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‘Changing faces in Dandora’. We speak with Sylvan Ayiecha, chairman of Tunawiri Self Help Group. Dandora has the name of the biggest dumpsite in the world, but it is time to make a change. Instead of idling around, the youth are volunteering to clean their spaces in the neighborhoods. They clean trenches, paint the houses, gates and schoolyards in fresh colors again. They make good and safe playgrounds for the school children. “When we can change the environment, we can change people’s minds”, says Paul Mureithi of Mustard Seed Court.

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Extended Statehood In The Caribbean ~ Paradoxes Of Quasi Colonialism, Local Autonomy And Extended Statehood In The USA, French, Dutch & British Caribbean



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2008 ~ Quite a number of islands in the Caribbean region have not yet gained independent status. They still have constitutional relationships with former colonial mother countries, be it Puerto Rico with the USA, the Netherlands Antilles and Aruba with the Netherlands, Martinique and Guadeloupe with the French Republic or the Caribbean Overseas Territories with Britain.

The status of the non-independent Caribbean remains ambiguous. None of the islands wish to stand on their own as sovereign states. A range of complexes is attributed to this (quasi) colonial status. They have sacrificed their cultural and political identities for a well-being that – by definition – cannot be fulfilled. The islands' citizenry suffers from racial discrimination, not only at home, but also on the metropolitan mainland. And instead of exhausting every possibility to achieve sustainable development, a welfare mentality has overwhelmed the dynamics of the islands' economies. Better off, yes, but at what price?

In this book, the islands' connections with American and European metropolitan centers are considered lifelines which must be strengthened. The constitutional arrangement is defined as extended statehood, a form of government that is meant to supplement the island government. As de-colonization is not an option, it makes no sense to use alternative concepts such as dependency or re-colonization. These terms are biased and outdated. Circumstances have changed and require a format of analysis that goes beyond the old landscape of 'colonies' and 'independent states'. The objective of this book is to promote a new look at extended statehood in the Caribbean while raising a number of questions relating to the operation of the different extended statehood systems across the region.

What are their objectives? What is their mission? How are they organized? How do they operate? What are the advantages and what are the disadvantages? Are there any Gordian knots that cannot be solved?

The contributors to this book present a medley of interests in the Caribbean. Jorge Duany and Emilio Pantojas-Garica, University of Puerto Rico, describe the contradictions of Free Associated Statehood in Puerto Rico. Justin Daniel, University of the French Antilles and French Guiana (Martinique), contributed the part on the French Departement d'Outre mer (DOM)(Martinique and Guadeloupe). Peter Clegg, University of the West of England, Bristol, UK, delineates the United Kingdom's relations with Caribbean Overseas Territories (COT). The chapter on the Kingdom of the Netherlands in the Caribbean is by Lammert de Jong, a former resident-representative of the Netherlands in the Netherlands Antilles. Francio Guadeloupe, University of Amsterdam, provided the introduction to anti-national pragmatism. Dirk Kruijt, Utrecht University, assisted in editing the volume.

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Extended Statehood In The Caribbean ~ Definition And Focus



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Introduction

Quite a number of islands in the Caribbean region have not become independent states[i]. They still have constitutional relationships with former mother countries on the European or American mainland, which are commonly designated as *dependency* relationships. These relationships allow varying degrees of local autonomy and central control. Foreign affairs, international diplomacy and defense are to a large extent taken care of by the European partners or the USA. The islands' judicial system is in one way or another integrated into the judicial system on the mainland and rules and regulations have to some extent been synchronized. Citizenship rights may have been extended, including metropolitan passports. If so, as USA or European passports holders, the islands' residents often have unrestricted access to the metropolitan countries.

Caribbean territories that have not become independent nation-states are known under various labels: 'dependent', 'non-independent', 'alternative post-colonial', 'nonsovereign', 'colonies', 'protectorates', 'subordinated' or just 'overseas territories'.[ii] These islands continue to maintain a constitutional arrangement with former colonial motherlands. This constitutional arrangement is defined in this study as extended statehood, a form of government that is meant to supplement the island government. The questions that are dealt with in this book

are related to the operations of different extended statehood systems. What is their mission? How do they vary? How are they organized? How do they operate? What are the downsides and bottlenecks, what are the advantages?

