



Parliament of Sint Maarten

To: Mr. Rafael Boasman
Integrity Chamber of St. Maarten
Philipsburg, St. Maarten
Dutch Caribbean

July 22, 2021

Re: Opinion on Ballast Nedam vis-à-vis PJIA

Dear Mr. Boasman,

On July 21, 2021, The Daily Herald newspaper on St. Maarten published on its front page a story regarding the selection of the company Ballast Nedam to execute the reconstruction of the Princess Juliana International Airport (PJIA). Ballast Nedam apparently won the public bid for this project over three other companies. This was further confirmed by the Prime Minister of St. Maarten on the same day (July 21).

The Integrity Chamber was established by the St. Maarten Government amidst a broad discussion about integrity and the integral roles it plays within administrative bodies (i.e. government and its entities, including government-owned companies), and the overall image of the country at home and abroad.

As per your public descriptive statement; The Integrity Chamber is an independent body with the core tasks of rendering advices and giving proposals, investigating suspected misconducts within administrative bodies, and to continuously provide information to strengthen awareness about the importance of integrity in the community.

In the context of this broad role of the Integrity Chamber, I hereby elucidate and request the following;

The aforementioned Dutch construction company Ballast Nedam between 1996 and 2003, was investigated by the Dutch Tax Authorities' Investigative Department FIOD for paying bribes to the Saudi kings Fahd and Abdullah and government officials in Suriname for rights to execute projects in those countries. According to public reports by FIOD, in exchange for construction contracts, Ballast Nedam paid bribes to legal entities in Liechtenstein, the British Virgin Islands, Cyprus and Jersey, among other places. These legal entities funneled the money to the Saudi kings.

However, the company and the Public Prosecutor reached a 17.5 million euros settlement on this bribery case in 2012. Additionally in 2003 Ballast Nedam was also fined in the construction fraud case, for which cartel watchdog NMa fined the company. Ballast Nedam has apparently

also been in the center of corruption cases involving the firm KPMG and others going back some decades.

In the broad scope of responsibility of the Integrity Chamber and considering the positions of the Government of St. Maarten as well as the Dutch Government regarding the upholding of integrity and good corporate governance in government entities and the society in general, I hereby request that the Integrity Chamber provide its opinion on whether the awarding of the reconstruction of the airport project by the Supervisory Board of the Princess Juliana Airport operating company (PJIAE) constitutes an act or a failure by an administrative body or government entity to adhere to values and norms, legal requirements, or other obligations through which the interest of society, or the proper functioning of an administrative body or government entity could be harmed.

Additionally, the Integrity Chamber is also requested to provide its opinion on whether the decision by PJIAE, supported by the Shareholder of PJIA (the Government of St. Maarten) to award Ballast Nedam the reconstruction contract for the airport despite its history, is in conflict with the World Bank's procurement policies, its values and norms in working with other entities as well as its anti-corruption guidelines and sanctions framework.

Looking forward to a reply soonest,

Respectfully,

A handwritten signature in blue ink, appearing to be 'C. Emmanuel', written in a cursive style.

Member of Parliament - MP Christophe Emmanuel
St. Maarten

Cc:

The Governor of St. Maarten

The Parliament of St. Maarten

The Council of Ministers of St. Maarten

The Prosecutor's Office of St. Maarten

The Ministry of the Interior and Kingdom Relations of the Netherlands

The Government of Aruba

The Government of Curacao

The First and Second Chambers of the Netherlands

The Dutch Representative Office on St. Maarten