



WIFOL



The Windward Island Chamber of Labor Unions  
Hereafter referred to as WICLU

June 22<sup>th</sup> 2020,  
Philipsburg, Sint Maarten

mr. A.R.E. Schram  
Attorney-General from Curaçao,  
from Sint Maarten,  
and van Bonaire,  
Sint Eustatius and Saba

Subject: punishable acts of **Racial Discrimination** – Embezzlement-Theft

Dear Sir:

By means of this formal written complaint, the united unions represented in the WICLU would like to request your attention for the following.

For its meeting on May 15<sup>th</sup> 2020, the Kingdom Council of Ministers received a proposal for liquidity support for Aruba, Curaçao and Sint Maarten with country specific and generic conditions. This proposal to the Kingdom Council of Ministers was presented by the Dutch State Secretary of Interior Affairs and Kingdom Relations, drs Raymond Knops, and were based on letters of advice from Chairman Raymond Gradus from the College of Financial Supervision CF(A)T.<sup>1</sup> Noteworthy is that the Caribbean representatives in the CFT distanced themselves from the advices of the Dutch representatives in the CFT<sup>2</sup> - article from Dutch reporter Dick Drayer)

On May 15<sup>th</sup> 2020, the Prime Minister of Sint Maarten indicated that this was an indecent proposal.<sup>3</sup>

On May 20<sup>th</sup> 2020, the Parliament of Sint Maarten accepted the 2020 budget. The Parliament of Sint Maarten passed a motion<sup>4</sup> concerning the liquidity support proposal which specified in article 2:

“2. that the conditions in said written proposal should only be accepted insofar that:

<sup>1</sup> <http://www.qracao.com/docs/RMR.2deLiquiditeitssteun13mei2020.pdf>

<sup>2</sup> <https://antilliaansdagblad.com/nieuws-menu/21403-obligatie-100-miljoen-on-hold>

<sup>3</sup> <https://thedailyherald.sx/islands/jacobs-calls-conditions-for-dutch-financial-aid-indecent-proposal>

<sup>4</sup> <http://www.sxmparliament.org/wp-content/uploads/2020/05/Motion-1-Support-COM-quest-secure-financial-and-other-assistance-rebuilding-wake-Irma-and-COVID-19.pdf>





ST. MAARTEN COMMUNICATIONS UNION



Union Association

WIFOL



Windward Islands Teachers' Union



NATIONAAL ALGEMENE  
POLITIEBOND  
21-11-99

- a. they are not in violation of local Laws, Kingdom Laws, international charters, conventions, and protocols, such as those mentioned in the consideration,"

On May 20<sup>th</sup> 2020, the Prime Minister of St Maarten sent a letter to the State Secretary of Interior Affairs and Kingdom Relations, in which she agreed with the liquidity proposal but specifying as condition art 2-a of the motion of Parliament.<sup>5</sup>

On May 20<sup>th</sup> 2020, Secretary of State and Kingdom Relations replied to this letter seeking clarity about the decision of Sint Maarten. The Minister Plenipotentiary of St Maarten replied to the Secretary of State of Interior Affairs and Kingdom Relations, that Sint Maarten unconditionally accepts the conditions.<sup>6</sup>

On May 28<sup>th</sup> 2020, the WICLU reminded the Council of Ministers of their letter from March the 31<sup>st</sup> with their request for a dialogue on the status of the workers in St Maarten. The Council of Ministers was informed about mandates received from the membership of the united unions in the WICLU not to accept any cuts in their acquired labor conditions, worker's rights and economic and social human rights. The first meeting to start the dialogue was held finally on June 9<sup>th</sup> 2020. It was a two hour meeting and the WICLU is still awaiting the continuation of the dialogue with the Council of Ministers.

On June 12<sup>th</sup> 2020, the WICLU sent two letters to the Governor of Sint Maarten by email and delivered one letter for the State Secretary of Interior Affairs and Kingdom Relations through the Dutch representative on Sint Maarten. The letters denounced the cost cutting conditions imposed on the three Caribbean countries in the Kingdom as Racial Discrimination and demanded that these cost cutting measures had to be cancelled immediately and that the worker's rights and the human rights have to be respected. The WICLU mentioned June 15<sup>th</sup> 2020, as the deadline.

