

Dear Editor,

Sint Maarten is a democratic country, of which the constitution is based on the so called ‘rule of law’. But what does this mean?

The rule of law is the legal principle that law should govern a nation, as opposed to being governed by decisions of individual government officials. It is a structure which protect the rights of citizens from arbitrary and abusive use of government power, and implies that every person is subject to the law, including people who are lawmakers, law enforcement officials, and judges.

An example of the rule of law is that government can only restrict actions of individuals if there is a legal basis for this. In other words, if a law grants this authority to government.

Recently the Minister of VROMI issued a press release, wherein he stated that persons wishing to salvage or remove a vessel in the Simpson Bay Lagoon must request permission for such activity. I contacted VROMI, and they informed me that salvagers should request a permit for this. According to VROMI, the legal basis for this requirement can be found in the Ordinance containing measures for the removal of wrecks in sea and on the beach.

However, this law only contains provisions regulating the *removal of wrecks by government*, and allowing government to recover the costs of such from the responsible persons. This law contains no provision or statutory basis for requesting permits from owners/interested parties to remove or salvage vessels.

The recent reports in the press that people were stopped from salvaging and/or removing vessels, and the statement made by the Acting Division Head of Inspection, Mr. Claudius Buncamper, that two permits were issued to salvage vessels¹, seem to indicate that the Minister is acting contrary to the rule of law. This would be very reprehensible, since the rule of law forms the (thin) line between a legitimate government and a dictatorship. Failure to adhere to the rule of law should immediately be rectified by Government for it to maintain its legitimacy.

I therefore call upon the Minister of VROMI to provide clarity on this issue, and to clearly communicate to the public of Sint Maarten the legal basis for requiring a permit for the removal and salvaging of vessels in the Simpson Bay Lagoon, as well as the requirements that one must meet to obtain such a permit.

Pieter Soons, attorney at law

Mr. Soons is a partner at BZSE, attorneys at law.

¹ The Daily Herald, 20 October 2017