. wages due based on notice period).
B	The employer gives immediate notice of dismissal (ontslag op staande voet) according to Civil Code art. 1615p, 1615o based on URGENT reasons. NO permit required.	<ul style="list-style-type: none"> • The employee does not accept the termination Employee seeks nullity of the termination on grounds of absence of urgent reason, therefore absence of the required permit, <ul style="list-style-type: none"> ○ Payment of wages due ○ (Re-)admission to work
		<ul style="list-style-type: none"> • Employee accepts termination Employee seeks (full) compensation according to Civil Code art. 1615o and 1615r

⁷ Number supplied by the office of the clerk of the Court of First Instance

		(no "kantonrechttersformule")
SETTING ASIDE (DISSOLUTION) OF A LABOUR CONTRACT		
C	The employer applies for dissolution (setting aside) of the labor contract based on Civil Code art. 1615w. Based on:	
	<ul style="list-style-type: none"> • Serious reasons, (see also immediate dismissal 1615p) OR 	If the court accepts the serious reasons > no compensation for employee
	<ul style="list-style-type: none"> • Changed circumstances (most often adverse business-related factors, falling sales, decreased revenues) 	Compensation for employee according to the so-called 'kantonrechttersformule' Amount of compensation = A x B x C A = Weighted years employment B = Monthly wages C = Correction factor for responsibility/gravity

2.3 Temporary contracts

Referring to SER advice 2012-001 "Advice on the draft ordinance on the elimination of the abuse of short-term labor contracts" a number of important measures need to be taken to prevent misuse of temporary contracts. These measures are crucial as well to make the flexicurity package in this advice feasible.

Even though the number of temporary labor contracts in the labor market in relation to permanent ones is by no means high, the complaints and grievances about abuse of these contracts are serious and persistent. There are strong indications that the cardinal legal limitations of short term contracts, i.e. *the fourth contract becomes permanent by law, as long as the time between subsequent contracts was no longer than 3 months, and each sequence of temporary contracts adding up to more than 36 months in total becomes permanent by law*, are often ignored.⁸

As this advice proposes relaxation of dismissal rules, the incentive for employers to hire employees on a temporary basis, certainly for a second or third time, should be reduced considerably, and therefore overall use of temporary contracts should diminish.

2.4 Unemployment benefits, cessantia

In the current situation Sint Maarten knows no real unemployment insurance. In terms of flexicurity, the existing cessantia benefit is neither fish nor fowl. It is neither a real unemployment benefit nor a proper retirement insurance. Worse even, it contains important adverse incentives for employees, making them stay with one employer so as not to lose accumulated (potential) cessantia benefits. These effects are caused by the employer-bound nature of cessantia. Moreover, the nature of cessantia is more that of a dismissal compensation (bound to one particular employer) instead of an insurance against the risk of unemployment (relative to the employee's employment history in general). If however, cessantia is seen as compensation for dismissal by one particular employer, it duplicates with the provisions to that effect in the Civil Code and further jurisprudence (including the so-called "kantonrechttersformule" applied in case of dissolution of the contract).

From the point of view of the employer the cessantia law is unwieldy as well; from the nature of the provision, the cost involved are highly unpredictable and the effects therefore hard to handle from a business perspective. A prudent business owner should create reserves against the eventuality of having to fire an employee and having to pay cessantia, or, alternatively, to pay cessantia upon the employee reaching pensionable age. However, if the employee voluntarily changes jobs, or leaves before retirement, no cessantia will need to be paid at all and the provision reverts to the profit & loss account. In terms of predictability of costs, cessantia plays havoc with business administration.

In conclusion, although the Sint Maarten system of social insurance comprises – among others – a general pension (AOV), financial assistance (onderstand) and different insurance systems against medical costs, a general unemployment insurance is strangely missing from our system.

⁸ Paraphrased from Civil Code, article 1615 fa

3 Flexicurity proposals for Sint Maarten

3.1 Revision of dismissal regulations

3.1.1 Civil Code

The provisions in the Civil Code regarding the ways in which an employment contract can be ended are generally considered complicated and time-consuming. There is a long history of proposals to streamline, adapt or at least edit these provisions. Such changes however are best addressed in a Kingdom-wide setting, taking into account the principle of concordance of legislation within the Kingdom (Dutch: concordantiebeginisel). Furthermore, as many points of criticism of the Civil Code addresses form rather than substance of the Code, such proposals are kept outside the scope of the current advice.

