

How do we solve the crisis?

Dear Editor,

After the constitutional crisis in Curaçao last year towards the end of the Schotte cabinet, St. Maarten runs the risk of entering a constitutional crisis of similar dimensions. Two weeks ago eight of the fifteen Members of the St. Maarten Parliament terminated their support of the Wescot-Williams cabinet. Since then there is insecurity about the status of the cabinet and the question is being asked whether the crisis of confidence should result in new elections.

Last week Thursday the Governor gave an overview of the developments in a public statement in which he also called on stakeholders "to do all that is necessary to maintain and protect the integrity of our constitutional democracy and to foster actions in keeping with our constitution based on the rule of law."

Based on this statement, the Governor has been accused in the media and on the Internet of assuming a weak position, but that criticism is unjust. The Governor doesn't have the authority to handle matters independently. His role is only of a facilitating nature. To start, the ball is in the court of the Ministers and Parliament. They have to solve the impasse themselves. The logical next question would be: What should they do?

St. Maarten has been an autonomous country within the Kingdom of The Netherlands since October 10, 2010. The constitutional legislator of St. Maarten at that time decided to create a parliamentary system. Basis of the parliamentary system is that the government and the individual ministers must have the confidence of the majority in Parliament.

When a Minister or an entire Council of Ministers loses the confidence of the majority, they have to make their position available and resign. This rule is anchored in Article 22(2) of the Constitution. There can be absolutely no discussion about the compelling nature of this rule which dictates the primacy of Parliament.

Members of Parliament, contrary to the Members of Government, have a direct mandate of the voters. They represent the people. That is why the view of the

Parliament is decisive and that is why they can send one or more Ministers home or the entire cabinet for that matter.

The current crisis needs to be solved along the lines of this key rule. This rule is clear on the direction. But the rule does provide some leeway. In my opinion, there is an ideal way that should be given preference for reasons of democratic hygiene, but it is by no means compelling.

To start with the beginning of the ideal way: based on the May 6, 2013, letter in which three Members of Parliament withdraw their support from the current governing coalition and state their willingness, together with five other Members of Parliament, to form a new coalition, it is a fact that the four Ministers no longer enjoy the confidence of a majority in Parliament.

The lack of confidence can be determined in any form. A specific motion of no-confidence by Parliament is not a necessity. A letter like the one of May 6 is more than sufficient. Following this letter the four Ministers should have immediately made their positions available. Basically it wasn't only about the lack of confidence in a number of individual Ministers: factually the current government coalition was eliminated.

Under those circumstances it is logical for the entire cabinet to resign in order to give Parliament the opportunity to look for an alternative from a zero-situation. The lame duck cabinet does have the right to dissolve the current Parliament and to call new elections. This way the electorate can express its opinion on the disagreement with Parliament. And so the dissolving right is also a useful weapon to prevent Parliament from being quick to pull its support from a cabinet. It can resort in the weakening or even the non-returning of a party or an individual Parliamentarian. The confidence rule and the right to dissolve are two sides of one coin. Ultimately this will benefit the stability of the system.

The right to dissolve is a one-sided and unrestrained right of the government. A lame duck cabinet isn't compelled to dissolve the Parliament, but it can also refrain from doing so. The parties in Parliament are

free to try forming a new coalition that continues to govern until the completion of the entire four-year term of the Parliament. The cabinet has every right to give Parliament that space and to refrain from dissolving Parliament.

However, in my opinion, there is by now sufficient reason to bounce the ball back to the voter and to indeed dissolve the Parliament. For the second time in more than a year, the Members of Parliament are switching pennies while the voters have to look on. The question is whether they, the voters, in 2010 intended to give Parliament a mandate for three successive cabinets of changing colour with, mind you, the same Prime Minister. That is not very credible and doesn't strengthen confidence in the objective of democracy. If the Parliament is so capricious, then it is time to go back to the voters.

The problem is that apparently different opinions reign in the cabinet. That is possible. But the question is where this should lead to. How can this impasse be broken? In my opinion, not by forcing through the dissolving decree against the wishes of the Prime Minister. The Prime Minister is not just anybody, but the "primus inter pares," the figurehead, the leader of government.

A dissolving decree is an infringement on the regular term of Parliament and that should not be thought of lightly. There should be consensus on this within the cabinet. At least the Prime Minister should stand behind this. This is not a hard rule, but a matter of hygiene and decency.

To summarise: the ideal way, in my opinion, should be the resignation of the entire cabinet of Wescot-Williams and preferably in a joint decision dissolve the Parliament and call new elections.

There is an alternative route if there is no support for this move, because the four Ministers who explicitly no longer enjoy the confidence of Parliament and the other members of the cabinet, including the Prime Minister, can by no means pass through one door. This alternative route looks like this: in any case the four Ministers who no longer have the confidence have to resign. If they re-

fuse, they act in contravention of the Constitution and I consider the Prime Minister authorised, based on her special position and general responsibility, and also considering Article 40(2) of the Constitution, by all means to dismiss the Ministers in question.

