

## MOTION

The Parliament of Sint Maarten in its meeting of today, November 5th, 2020,

*Recalling* the Charter of the United Nations, and in particular articles 2, 73, 103, UN resolutions 742 (VIII), 747 (VIII), and 945 (X), and the “Statuut voor het Koninkrijk der Nederlanden”,

*Further* recalling the amendment to the draft of UN Resolution 945 (X), as submitted by Uruguay, which was intended to “offer the peoples of the Netherlands Antilles and Surinam a safeguard, an opportunity of coming at a later date to knock at the door of the United Nations, should the need arise”,

*Also* recalling the motions which were adopted in its Public Meetings held on May 20, 2020 (OV 25, motion 1), and July 8, 2020 (OV 31, motion 1),

*Aware* of the following correspondence during the course of 2020:

- The information package sent to the members of the IPKO by Hon. MP Grisha Heyliger-Marten;
- The joint letter of the Parliaments of Aruba, Curacao and St. Maarten to the Chairman of the Kingdom Council of Ministers;
- The letter of COPPPAL to the Prime Minister of the Netherlands and the United Nations;
- The letter of the Parliament of Aruba to the United Nations and COPPPAL;
- The private petition signed by organizations on Curaçao and a qualified 2/3 majority of the Parliament of Curaçao to the United Nations;

*Noting* the statements of the Prime Minister and King of the Netherlands to the 75<sup>th</sup> Session of the United Nations General Assembly regarding the continued commitment of the Netherlands to the objectives of the United Nations, multilateralism, and upholding international law,

*Having* received and considered the questions sent to the Hon. Prime Minister of St. Maarten by the MP Grisha Heyliger-Marten on May 8, 2020 and the response to said questions as received from the Hon. Prime Minister on October 6<sup>th</sup>, 2020,

*Affirming* the conclusions and recommendations of the Hon. Prime Minister of St. Maarten in said response, and specifically noting that State Secretary Knops wrongfully informed the Parliament of the Netherlands that article 73 of the U.N. Charter is no longer applicable to the Netherlands,

*Aware* of the ongoing actions by the Government of the Netherlands which prevent the Government of Sint Maarten from securing the required funding to carry out its duties in accordance with its right to a full measure of self-government,

*Desirous* of having the decolonization process of the former Netherlands Antilles finalized as soon as possible in accordance with international law in order to ensure the sustainable development of

the people of Sint Maarten in all its aspects, and safeguard the international reputation of the Kingdom of the Netherlands and its subjects,

1. *Urges* the Government of the Netherlands and/or Kingdom of the Netherlands to cease and desist from any actions which conflict with its continued obligations under article 73 of the UN Charter law and Sint Maarten's UN-mandated right to a full measure of self-government based on absolute equality with the Netherlands.
2. *Invokes* the right provided by the approved amendment to UN Resolution 945(X) to directly approach the UN General Assembly, now that the need has arisen.
3. *Endorses* the initiative and legal actions of Foundation Pro Soualiga related to the decolonization of the former Netherlands Antilles, as well as the private initiative in Curaçao with a comparable objective.
4. *Declares* any actions, including proposals and legislative action(s) and/or initiatives by the Government of the Netherlands which do not treat the interests of the people of St. Maarten as paramount and/or violate the Netherlands' continued obligations under article 73 of the UN Charter law, and Sint Maarten's UN-mandated right to a full measure of self-government based on absolute equality with the Netherlands under the Kingdom Charter as null and void, and therefore inoperative with immediate effect.
5. *Resolves* to immediately retain local and international legal counsel to assist the Parliament and Government of Sint Maarten with ending the violations of Sint Maarten's UN-mandated right to a full measure of self-government; completing the decolonization of Sint Maarten and the other islands of the former Netherlands Antilles with the assistance of the United Nations in accordance with the past, present, and future obligations of the Netherlands under international law; and obtaining reparations from the Netherlands for violations of international law and norms as well as its treaty obligations.
6. *Instructs* the Council of Ministers to act in accordance with this motion with immediate effect, and to urgently initiate dialogue with the legitimate Governments within the Kingdom of the Netherlands to prepare a Kingdom Round Table Conference by July 2021, during which all legitimate, democratically elected governments within the Kingdom of the Netherlands will ratify, and commit to the complete decolonization of the former Netherlands Antilles in accordance with article 73 of the UN Charter, relevant UN resolutions, international treaties, and other sources of international law.
7. *Resolves* to establish a Permanent Committee on Constitutional Affairs and Decolonization, which shall be empowered to prepare, monitor, and assist with the processes outlined in paragraphs 3 and 4 of this motion; inform Parliament of developments related to these processes; coordinate as necessary with other Parliaments within the Kingdom of the Netherlands; communicate with other international bodies when necessary; and make recommendations to the Parliament regarding the processes and goals set forth in paragraphs 3 and 4 of this motion.

8. *Instructs* the Chair of Parliament to bring this motion and its underlying documentation to the attention of the legitimate legislative, executive, and judiciary branches within the Kingdom of the Netherlands, the United Nations General Assembly, COPPPAL, CARICOM, as well as having it added to the agenda of the Interparliamentary Kingdom Consultations (IPKO) meeting scheduled for January 2021.
9. *Mandates* the Chair of Parliament to communicate with any and all third parties on its behalf, where it concerns all matters related to this motion and its execution,

And goes over to the order of the day.



R. Beison



G. Heyboer-Mark



S.L. Duncan