3.1.2 Dismissal regulations

Another long-standing issue is the Dismissal Ordinance (Dutch: Landsverordening Beëindiging Arbeidsovereenkomsten). The roots of this law are in the immediate post-World War II situation in the Netherlands, where "temporary" emergency legislation was introduced to protect employees against unjustified dismissal in the chaotic postwar economy. The current Sint Maarten legislation was introduced in the former Netherlands Antilles in 1972. The years that have passed since, have not yielded an adequate alternative, most of all because stakeholders on the labor side were understandably reluctant to give up a known protection mechanism in favor of an untested alternative.

If the current dismissal law with the related dismissal commission is dissolved, a new system has to be created to guarantee sufficient protection of the employee against unfair dismissal.

A new system is proposed based on the following principles:

- Creating a clear, fast and predictable path for the employer in case of dismissal with notice of an employee, provided the grounds for dismissal are economically unavoidable or otherwise reasonable, and these grounds are well-founded and well-documented;
- Ensuring adequate legal protection for the employee, generally considered the weaker party in cases of dismissal, against unnecessary or unreasonable dismissal. It is recognized that the high cost of legal representation works to the detriment of the employee;
- Creating incentives for employer and employee alike to reach agreement without the necessity of a court case;
- Creating incentives for employers to consistently apply professional human resource management, so that dismissal cases become less frequent, but if necessary, will be well-founded and well documented, contributing to fast and clear-cut procedures.
- Staying as close as possible to the Civil Code (as opposed to adding another legislative layer, as the Dismissal Ordinance does);
- Guaranteeing freedom of choice in the course of action to be followed for employer and employee, i.e. leaving all existing legal avenues open;
- Creating a clear distinction between dismissal for business and economic reasons on the one hand (individual or collective), and dismissal for reasons related to the person of the employee on the other hand.

3.1.3 Creation of a Dismissal Assessment and Arbitration Board (DAAB)

It is advised here to create a "Dismissal Assessment and Arbitration Board" (DAAB) composed of representatives of labor unions and the business community, that will serve as assessor and/or arbitrator in the cases outlined below. A model for the composition of such an entity, and many applicable internal procedures, could be derived from the 2003 Curaçao "Dismissal Arbitration Board"⁹ blueprint, an institution that operated briefly in the island territory of Curaçao during that year.

⁹ See Dismissal Arbitration Board 2003

Apart from actual dismissal cases, the DAAB could also play a role in arbitration in case of other grievances regarding employment contracts and related matters, aimed at the prevention of escalation of contract-related disputes into disruption of the labor relation.

In cases of collective dismissal the permit system stays in place, and the DAAB will assess the quality of the (mandatory) social plan, prior to giving or declining permission to give notice to the employees involved. This is very similar to the procedure currently in place in cases of collective dismissal.

In cases of individual dismissal with notice, the notice period will start immediately, and is no longer suspended by a permit request. The employee has the option of submitting his/her case to the arbitration board. If the time between the employer giving notice and the employee submitting the case to the DAAB exceeds five working days, the excess time is not eligible for financial compensation. If both parties agree to arbitration, the outcome is final and binding for both parties, and its stipulations such as financial compensation will be made legally enforceable by court order. Important difference with the current situation is, that there is no longer a *preventive* assessment of each dismissal case.

The arbitration process needs to be speedy so as not to delay the dismissal process. As speed is in the interest of the employer, a maximum decision time needs to be set, counting from the moment the employer has submitted all information the DAAB deems necessary. The DAAB will hear both parties and perform other necessary steps to reach a verdict. The result depends on the nature of the dismissal; first of all on the question whether the grounds of dismissal are business/economics related or connected to the person of the employee. The more well-documented the employer's case is, the faster the DAAB can operate. In this way the employer should be incentivized to carry out an overall well-founded human resource management, so if needs be, the employer would be able to submit a well-prepared dismissal case.