Throughout this book the concept of extended statehood systems is applied. The *system* concept does not imply that extended statehood in the Caribbean is a systematic, well defined, well organized and well coordinated arrangement. It is merely used as a marker to distinguish arrangements between metropolitan countries on the one hand and Caribbean territories on the other: USA - Puerto Rico, the Netherlands - the Netherlands Antilles and Aruba, France - *Départements d'outre mer* (DOM), and the United Kingdom - Caribbean Overseas Territories. Actually, one of the more significant questions to be raised in this book is how systematic extended statehood in the Caribbean is set up and institutionalized over the last decades.

*Alternatives to Independence***[iii]**

The argument developed in this book is based on the assumption that further decolonization is a non-option. Thus, it makes little sense to qualify the ongoing process of statehood development as a matter of *de-colonization* or *re-colonization*.**[iv]** These terms are biased and outdated; they do not confer a better understanding of the options of extended statehood. References to colonial times and mores do not encourage a *new look* at statehood development in the Caribbean. Circumstances have changed and require another format of analysis than that found in the old landscape of colonies and independent states. This is not a startling new approach. Already in 1984, a study on the constitutional relationship between Puerto Rico and the United States (of more than 1500 pages) was titled: 'Breakthrough from Colonialism: an Interdisciplinary study of statehood'.**[v]** In 1997 a collection of essays was published about 'rethinking colonialism and nationalism' with regards to the *Estado Libre Asociado* of Puerto Rico.**[vi]** Another study, 'Islands at the Crossroads' (2001), calls also for rethinking of politics in the nonindependent territories.**[vii]** Hintjens wrote in 1995 about *alternatives to independence*, and in 1997 about *the end of independence*.**[viii]** What may be even more telling is that the independence movements on the islands do not attract large followings; their significance is marginal.**[ix]** For instance, in Puerto Rico's elections and plebiscites, the percentage for the *independence* option varied between 19.6% in 1952 to 4.4% in 1993 (in 1964 and 1968 it was a mere 2.8%).**[x]** A plebiscite in the Netherlands

Antilles recorded in 1993/1994 that less than 1% of the voters on the islands of Curaçao, Bonaire, Saba and Sint-Eustatius opted for *independence*; on Sint-Maarten *independence* attracted 6.3%.**[xi]** In a referendum in 2004 14% of the voters on Sint Maarten opted for independence while just less than 5% did that on Curaçao (in 2005). For many a Caribbean scholar and for the large majority of voters, independence is no option. Thus the questions to be dealt with are not about independence but rather those that relate to extended statehood arrangements currently in place, how do they work and how can they be put to better use in a highly interactive global world where more and more nation-states have become part of supranational arrangements. Extended statehood will be considered in this study as an arrangement that may prevent these islands from becoming isolated.

Focus: How Extended Statehood Works

Much of the scholarly enterprise concerning the alternative post-colonial Caribbean is rooted in its colonial history, giving form to the colonial clouds under which these postcolonies are supposedly still living. This type of scholarship has a retrospective bias.

Caribbean studies often find their anchorage in colonial sediment; in other words, the questions that are being asked follow the shadows of the Caribbean's colonial past.**[xii]** The relations between metropolitan countries and the alternative post-colonial Caribbean island are often predominantly defined in terms of a colonial legacy.**[xiii]** For instance, some scholars assert that the non-independent status of these islands entails serious cultural and ideological difficulties. In this view, nation building under these colonial shadows is not an easy task. Also mentioned is 'the issue of national identity and the frustrations which inevitably come with the continued subordination to the erstwhile colonizer'.**[xiv]**

This may be so. But at the same time this may be *old-speak* as well, a way of thinking in the days when nation-building, independence, sovereignty and nationalism were selfevident categories of a people's statehood. Nowadays many of the old established nationstates face similar questions in view of globalization and the thickening of transnational government networks**[xv]**: how to define the nation, how to teach its history and how to characterize national identity, how to make a multi-cultural society work. Through globalization, immigration, travel, internet and trade, the cohesion of many a modern nation is now being questioned. 'Who are we' is in the 21st Century a complex question, not only for

islanders in the Caribbean but also for residents of European nation-states.

