



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Minister of Justice
Ms. A.E. Richardson
Government Administration Building
Philipsburg

UV/147/2020-2021

Philipsburg, February 23, 2021

Re: Questions from MP C.T. Emmanuel regarding newly established joint border protocol

Hon. Minister Richardson,

Herewith I submit to you questions posed by Member of Parliament, Mr. C.T. Emmanuel, pursuant to article 62 of the Constitution and Article 69 of the Rules of Order of the Parliament of Sint Maarten.

The letter is self-explanatory.

Yours truly,

R. Brison
President of Parliament



Christophe Emmanuel

Member of the Parliament of
Sint Maarten

STATEN VAN SINT MAARTEN			
Ingek. 16 FEB 2021			
Volgnr.	15/412/20-21		
Par.	J	V	GR

To the Chairman of Parliament
Mr. Rolando Brison
Wilhelminastraat 1
Philipsburg

February 10th, 2021

Re:

Dear Chairman,

Please find attached letters to be forwarded to the Honorable Minister of Justice, Ms. Anna Richardson in connection with questions posed for clarification on ongoing developments within the Country.

Thank you for your Cooperation

Christophe Emmanuel
Member of Parliament



Parliament of Sint Maarten

To: The Minister of Justice
Honorable Anna Richardson
Government Administration Building
Soualiga Road #1
Philipsburg

February 10th, 2021

Matters concerning newly established joint border protocol.

Dear Minister,

In December 2017, government signed on to joint regulation on border control as one of the prerequisites for aid set by the Dutch Government for making 550 million euros available in hurricane recovery funds.

The joint regulation at the time, allowed for “extra input” from the Royal Dutch Marechaussee and Dutch Customs Department for the control of persons and goods crossing St. Maarten borders during the country’s reconstruction. Tasks would also include drugs and weapons control, combatting migration and illegal streams of money.

A progress committee was to be established to review the execution of the agreement. Also built into the agreement was that a meeting of the St. Maarten and Dutch Ministers under whose authorities the agreement lies would be held twice a year to discuss the progress of the agreement.

The agreement could not be changed without the approval of authorities on both sides of the Atlantic Ocean.

The bilateral agreement was to end on May 1, 2020, however it was recognized that a number of measures from the plan of approach that had not yet, or not sufficiently been realized, and as such on April 23, 2020 during a ministerial consultation held with Dutch State Secretary Raymond Knops and State Secretary for Security and Justice Ankie Broekers-Knol, Prime Minister Silveria Jacobs, Finance Minister Ardwell Irion and yourself, the agreement was extended to December 31, 2020, with the understanding that a joint covenant would be needed for any extension. Funds were still available at that time and the program had not been completed in terms of training and personnel.

Consequently, an evaluation report was compiled by the Immigration Department, the Customs Department and the Dutch Caribbean Coast Guard. As put forward in media reports, based on that evaluation all parties acknowledged that many of the measures within the plan of approach have been realized, additional personnel had been hired, technical assistance from the Netherlands were provided and material to better monitor and control our borders all had been acquired.

Without notification to parliament by your person, members of parliament were confronted with a press release from the Dutch government informing all that a new joint border control protocol was established between the Netherlands, Aruba, Curacao and Sint Maarten.

Apparently, at the end of 2020 the countries agreed to political agreement with the Netherlands in which reforms are required and multi-year financial support would be provided. In the protocol investment is agreed upon for the next 7 years. The purpose of the joint control is to combat cross-border/transnationally organized crime in the Kingdom.

An amount of € 30.5 million will be made available by the Netherlands structurally for support by the Royal Netherlands Marechaussee, Dutch Customs and the Caribbean Coast Guard in strengthening border control. In addition to structural resources, the Netherlands also makes incidental resources available for investments in materials, personnel and facilities of the border services.

It is disheartening to say the least that members of parliament are always the last to be informed of ongoing affairs and decisions made for the country by government. It leaves a bitter taste in the mouth.

It would be incumbent upon your person to provide parliament with explanations of above mentioned information.

To that end the undersigned Member of Parliament requests answers to the following questions:

- When was this new protocol signed? Who was signatory to it?
- Please provide a copy of this protocol.
- Who drafted this protocol?
- What is the legal basis of this protocol?

- What additional investments will be made in border control over the next 7 years specifically for St. Maarten?
- How often will this protocol be evaluated?
- Is there an out clause for St. Maarten if this protocol isn't working for the country?
- Will this result in additional Dutch (Marechaussee) on the island?
- Are provisions made in this protocol for training of local personnel?
- Please provide the plan of action for this protocol.
- What were the results of the Joint Regulation on Border Control signed in 2017 and expired at the end of 2020?
- Please provide this report and its plan of approach.
- Please indicate which measures were achieved and which were not.
- Please indicate how this new protocol will address the measures from the previous joint regulation that were not achieved.
- What did the first joint regulation cost?
- How was the 30 million euros for this new protocol arrived at?
- How is this broken down among the islands?
- What are the priority issues for St. Maarten that this new protocol will address?

Awaiting your swift response to above questions.

Respectfully,



MP Christophe Emmanuel