Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Prime Minister and Minister of General Affairs
Ms. S.E. Jacobs
Government Administration Building
Philipsburg

UV/240/2020-2021

Philipsburg, May 18, 2021

Re: Questions from MP G.S. Heyliger-Marten regarding recent developments at PJIA

Hon. Prime Minister,

Herewith I submit to you questions posed by the Member of Parliament, Mrs. G.S. Heyliger-Marten, according 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

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Grisha S. Heyliger-Marten

Member of the Parliament of Sint Maarten

The Hon. Chairman of the Parliament of St. Maarten
Mr. Rolando Brison
Government Administration Building
Soualiga Road #1
Pond Island, Philipsburg
Sint Maarten

Philipsburg, May 13th, 2021

Ref: *questions for Prime Minister regarding PJIA*

Honorable Chairman,

Please find attached a letter addressed to the Hon. Prime Minister for your urgent attention.

Thank you in advance for your cooperation.

Sincerely,

Grisha S. Heyliger-Marten
Faction Leader UP faction, and Second Vice Chair of Parliament

Cc.: Mr. Garrick Richardson –Secretary-General of Parliament

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Grisha S. Heyliger-Marten

Member of the Parliament of Sint Maarten

The Hon. Prime Minister of St. Maarten
Ms. Silveria Jacobs
Government Administration Building
Soualiga Road #1
Pond Island, Philipsburg
Sint Maarten

Philipsburg, May 14th, 2021

Ref: *developments regarding PJIA*

Honorable Prime Minister,

The recent developments related to Princess Juliana International Airport (PJIA) are deeply concerning, and raise many questions about one of the two biggest assets of Sint Maarten and its people.

Based on the information received from representatives of PJIA during previous meetings with Parliament and the Minister of TEATT, and information that has been circulating in the media, it appears that PJIA and its reconstruction are at the center of a dangerous and highly politicized process involving many other stakeholders other than PJIA itself. Two of these stakeholders seem to be the Royal Schiphol Group (RSG) and State Secretary Knops (BZK).

PJIA has been of crucial importance to the development and prosperity of Sint Maarten and its people for the last 75 years. As a nation, we have managed to develop our national airport into the leading airport in the Caribbean that it was, at least up to hurricane Irma. And even right after the devastation caused by Irma, the local management and staff were able to bring it back to where it is now.

I therefore consider it unacceptable, and an insult to the people of Sint Maarten that PJIA is currently being used as a political tool by two Dutch stakeholders, using the threat of withholding previously agreed and approved funding to (once again) impose a Dutch agenda on the Government of Sint Maarten.

Information presented to Parliament by PJIA recently, as well as letters of concern from other crucial PJIA stakeholders seem to indicate that the reconstruction process leaves much to be desired. This lack of progress and clarity exists despite the involvement of said two Dutch stakeholders who were supposed to bring added value to the entire deal in terms of funding, knowledge, and (operational) support.

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This fact makes the (timing of the) tactics they are currently employing to pressure the Government of Sint Maarten even more questionable and reprehensible. As such, they only reconfirm the fact that Sint Maarten has not been fully decolonized, and needs to work on completing this process as soon as possible.

While the latter process is being worked on, and with reference to the recent developments related to PJIA and the role of the Government (i.e. the Council of Ministers and/or your office), I am hereby urgently seeking answers from your office and/or PJIA (PJIAE and/or PJIAH) through your office to the following questions.

In doing so, please also refer to the letter from RSG to you dated April 21st, 2021 and May 6th, 2021, as well as the letter from BZK to you dated May 12th, 2021.

As you prepare the answers to the questions, I would like to remind you that PJIA ultimately belongs to the people of Sint Maarten, who are represented by this Parliament and to which the Government is accountable.

As such, the Government should make any information regarding PJIA, and certainly the information related to the reconstruction and financing agreements, available to Parliament upon request, unless Government can provide a documented legal basis for not doing so.

1. Did RSG offer to provide assistance and/or solutions with regards to the reconstruction of PJIA to either the Government of Sint Maarten or PJIA in the days and weeks after the devastation caused by hurricane Irma, when the local government and staff were trying to salvage what was left of PJIA and preparing to rebuild with the limited means and infrastructure available?
2. If so, what did that assistance and/or those solutions by RSG consist of?
3. Did BZK offer to provide assistance and/or solutions with regards to the reconstruction of PJIA to either the Government of Sint Maarten or PJIA in the days and weeks after the devastation caused by hurricane Irma, when the local government and staff were trying to salvage what was left of PJIA and preparing to rebuild with the limited means and infrastructure available?
4. If so, what did that assistance and/or those solutions by BZK consist of?
5. Whose initiative was it to have RSG involved in the reconstruction and financing agreements for PJIA, when was this first proposed, and was the proposed role of RSG?
6. Whose initiative was it to have BZK involved in the reconstruction and financing agreements for PJIA, when was this first proposed, and was the proposed role of BZK?
7. Which entities are signatory to the reconstruction and financing agreements, and on which date(s) were these agreements signed?
8. How many parties in total are directly involved in the reconstruction and financing agreements in terms of having to agree to/sign agreements for the agreements to become a reality?
9. What are the exact objectives/goals of the reconstruction and financing agreements?
10. Have these goals/objectives been achieved? If not, can you indicate which signatories contributed to this, and what the contractual consequences for these signatories are/should be?