Even in the United States of America with its strong sense of the American people., the 'who are we' question is raised and answered very differently at different times.**[xvi]** The non-independent Caribbean is occasionally perceived as a half-way-house, in between a colonial status and *en route* to an independent nation-state. Within such a frame of analysis, problems of identity, culture, sovereignty, autonomy, self-respect and nation building are dominant and spring to the fore. The construct of a half-way-house status tends to highlight the colonial aspects of the constitutional relationship.

In which areas and to what extent are these territories still colonized and subordinated? How much autonomy has been granted to local politics, how much power is centralized in metropolitan offices? The constitutional relationship is being nitpicked from the point of view of its colonial make-up. From the point of view of a transitional status, questions pertaining to how the present relations are organized and can be improved do not naturally follow. In contrast, scholarly attention is focused on how to move forward to 'more sovereignty', or how to advance constitutional development, meaning more autonomy, or how to arrive as close as possible to an almost independent nation-state status.**[xvii]** Except for their colonial composition, questions as to how these relationships are actually organized and regulated, and how they operate are generally bypassed. Why bother about something that is temporary and will sooner or later changeover into an essentially different form?

The half-way-house notion may also be a reason that comparing different extended statehood relations in the Caribbean is rather exceptional.**[xviii]** Bureaucrats, administrators, politicians and academics rarely take lessons of how these differences work out for people's social and economic life on the islands. Some point out that a comparative analysis is complicated by the very different colonial origin of the Caribbean extended statehood systems. More recently, the similarity of the political, social-economic and law enforcement issues have encouraged a comparing of notes between former mother countries. Exchange of experience and best practice may increase the effectiveness of the policies pursued.**[xix]**

Essentially distinct from the half-way-house notion is the concept of constitutional in-betweenity. For instance, is the Kingdom of the Netherlands a confederation or

some form of entirely voluntary cooperation between the Netherlands and two semi-independent Caribbean island states? Or is it a fully-fledged state with its own powers and responsibilities? According to Hillebrink, both views have their merits, because the Kingdom of the Netherlands is an example of constitutional in-betweenity that defies classification in any of the traditional models of statehood.**[xx]** Another question is to what extent the constitutional in-betweenity of the Kingdom of the Netherlands is in compliance with the standards of de-colonization adopted by the UN. Hillebrink concludes that the international law is sufficiently flexible to accommodate several statehood options for territories that have not yet been fully de-colonized, but the law does insist on unequivocal support from the population.**[xxi]** Constitutional *in-betweenity* corresponds with our approach that the variety of extended statehood in the Caribbean merits specific scholarly attention.

In this study we argue that the constitutional relationship between Caribbean islands with their former motherlands and the specific form of statehood this entails, requires a distinctive focus of scholarship other than post-colonial history and policy. In addition to research and analysis from a colonial retrospect, attempts must be made to unravel the actual characteristics of this form of statehood. What makes it tick? What does it have to put up with? What is needed to consolidate these constitutional relationships for future improvement, not only for the benefit of the island populations but also from the point of view of combating international crime and strengthening law enforcement and security. In sum, extended statehood in the Caribbean should not be dealt with as an essentially unique category that will eventually give way to independent nation-statehood but rather as a form of statehood that operates in an ever more global world where longstanding established nation-states are losing the nation-statehood securities that have been counted on for centuries, such as sovereignty, solid borders, protected territory, national identity, shared history. In that perspective Caribbean extended statehood and its further development does not stand on its own but shares many features and dilemmas with transnational statehood development elsewhere. In fact, it may somehow serve as an exemplary form of modern statehood that has real life experience with all kinds of limitations of the nation-state.

Extended Statehood Elsewhere

In the post-colonial Caribbean extended statehood development is an alternative

to independent nation-statehood. But elsewhere, independent nation-states participate in a process of extended statehood as recognition of their interdependence.