Should the employer decline arbitration, the DAAB will assess the case, and based on its findings, may decide to grant the employee financial support to cover the cost of legal support when filing a case against the dismissal based on the civil code. This way, the employer is stimulated to accept arbitration, while the employee is suitably protected. The court case scenario is obviously a last resort; the idea is for employer and employee to either go the way of arbitration or reach an amicable solution before the necessity of legal procedures arises. The possibility for the DAAB to award financial support for legal representation is an important distinction with the 2003 DAB in Curaçao. The lack of incentive for employers to opt for arbitration is said to have caused the failure of the Curaçao model.

In arbitration, the DAAB may or may not impose compensation to the employee to be paid by the employer, or in non-business related cases also impose resumption of the labor relation. For the employer the option of seeking dissolution through article 1615w of the civil code is left open however.

Although every case is unique with regards to persons and circumstances, parameters and guidelines as well as maximum amounts will be set for the compensation awarded to the employee. These parameters will be very different for cases on economic grounds compared to cases where dismissal is based on individual causes. As dissolution through court (based on article 1615w of the Civil Code) is the ultimate option from the point of view of the employer, it stands to reason to take the expected outcome of applying the "kantonrechttersformule" as a maximum for the compensation awarded. Compensation (even if nil) however is in all cases separate from and additional to the obligation to pay out the legal notice period as stipulated by the Civil Code.

In cases of dismissal with immediate notice (ontslag op staande voet) the employee may submit a request for assessment to the DAAB leading to possible financial support for a court case challenging the dismissal based on the civil code. This is currently possible through the office of labor affairs, and will be put in the hands of the DAAB. Although arbitration is not the goal in this case, the DAAB will hear employer and employee both, again incentivizing the employer to submit a well-documented case file. The aim is to simultaneously offer the employee protection and at the same time avoid fortuitous court cases.

In cases of the employer requesting court for the labor contract to be dissolved (set aside) based on article 1615w of the Civil Code the situation remains unchanged, and the court may grant the employee compensation based on the so-called "kantonrechttersformule". This scenario does not involve the DAAB. The number of dismissal-related court cases was 81 in Sint Maarten in 2012¹⁰. The aim of the introduction of the arbitration Board should be to reduce this number significantly.

As a complementary measure, it is important to fiscally recognize the income-suppletion nature of dismissal compensation paid out by the employer. Taxation laws should be amended to allow stretching out severance pay over time to avoid a very high tax rate being applied to a one-time lump sum payment.

¹⁰ Data provided by the Court of First Instance, Sint Maarten.

Table 2. Overview of proposed new dismissal regulations including role of the Dismissal Assessment and Arbitration Board (DAAB)

Collective dismissal	Permit remains mandatory	Employer submits mandatory social plan	DAAB assesses social plan	<ul style="list-style-type: none"> • SP accepted -> dismissal permits • Changes indicated -> back to start • SP rejected -> no permits • OR: Referral to individual procedure
Individual dismissal with notice (Regular/irregular)	Arbitration instead of permit. Notice period starts immediately. Employee may request arbitration ->	Employer rejects arbitration	DAAB assesses dismissal case	<ul style="list-style-type: none"> • No further action OR • Grant of financial support to employee for legal fees when filing case based on <ul style="list-style-type: none"> ◦ 1615o/r (irregular dismissal) ◦ 1615s (manifestly unreasonable)
		Both parties accept arbitration: verdict is binding	DAAB performs arbitration: If economic grounds established ->	<ul style="list-style-type: none"> • Dismissal with or without compensation
			If non-economic grounds ->	<ul style="list-style-type: none"> • Dismissal with or without compensation OR • Return to work with/without comp
Individual dismissal with immediate notice (ontslag op staande voet)	Possible financial support for employee (presently possible through Labor office)	Employee may request assessment by DAAB	DAAB assesses case, may grant financial assistance	<ul style="list-style-type: none"> • Possible grant of financial support to employee for legal fees when filing case based on <ul style="list-style-type: none"> ◦ 1615o/r (irregular dismissal) ◦ 1615s (manifestly unreasonable)
Dissolution based on Civil Code article 1615w	No change			<ul style="list-style-type: none"> • Legal verdict with possible compensation based on "kantonrechttersformule"

3.2 Addressing the abuse of temporary labor contracts

In line with the earlier advice on short term labor contracts (SER 2012-001, September 2012), the SER reiterates that the legal rules and regulations are in itself sufficient, but the compliance as well as the enforcement is deficient. In order for the other proposals in this advice to be viable, these concerns need to be addressed concurrently.

