



To His Excellency the Governor of Sint Maarten
drs. E.B. Holiday
Falcon Drive # 3
Harbour View
Sint Maarten

RvA No. SM/19-14-LB

Subject: Draft National Decree containing general measures providing for the models and administration of the identity cards for privileged persons (Identity Cards Privileged Persons National Decree). Your reference number LV-14/0022.

Advice: With reference to your request dated October 31, 2014 for the opinion of the Council of Advice on the abovementioned subject and the discussion thereof at the meeting of the Council on March 3, 2015, and the adoption thereof at the meeting of the Council on March 3, 2015, the Council informs you as follows.

According to the Explanatory Memorandum, the purpose of the draft is to provide for rules concerning the design of the identity card for privileged persons.

Insofar as it is relevant here, the Council repeats some comments made by the Council regarding the draft National Ordinance amending the Identity Cards National Ordinance in connection with the introduction of an identity card for privileged persons (hereinafter: draft National Ordinance).¹ The Council is of the opinion that, in connection herewith, some adjustment of this draft is desirable.

1. Consular assistants and family members

With regard to the draft National Ordinance, the Council advised not to designate all family members as privileged persons, because the Vienna Convention on Consular Relations (hereinafter: the Convention) only grants privileges to those family members who can be considered family members forming part of the household. The Council also advises to use the term “consular employee” instead of “consular assistant” in accordance with the Convention. If the comments of the Council are incorporated in the draft

¹Advice of the Council with registration number SM/14-14-LV



National Ordinance, this draft National Decree should also be amended accordingly.

2. Legal-technical assessment

The annex contains comments of an editorial and legal-technical nature. These comments are deemed to form an integral part of this advice.

3. Conclusion

In conclusion, the Council asks the Government to to adopt the National Decree, containing general measures after the observations of the Council have been considered.

Thus adopted at the meeting of the Council of March 3, 2015.

The Secretary

[was Signed:]

Mr. *mr.* A.G.
Baly

The Vice-Chair

[was signed:]

Ms. *mr. drs.* M.C.C. Brooks-Salmon

[Stamp:]

COUNCIL OF ADVICE

St. Maarten



ANNEX to the advice of March 3, 2015, RvA No. SM/19-14-LB

Comments of an editorial and legal-technical nature

The draft and the Explanatory Memorandum contain a number of editorial and legal-technical imperfections. The Council gives the following non-exhaustive examples.

The draft:

- a. The Council advises to delete the word “is” in Models I, II and III reverse side, section a, and to delete the words “is” and “included” in section b, first sentence. In the description of the “Card number”, a space must be removed in “volgnummer”. The Council suggests to replace the words “Ministry of General Affairs” by “Minister of General Affairs” in the definition of “issuing authority”.
- b. The Council advises to write the words “foto vak” as one word in Models I, II and III front, section d. Given the language of the words “ID card Corps Consulaire”, the Council advises to delete the words “printed in Dutch” in section b of the models. The Council advises to replace “Date of Birth” by “DOB” in section g of the models.

The Explanatory Memorandum:

- c. The explanatory notes to the proposed Article 2 state that Sint Maarten only issues identity cards for the consular group of privileged persons. The Council may conclude from this that Sint Maarten does not issue identity cards for members of the Diplomatic Corps. The Council advises to express this in clearer terms.