



# Parliament of Sint Maarten

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## Staten van Sint Maarten

To the Hon. Prime Minister  
Mr. M.F.A. Gumbs  
Government Administration Building  
**Philipsburg**

UV/200/2014-2015

Philipsburg, March 4, 2015

Re: Questions MP Sarah A. Wescot-Williams

Hon. Minister Gumbs,

Herewith I submit to you questions by the Member of Parliament, Mrs. Sarah A. Wescot-Williams, pursuant to article 62 of the Constitution of Sint Maarten and article 69 of the Rules of Order of Parliament.

The letter is self explanatory.

L.J. Richardson, MD  
President of Parliament



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## Staten van Sint Maarten

To the Chairperson of Parliament,  
The Honorable Dr. L. Richardson  
Parliament Building  
Philipsburg,  
St. Maarten

March 3, 2015

Dear Sir,

Kindly see below questions, which I kindly request that you forward urgently to the respective ministers of Government. Given government's stated collective responsibility for government owned companies, I ask that these questions be sent to the Prime Minister and the Minister responsible for Harbor Affairs.

Kind regards,

  
Sarah Wescot-Williams  
MP (Democratic Party)

In the wake of the 911 attacks in the United States, The International Ship and Port Facility Security Code or ISPS Code was developed to enhance the security of Ships and port facilities. Given the large contributions made by the marine sector on St Maarten, both in terms of freight and tourism revenues, security of our port facilities could definitely be considered a matter of national importance. Terrorist attacks, smuggling and disasters could all have serious financial consequences for St Maarten. Therefore parliament not only has every right to investigate recent allegations but has an obligation to investigate recent allegations regarding the Security procedures at St Maarten's ports of entry.

Imagine.....

What would be the impact of a terrorist attack on a cruise ship in St Maarten waters?  
What would be the consequence if St Maarten became a major drug, weapons or human smuggling transshipment port?

### Financial Stability

The financial stability of the main security subcontractor at the harbor becomes a national security issue. If reports of a Naf 2.3Million debt to SZV are correct, this leads to serious questions and concerns.

A company that is heavily in debt becomes vulnerable to external influences. Would a company in financial trouble be willing to turn a blind eye when it comes to smuggling

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weapons and drugs onto ships in port in exchange for financial contributions to pay down its debt?

Why would the harbor invest money in training staff of a company that is not financially stable? If the company goes bankrupt, any investments made in training could be lost. Shouldn't training of its security personnel be a responsibility of the security company?

What is the current status of the Checkmate's financial health?

### Transparency

The fact that the ultimate beneficial ownership of Checkmate seems to be such an issue simply raises more flags and questions. Imagine if the ultimate ownership of Checkmate turned out to be al-Qaida or ISIS. That would clearly be an issue. There is no valid reason why the ultimate ownership of a critical subcontractor of security services for our main port of entry should be confidential.

### Increase in Fees

How does the Harbor group of companies justify \$2.2Million dollars increase in fees?

Is the Harbor agreeing to the increase in fees to assist funding Checkmate's debts? if yes, why? Again, transparency on ownership is critical.

If statements by Kuiperi are correct, and the contract with Checkmate didn't expire until December 31, 2015, why did the harbor agree to renegotiate the contract to the financial detriment of St Maarten?

Given such a massive increase, why didn't the harbor put the contract out for bid?

If the increases in fees are related to compliance issues, it suggests that the Harbor has not been compliant with ISPS regulations. Therefore, it raises more questions....

1. When was the last Port Facility Security Assessment done and by whom?
2. Has the Port Facility Security Plan been updated and when was this done?
3. Is the Director of Security a Certified Port Facility Security Officer?
4. Has the mandatory ISPS Training been conducted for personnel with security duties?
5. Has the mandatory ISPS Training been conducted for all other port facility operators and employees with non-specific security duties?
6. Are there procedures in place to conduct due diligence checks on companies or person who perform critical functions within the Port?
7. Has a due diligence investigation been conducted since the Checkmate Security had been sold?
8. Does the Harbor have a Security Plan of Action, which dictates the mission and vision of the department, goals and objectives and subsequently tied to a budget plan of the department?
  - a. Is there a formation plan which indicates how much personnel is needed for the facility?
  - b. What is the entire budget for the security department?



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While it is understandable that there are elements of the security plan that should remain confidential in order to preserve the integrity of the security procedures at the port, managing the finances of a government owned company that belongs to the people of St Maarten should be transparent for all to see.