- Require every labor contract to be in writing. Lack of written proof of a labor relationship makes enforcement of rules by government agencies difficult, and compromises the position of the employee, especially in case of legal action.¹¹
- Increase of control by the labor inspection (arbeidsinspectie) on compliance with the existing legal rules regarding (subsequent) temporary contracts. The recently launched Labor Market Information System (LMIS) should be a helpful tool in this respect.
- Increase the inclination towards compliance by employers by: simplifying the bureaucratic procedures where possible; dissemination of information regarding the rules and generally building a culture of compliance. This should be achieved not only by government pressure but also by self-regulation of the private sector.
- Increase the consciousness among employees with regards to their rights and entitlements. Especially among temporary employees (recent) immigrants are overrepresented, finding themselves in a by definition more vulnerable position. The labor unions – and other NGO's - have a specific role and responsibility in this field.

¹¹ See for instance the Aruba Civil Code, where it is mandatory for a labor contract to be in writing; Article 1613x section 1, cited in DirAZ 2007, p 23.

3.3 Dispense with cessantia while respecting entitlements accumulated to date

Due to its deficient nature and its adverse effect on the labor market, the current cessantia arrangement needs to be abolished. All entitlements accumulated (years worked) up to the 'cut-off date' will be respected and can be invoked in due time. In this way, the adverse labor market effects of cessantia (the dis-incentive to change jobs) will be eliminated immediately, while the entitlements accumulated to date will stay in place. The cessantia fund managed by SZV, which is currently used to pay out cessantia to employees in case the employer is unable to pay, e.g. in case of bankruptcy, will be of limited use once cessantia is phased out. This fund can be used as starting capital/ financial buffer for the newly to be established unemployment benefit.

Dispensing with the cessantia benefit in case of dismissal motivated by retirement can be postponed until the introduction of a general second-tier pension scheme, and/or the introduction of a mandatory retirement age.

3.4 Introduction of an unemployment benefit (UB)

To provide the necessary security for the employee who loses his/her job for reasons outside his/her influence, an unemployment benefit insurance needs to be introduced. Eligibility for such a benefit will depend on certain conditions. The cause of unemployment must be outside the responsibility or influence of the employee. The following parameters are proposed:

- Premium payment for unemployment benefit (UB) is mandatory for each employee. An exception for employees who are also managing director and major shareholder (Dutch: directeur-groootaandeelhouder) will be made.
- The entire UB premium is to be paid by the employer.
- Each employee who has been paying UB premium is entitled to the benefit.
- Premium is levied as a percentage of income, similar to the ZV/OV. Premium will be levied over the annual income to the same maximum as ZV/OV, i.e. presently up to NAf. 64,035
- Entitlement to UB is contingent upon the unemployment being involuntary and outside the responsibility of the employee. Dismissal for cause (e.g. misconduct, breach of rules, not functioning properly) makes the employee ineligible for UB.
- The maximum timespan of UB entitlement is three months. The actual duration depends on the employment history of the employee.
- Provisions have to be made to ensure the UB provides an equitable coverage for seasonal workers who are subject to recurrent unemployment.
- The amount of UB is 70% of the average wage over the last 12 months, up to 70% of the maximum UB premium base, i.e. the maximum entitlement is 70% of NAf. 64,035 = NAf. 44,824 annually.

Based on the parameters listed above, preliminary calculations show that a 3 month unemployment benefit is financially feasible through a 3.35% premium levy on the employees income. (See appendix 1 for calculation). It is considered reasonable for the employer to carry the full premium of the 3-month unemployment insurance, as the employers can reduce part of their business risk by being able to dismiss employees faster in case of a business downturn. Moreover, as the cessantia is simultaneously abolished (in terms of new entitlements) no new provisions will have to be made, amounting to a roughly 2% reduction in labor costs. It stands to reason however that if in a later stage the length of the entitlement would be increased above three months, both employer and employee would contribute to the premium connected to that additional coverage.

