

Draft Motion

The Parliament of St. Maarten, in its meeting of today, February 13th, 2012,

CONSIDERING:

- That Article 53 subsection 1, of the Constitution of St. Maarten states, that Members of the Parliament shall abstain from voting on matters that personally affect them, or in which they are involved as proxies;
- That in the meeting of Parliament of November 17th, 2011, the National Alliance faction tabled a draft motion that was voted on by 13 Members, including Member of Parliament, Mr. Jules James;
- That in the considerations of the draft motion mention is made of: "the general manager of the Simpson Bay Resorts Management Company, Mr. Jules James, has decided to immediately dismiss about 100 unionized workers."
- In the considerations it is also stated: "that the workers in question have been told verbally by the general manager, Mr. Jules James,"
- In the considerations it is further mentioned: "that this action on the part of the general manager, Mr. Jules James, is a clear violation of the labour laws of St. Maarten."
- That one of the resolutions of the draft motion of November 17th, 2011, states: "to denounce the actions of the general manager of the Simpson Bay Resorts Management Company, particularly the verbal dismissal of about 100 unionized workers and the replacement of these permanent employees with casual workers via so-called employment agencies."
- That Member of Parliament, Mr. Jules James had told The Daily Herald in December 2010 and again in January 2011, when faced with conflict of interest accusations, that he would not vote on any issue that might present a conflict of interest in relation to the resort;
- That notwithstanding the above, Member of Parliament, Mr. Jules James was called on by the Chairlady to vote on the draft motion and he did cast his vote;

- That the action on the part of the Chairlady of Parliament in allowing Mr. Jules James to vote on the draft motion is in clear violation of Article 53 subsection 1 of the Constitution of St. Maarten;
- That the vote of Member of Parliament, Mr. Jules James, on the draft motion is also in clear violation of Article 53 subsection 1 of the Constitution of St. Maarten;
- That all members of Parliament have taken an oath or have made a pledge, to always help to uphold the Constitution of St. Maarten;

RESOLVES;

- To declare that Member of Parliament, Mr. Jules James, violated the Constitution of St. Maarten, by voting on a draft motion, in which it had been clearly established that he was a proxy, being the general manager of the Simpson Bay Resorts Management Company, as mentioned several times in the considerations and the resolutions of the draft motion of November 17th, 2011.

And goes over to the order of the day.

Copies of this motion to be sent to:

The Governor of St. Maarten.

The Government of St. Maarten.