The WICLU has noted the following infractions :

Art. 2:288 Penal code of Sint Maarten, He who takes away any property wholly or partly belonging to another, with the intention of unlawfully taking possession of it, is punished, as guilty of theft. The intention to cut the remunerations of the workers of Sint Maarten against their will the WICLU considers to be a daylight robbery.

<sup>5</sup> <https://www.rijksoverheid.nl/ministeries/ministerie-van-binnenlandse-zaken-en-koninkrijksrelaties/documenten/brieven/2020/05/20/brief-sint-maarten-over-2e-tranche-liquiditeitssteun>

<sup>6</sup> <https://www.rijksoverheid.nl/ministeries/ministerie-van-binnenlandse-zaken-en-koninkrijksrelaties/documenten/kamerstukken/2020/05/22/kamerbrief-over-tweede-tranche-liquiditeitssteun-curaçao-en-sint-maarten>





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Art. 2:298 Penal code of Sint Maarten, He who deliberately takes unlawful possession of any property wholly or partly that belongs to another in a way other than through criminal offenses is guilty of embezzlement. Parliament of St Maarten has already approved the funds in the 2020 budget to remunerate public sector workers without any cut. Government owned companies are all busy implementing cuts in labor conditions of the workers.

Art. 1:119 sub 1 Penal code of Sint Maarten, Attempted crime is punishable if the offender's intention has manifested itself through the start of execution. The Council of Ministers, the government owned companies and private sector companies started to implement cost cutting measures proposed by the Dutch State Secretary of Interior Affairs and Kingdom Relations.

Art. 1:221 Penal code of Sint Maarten, Discrimination or discriminating means any kind of distinction, exclusion, limitation or preference, the object or effect of which is not to recognize, enjoy or exercise, on an equal basis, human rights and fundamental freedoms in political, economic, social or cultural fields, or in other areas of social life, is destroyed or affected. The argument being used for these cost cutting measures is for the workers to be in solidarity with the unemployed workers due to the COVID 19 pandemic. The WICLU has noted that no "solidarity" cuts have been imposed on workers in the Dutch European part of the Kingdom or in the BES-islands, neither on the governor of Sint Maarten, nor the Dutch European police and custom officers in St Maarten. WICLU is of the opinion that all workers in the Kingdom should be treated the same, none should be obliged to be cut in their numeration.

Art. 2:344 Penal code of Sint Maarten, **a**. He who grants its co-signature to a national decree or ministerial decision in the knowledge that this would violate any provision of the Statute for the Kingdom of the Netherlands, of a Kingdom Act, of the Cooperation Regulations Aruba, Curaçao and Sint Maarten or of any other statutory regulations applicable in Sint Maarten **c**. performs an act, takes a decision or gives an order in the knowledge that this violates a provision of the statutory regulations referred to under **a**;

Infractions by date:

Period May 1-12, 2020, intellectual & cross-border crime : CFT chairman and State Secretary of Interior Affairs and Kingdom relations argue for discriminatory "solidarity" cuts to be imposed on workers in the three Caribbean countries of the Kingdom.

May 15<sup>th</sup> 2020, the accomplices: the Ministers in the Kingdom Council of Ministers take the decision to agree with the discriminatory "solidarity" cuts in remuneration of workers in the three Caribbean countries of the Kingdom.

May 20<sup>th</sup> 2020, the executors : the Sint Maarten Council of Ministers accepts unconditionally the "solidarity" discriminatory cuts in remuneration of the workers in St Maarten to get liquidity support from the Dutch government.

The WICLU trusts to have informed you sufficiently and requests an investigation and persecution of those who are committing the crimes mentioned above.

**!!! Equal Treatment and Social Justice !!!**





**WIFOL**



On behalf of the united unions represented in the WICLU

Kind regards,

President of the WICLU and  
WITU  
Claire Elshot-Aventurin

President of ABVO  
Sharon. Cathalina

President of WICSU-PSU  
Debbie Rombly

President of NAPB  
Rogerrel Mauricia

President of SMCU  
Ludson Evers

President of WIFOL  
Theophilus Thompson

President of WIHCUA  
Brunilda Illidge *on behalf of.*