By the same token, it is reasonable to differentiate the level of premium between branches of industry, depending on how much each type of business contributes to unemployment. This has special relevance to seasonal unemployment, the effects of which should be carried primarily by the branches causing it.

This calculation incorporates – as assumed overhead costs - the average operational costs of SZV incurred in administrating similar social insurances. This calculation also assumes that each unemployed person is eligible to the full three months of UB. As the real entitlement may be less, the real premium may therefore be lower. On the other hand, schemes such as this depend on macro-economic circumstances. High unemployment due to adverse trends in the global economy may make a higher premium percentage necessary, or a lower benefit.

If cessantia is dispensed with and an unemployment benefit is introduced, a transition period is unavoidable, in which an employee who is dismissed may be entitled to a mix of previously accumulated cessantia rights as well as an unemployment benefit under the new system, depending on his/her employment history since the date of introduction of the new benefit.

4 Summary of SER advice

To reach a solution on a number of interconnected issues in existing labor market regulations, which are in turn related to certain shortcomings in our system of social security the SER advises unanimously the following package of *flexicurity* measures:

- Revision of the dismissal procedures and regulations
 - Suspend the Dismissal Ordinance. There will be no more preventive assessment of dismissals, i.e. no more dismissal permit requirements, except in cases of collective dismissal, where the DAAB will assess the social plan, and grant or decline dismissal permits.
 - Instate a Dismissal Assessment and Arbitration Board (DAAB), handling arbitration in cases of dismissal with notice, as well as granting financial aid for legal representation of the employee in selected cases, primarily when the employer declines arbitration.
 - When both parties agree to arbitration, the verdict of the DAAB is binding and made legally enforceable. In case the employer declines arbitration, the DAAB may grant the employee financial assistance for legal representation to challenge the dismissal in court, based on the merits of the case.
 - The possibility for the employer to file for dissolution (setting aside) of the labor contract according to article 1615w of the civil code remains unchanged. In these cases, the court may use the "kantonrechttersformule" to establish compensation to the employee.
 - Tax legislation should be amended to allow one-time severance pay (awarded by DAAB, by Court or otherwise), to be fiscally spread out over time to avoid the high tax rate applicable to lump sum payments.
- Strict enforcement of the existing rules regarding temporary labor contracts
 - In connection with the other points contained in this advice, the SER reiterates its advice on short term labor contracts (SER 2012-001, September 2012).
 - It should be stipulated by law that all labor contracts should be in writing
 - Improve the knowledge about the rights and duties of employers and employees regarding temporary contracts and enhance the culture of compliance.
 - Increase of control and enforcement of compliance with the rules regarding subsequent temporary contracts, specifically that the fourth temporary contract is converted by law into an indefinite contract when the intervals are three months or less, and the rule that two or more temporary contracts exceeding a total of 36 months become permanent as well.
- Replace cessantia with an unemployment benefit (UB)
 - Dispense with the cessantia system. Change the cessantia ordinance, so that all accumulated entitlements are respected and kept in place, but no new entitlements are created as of the date of entering into force of the changes. As is the case presently, a change of employment will dissolve all existing cessantia entitlements accrued by the employee.
 - Create an unemployment benefit insurance based on an entitlement of 70% of the average wage earned (capped at the ZV/OV level of NAf 64,035 annually) , over a maximum of 3 months, the duration being dependent on employment history.
 - If applicable to repatriating immigrant workers, lump sum pay-out of unemployment insurance should be made possible.
 - Preliminary calculations show that such an entitlement can be funded by a 3.35% premium on wages, to be carried by the employer. Differentiate the premium percentage by branch of industry, depending on the incidence of lay-offs and seasonality in each branch. The current cessantia fund managed by SZV, which will be of limited use once cessantia is abolished, could be used as starting capital and floating fund for the unemployment benefit.

- **Safeguard the integrated nature of the advice**

The SER wishes to stress the interconnected nature of the elements of this flexicurity advice. Different elements of this advice are to the advantage of different stakeholders in the socio-economic field. The total proposal is the result of a balancing of interests and mutual compromise. Therefore, from a policy implementation point of view, this advice has to be seen as an integrated package, in the sense that individual elements cannot be separated from the total without harming the essence of the advice, and damaging the unanimity of the advice.