11. Previous to the signing of the reconstruction and financing agreements, had other alternatives been considered by either the Government or PJIA?
12. If so, was an evaluation/comparison of all options carried out and if so, by whom, which criteria were used other than the interest rate, and what was the outcome of this evaluation/comparison?
13. Is the Government currently willing to consider alternative financing sources for executing the reconstruction of PJIA based on an evaluation/comparison using additional criteria to the interest rate?
14. What are responsibilities, tasks, and deliverables of each of the signatories to the reconstruction and financing agreements? Have all responsibilities, tasks, and deliverables been lived up to by all signatories, and if not, why not?
15. Have progress reports been made related to the progress of the reconstruction and financing agreements?
16. If so, can Parliament receive copies of these reports?
17. If not, which signatory/signatories did not provide said reports and why not?
18. Have all current members of the Supervisory Board of Directors of PJIAE been screened and found to have a clean (past) record in terms of their professional and private conduct?
19. Who appointed the current members of the Supervisory Board of Directors of PJIAE, when did this take place, and were these appointments done in full compliance with the articles of incorporation of PJIAE, PJIAH, and the applicable rules and regulations related to good corporate governance?
20. Have these articles of incorporation and/or rules and regulations related to good (corporate) governance been altered since the current members of the Supervisory Board of Directors of PJIAE were appointed?
21. Is it true that the current CFO of PJIA, who was appointed upon the nomination of RSG and as such represents RSG, has passed the legally established retirement age? If so, what is the reason that he is still employed as CFO, and is his employment in accordance with good (corporate) governance?
22. Has his performance been evaluated, and if not, why not? If so, what was the outcome of said evaluation?
23. Has any of the current bond holders expressed formal or informal concerns to the Government and/or PJIAE and/or PJIAH related to the "concerns" as expressed by BZK and SGR in the latter's respective letters? If so, can Parliament receive copies of these documents from the bond holders?
24. Has the EIB expressed formal or informal concerns to the Government and/or PJIAE and/or PJIAH related to the "concerns" as expressed by BZK and RSG in their respective letters? If so, can Parliament receive copies of these documents from the EIB?
25. Has the Government done a legal review on the allegations levelled by BZK and RSG in their respective letters? If not, why not? If so, what is the status, by whom was/is this review (being) carried out and what were the conclusions, if any?
26. What is the opinion of the Government on the outcome of the summary proceedings of the (former) CEO of PJIA against PJIAH and the considerations provided by the respective legal counsels and the judge in the case?

27. Has the Government had any formal or informal communications with BZK and/or RGS prior to or after RSG issued its letters to you on April 26th, 2021 and May 6th, 2021?
28. Does the Government consider it good (corporate) governance by RSG to formally and directly address a head of Government related to an agreement that it is signatory to, instead of/without first addressing its co-signatories to said agreement? If not, has the Government informed RSG accordingly?
29. Is it customary that paid consultants like RSG directly or indirectly have so much influence on the management of the airport who employs them and the Government of the country?
30. What is the position of the Government on the extension of the cooperation agreement with RSG, and what it the status of the negotiations? Does the Government have a cost/benefit analysis for the continuation and discontinuation of the cooperation agreement as is?
31. According to Government, are the recent actions and statements of BZK and SGR in accordance with good governance?
32. Is Government of the opinion that BZK and SGR are abusing their power towards Sint Maarten?
33. If not, who would Government qualify their recent actions and statements related to PJIA? If so, how and when does the Government intend to deal with this abuse of power, and which role, if any, does Government see for Parliament in this process?

I look forward to receiving the answers to the above questions at your earliest convenience.

Seeing the importance of this matter, and depending on the answers received to the questions above, I will consider seeking an inquiry and/or investigation at Parliamentary level into the reconstruction and financing agreements for PJIA and related matters.

The Government of Sint Maarten has its own authority, responsibilities, and decision-making process. It will have to use its own discretion in deciding if it will bow to this new attempt at extortion and blackmail by the Dutch signatories to the reconstruction and financing agreements.

In doing so, it will also have to decide if selling out the patrimonium of the people of Sint Maarten without anything to show for it is worth it, and explain the people why.

As duly elected representative of the people, I will continue to follow my conscience and definitely not accept or bow to this latest example of extortion and blackmail.

Sincerely,

Grisha S. Heyliger-Marten
Faction Leader UP faction and Second Vice-Chair of Parliament