In my opinion, the Prime Minister has this room, because it hasn't become evident that she wouldn't have the confidence of the majority of Parliament. So she still has a mandate. Clearly it is a mandate of a different majority, but it does provide sufficient ground to restart the system. The Prime Minister will have to give account to the Parliament about this action.

A rudimentary cabinet remains after the dismissal, consisting of the remaining Ministers. It is customary that these Ministers will also have to vacate their

position and jointly decide whether they will proceed to dissolve the Parliament.

As I stated before: there is a good reason to convoke new elections. But it is also the full right of the cabinet to refrain from dissolving the Parliament and to give Parliament the opportunity to install another coalition for the remaining part of their term. Ultimately it is

again the turn of the voters late 2014. They can voice their opinion at the polls about this interim political performance. Either way, it is high time to straighten out the system.

*Arjen van Rijn,
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UNIVERSAL Sudoku Puzzle

	9	8		5	4						
4	5						1	8			
2				8				5	4		
					2						
	8	4				7	2				
			9								
6	3			4					7		
	4	9						6	2		
			7	9		3	4				

Complete the grid so every row, column and 3 x 3 box contains every digit from 1 to 9 inclusively.

Previous puzzle solution

1	9	5	8	4	3	6	7	2
7	6	3	9	2	5	8	4	1
2	8	4	1	7	6	3	5	9
3	2	8	4	9	7	1	6	5
9	5	6	3	1	2	4	8	7
4	1	7	6	5	8	2	9	3
5	7	1	2	8	4	9	3	6
6	4	2	7	3	9	5	1	8
8	3	9	5	6	1	7	2	4

DIFFICULTY RATING: ★☆☆☆☆

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- ACROSS**
- 1 Ladder rung
 - 5 Force; urge on
 - 10 Messy fellow
 - 14 Congressman's gofer
 - 15 Clamor
 - 16 Skater Lipinski
 - 17 "Once ___ a time..."
 - 18 Disheartened and fed up
 - 20 Nov.'s follower
 - 21 Skillets
 - 22 Way too big
 - 23 Dutch cheeses
 - 25 Four qts.
 - 26 Fancy bed's cloth awning
 - 28 Actor James of "Gunsmoke"
 - 31 Extreme
 - 32 Heroic tales
 - 34 Feminine pronoun
 - 36 Solidified
 - 37 Walk leisurely
 - 38 Uncovered
 - 39 J. Edgar Hoover's agcy.
 - 40 Twain and Harmon
 - 41 Immature insect stage
 - 42 Very cold historical period
 - 44 Leaked
 - 45 ___ lift; T-bar, for one
 - 46 Huge fire
 - 47 Diminish
 - 50 Lounge about
 - 51 Currently
 - 54 In ___; without excessiveness
 - 57 ___ down; become quieter
 - 58 Labyrinth
 - 59 Bosom
 - 60 Make a tiny cut
 - 61 City near Provo
 - 62 SAT and others
 - 63 "By the Time ___ to Phoenix"
- DOWN**
- 1 Sticky strip

1	2	3	4	5	6	7	8	9	10	11	12	13	
14				15					16				
17				18					19				
20			21						22				
23	24							25					
26	27						28			29	30		
31						32	33			34		35	
36						37				38			
39									41				
42									44				
45									46				
47	48	49					50				51	52	53
54						55	56				57		
58											60		
61											63		

Created by Jacqueline E. Mathews 5/20/13

Saturday's Puzzle Solved

P	O	T	E	B	B	E	D	B	O	A	T		
E	X	I	T	T	R	O	V	E	D	G	Y		
P	E	R	U	H	I	R	E	S	N	O	O	K	
N	E	E	D	I	N	E	S	S	U	R	G	E	
S	I	C	K	E	L	M							
A	B	I	D	E	S	B	E	R	I	B	E	R	I
D	A	N	A	S	G	R	A	T	E	L	E	T	
A	L	L	P	I	E	R	S	G	A	G	A		
G	E	E	S	A	V	E	S	P	E	T	A	L	
E	S	T	E	E	M	E	D	S	U	R	E	L	Y
G	A	P											
F	L	O	G	E	M	B	A	R	R	A	S	S	
R	O	A	N	R	O	A	S	T	N	O	A	H	
E	C	H	O	E	L	I	T	E	E	R	G	O	
T	H	U	G	D	E	T	E	R	E	A	T		

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37 Three kings of biblical fame	47 Bullets
38 Singer Joan ___	48 Wild hog
40 Creator	49 Shaping tool
41 Page of a book	50 Reclines
43 Regard highly	52 Mayberry kid
44 Inclines	53 Cried
46 Give a helpful lift to	55 Play division
	56 Definite article
	57 Fraternity letter