Furthermore, as broad as the present flexicurity advice may be, it is still interconnected with other elements of social security and economic regulation not included in this advice. For instance, as the present cessantia system functions as a type of faux retirement benefit as well, it is of the utmost importance that a general mandatory second-tier pension benefit be implemented to compensate for the absence of the cessantia. Introduction of such a pension system will be the subject of a separate SER advice.

5 Sources and acknowledgements

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- Claire Elshot

Appendix 1. Calculation of unemployment benefit premium percentage

ESTIMATE OF PERCENTAGE UNEMPLOYMENT 3 MONTHS OR LESS		
<i>Source: data of the 2009 labor market review</i>		
less than 1 month	182	6.6%
1 to 3 months	987	35.7%
4 to 6 months	565	20.5%
7 to 9 months	156	5.7%
10 to 12 months	249	9.0%
longer than 12 months	582	21.1%
unknown	43	1.5%
Total (excluding not reported)	2,764	100.0%
Less than one month	6.6%	
The category 1 to 3 month effectively measures 1.0 months to 3.5 months		
To estimate the percentage in the class 1.0 to 3.0, $2/2.5 * 35.7 \%$	28.6%	
TOTAL estimate percentage unemployed ≤ 3.0 months	35.2%	
ESTIMATE OF PREMIUM PERCENTAGE UNEMPLOYMENT BENEFIT		
Number of premium paying employees		
Estimate based on 2009 labor market review (21,379)	21,000	(1)
Tax inspectorate 2013 number of unique employees wage tax = 21,000		
Number of unemployed		
Estimate based on 2009 labor market review (2,764)	2,500	(2)
Percentage of unemployed ≤ 3 months (2009 Labor market survey)	35.2%	(3)
Number of unemployed ≤ 3 months (3)*(2)	880	(4)
Unemployed ≤ 3 months as % of working pop. (4)/(1) * 100%	4.19%	(5)
Entitlement as a percentage of wage earned	70%	(6)
Premium % needed for coverage entitlement (5)*(6)	2.93%	(7)
SZV operational costs as percentage of entitlements paid out	14.20%	(8)
TOTAL premium %		
for entitlement + operational costs (7) * (1+(8)/100)	3.35%	(9)

Overzicht wetgeving 2014

De Ombudsman heeft een termijn van zes weken om een bekrachtigde wettelijke regeling aanhangig te maken bij het Constitutioneel Hof wegens onverenigbaarheid met de Staatsregeling. Dit is op grond van artikel 127, derde lid, van de Staatsregeling. De afdeling Juridische Zaken en Wetgeving van het Ministerie van Algemene Zaken publiceert – wanneer van toepassing – drie overzichten in de Landscourant, te weten een overzicht van:

1. bekrachtigde, maar nog niet in werking getreden wettelijke regelingen, waarvan de termijn van de Ombudsman nog niet is verstreken;
2. in werking getreden wettelijke regelingen; en,
3. aanhangige zaken bij het Constitutioneel Hof van Sint Maarten

1	Bekrachtigde, maar nog niet in werking getreden wettelijke regelingen		
Nummer Afkondigingsblad	Citeertitel	Datum bekrachtiging	Beoogde datum inwerkingtreding
AB 2014, no. 40	Regeling nr. 2014/923 van de Minister van Financiën van de 20ste mei 2014, tot wijziging van de Regeling nummerplaten 2014 in verband met het uitbreiden van de nummerreeksen van enkele categorieën motorrijtuigen	20 mei 2014	2 juli 2014
AB 2014, no. 36	Regeling van de Minister van Justitie van 29 april 2014, houdende wijziging van de Ministeriële Regeling ter uitvoering van artikel 32 van de Landsverordening op de justitiële documentatie en op de verklaringen omtrent het gedrag	29 april 2014	11 juni 2014

2	In werking getreden wettelijke regelingen		
Nummer Afkondigingsblad	Citeertitel	Datum bekrachtiging	Datum inwerkingtreding
AB 2014, no. 34	Regeling interdepartementale commissies	14 april 2014	27 mei 2014

3	Aanhangige zaken bij het Constitutioneel Hof van Sint Maarten	
Nummer Afkondigingsblad	Citeertitel	Datum bekrachtiging
-	-	-