



Parliament of Sint Maarten

Staten van Sint Maarten

Draft Motion

The Parliament of Sint Maarten in its meeting of today, Wednesday October 28th, 2015:

CONSIDERING:

- That on Wednesday September 30th, 2015 the Council of Ministers comprising Prime Minister Marcel Gumbs and the 6 other ministers, Mr. Dennis Richardson, Mr. Martin Hassink, Mrs. Rita Bourne-Gumbs, Mr. Claret Conner, Mr. Raphael Boasman and Mrs. Ernest Sams, received a motion of No-Confidence by a majority of Members of Parliament;
- That in accordance with Article 33 sub 2 of the Constitution of Sint Maarten, any minister or ministers who receives or receive a vote of No Confidence by the Parliament must make his or their position(s) available to the Governor of Sint Maarten, in other words, the minister or ministers must immediately resign;
- That instead of making their positions available the entire Council of Ministers, individually and collectively are refusing to do so, which is in flagrant violation of our Constitution which all ministers have taken an oath to uphold;
- That the Council of Ministers continue to operate just like nothing has happened, while supposedly signing off on agreements, contracts, ministerial decrees, giving instructions and directives to the management of Government owned companies etc;
- That these actions, if true, would be in gross violation of the motion of No Confidence passed against the entire Council of Ministers;
- That it is unacceptable to continue to tolerate a Council of Ministers in office that is violating our Constitution.
- That in a statement to the nation which appeared in the Today Newspaper of May 15th, 2013 the leader of the UP Party MP Theodore Heyliger said at the time: "Our rules and laws are clear. When a Council of Ministers or an individual minister loses majority support in parliament the next step is for the minister or council to resign".
- That in the same statement the leader of the UP Party also said: "Our Constitution clearly states that if a minister does not enjoy the support of the majority of parliament, he/she is obligated by law to give up office. If the minister fails to do so then that minister is in breach of the Constitution of St. Maarten".
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RESOLVES:

1. To demand that Ministers, Mr. Marcel Gumbs, Mr. Dennis Richardson, Mr. Martin Hassink, Mrs. Rita Bourne-Gumbs, Mr. Claret Conner, Mr. Raphael Boasman and Mr. Ernest Sams, immediately make their positions available to the Governor.
2. To declare that the Council of Ministers abovementioned is a care-taker government effective September 30th, 2015 and therefore should have been acting as such ever since and until a new Council of Ministers is sworn in by the Governor of Sint Maarten.
3. To hold the ministers mentioned above, individually and or collectively responsible for decisions they have taken following the motion of No Confidence against them, or that will be taken in the future, that have serious financial and or administrative consequences for Sint Maarten and or one or more government owned companies or entities such as, but not limited to GEBE, St. Maarten Harbour Group of Companies, SZV, APS and the SMHDF.
4. To instruct the care-taker Council of Ministers mentioned above not to appoint to or dismiss any person(s) from the management or board of supervisory directors of government owned companies, entities and institutions such as, but not limited to, SZV, GEBR, APS, Kadaster, SMHDF, etc.
5. To instruct the care-taker Council of Ministers not to take any decision(s) that will bind, Sint Maarten, the company or entity in question in reference to the following:
 - The swap of government Long Lease property, specifically located near the area now known as Kim Sha Beach, in exchange for property located at or near the Port de Plaisance Hotel.
 - The development and or the transfer of the parcel of land recently bought by government known as the Vorst Property.
 - Granting of Long Lease on properties located in the area known as the Ring Road.
 - The expansion of the Point Blanche Prison.
 - A Waste to Energy Plant.
 - The awarding of new contracts for the collection of garbage or the extension of the present contracts.
 - The conversion of GEBE generators from using heavy fuel to generators that run on LNG, Liquid Natural Gas.
 - The expansion of the St. Maarten Medical Center.
 - The issuance of gaming licenses including a license to operate one or more casinos.

- The granting of bus and or taxi permits and the granting of permits for G and or T plates.

And goes over to the order of the day.

Copies of this motion to be sent to:

The Governor of Sint Maarten
The Government of Sint Maarten
The Government of the Netherlands
The Kingdom Council of Ministers
The Government of Aruba
The Government of Curacao
The First and Second Chambers of the Netherlands
The Parliaments of Aruba and Curacao