*A world of separate national societies divided by heavily guarded borders in which independence was cherished as the highest ideal has given way to an acknowledged interdependence among states, from the largest to the smallest.***[xxii]**

Especially in Europe, a growing number of independent nation-states have agreed to power sharing with the offices of the European Union, with *Brussels*. Here the growth of extended statehood ensued as a next step for long established independent nation-states while in the Caribbean this form of statehood bypasses the independent nation-state status. For a long time Caribbean extended statehood was settled upon more by tacit default rather than by a well thought out choice. However, in the last decades, referenda on 'status' have made it abundantly clear that the majority of the population of the overseas territories does not prefer to ascend to independence. Despite this difference, extended statehood is these days not as particular as many a Caribbean scholar, or politician would have us believe. Pulling the alternative post-colonial Caribbean away from under its colonial shadows opens a new mindset to research and analysis of the nuts and bolts of extended statehood development in modern times.

The European integration is a process of extended statehood, which includes some former mother countries of Caribbean islands. This process started essentially as an attempt to control nationalism so that a 'no more war' maxim became part of Europe's political security safeguards. Later, economic development was added to energize the European integration by de-regulating the borders between the countries of the European Union. In 2003, years after the first European institutions had been established, national currencies were abandoned for the Euro. National decisions and policy making now have to comply with European policies and regulation. Moreover, globalization has made national borders lose significance. In Paris Chinese run businesses now own a quarter of the typical French 'bar-tabac' and restaurants.**[xxiii]**

Chinese textile imports have since 2005 flooded the European markets. With the expansion of '*Old Europe*' to include 15 new member countries, strong migration

of vocational labour within the European Union to '*Old Europe*' has become part and parcel of national economies. Polish plumbers, and bricklayers from the United Kingdom are now free to establish business in France and elsewhere in the European Union. In the early morning airport train from Schiphol Airport to Amsterdam many British accents can be heard assuring their hosts that they will be on time for the business meeting of that day.

Because of its rather incremental changes at first, the impact of extended statehood in Europe did not initially affect national politics and the national public so much. However, with the referendum on the Constitution for Europe (2005), French politics and public demonstrated that it had not yet digested the new reality that European rules and regulation as well as the WTO's regimen, had become significant factors in essential sectors of the French economy. The influx of foreign labour and the impact of transnational controls over the national arena created a backlash. When the polls indicated a possible 'no' vote, the French government counteracted by demanding repeal of some of the deregulation in the European common markets, which, by the way, had nothing to do with the ratification of the Constitution for Europe. Long before the vote on the Constitution came into play, this deregulation had been agreed upon in various treaties and agreements.

The referenda on the Constitution for Europe in 2005 made it unmistakably clear how emotional extended statehood development can turn out, not only for the public but at the highest political levels as well. In France and the Netherlands a majority of the voters in the constitutional referendum decided 'no'. France's prime-minister resigned and his successor, de Villepin, suggested that the 'no' vote was rooted in fears that the French would lose their welfare system and job protection to European Union-wide mandates based on free-market rules.**[xxiv]** The Netherlands Prime Minister, Balkenende, suggested that for many people born after the Second World War, the desire for peace and stability was no longer an ironclad argument for further European integration. In the younger generation's view, the Union must first demonstrate its value.**[xxv]** In its aftermath, the European leaders tried to continue to do business as usual, in this case on a summit about the budget of the European Union. The summit derailed completely. An editorial in The New York Times commented that the European leaders, 'instead of focusing on the big picture, France's Jacques Chirac and Britain's Tony Blair chose to revive a perennial dispute over budget rebates to

Britain'.**[xxvi]** The Dutch minister of Foreign Affairs, Bot, a diplomat with a long and distinguished career, had never heard such rough language as was used on this summit. Prime-minister Schröder of Germany accused the Netherlands of being egoistic, and France's president Chirac talked about '*fat, overfed countries*', which won't do anything for poor countries. Mr. Bot added: 'and he looked at us'.**[xxvii]** Emotions may run high, very high in the process of institutionalizing and expanding extended statehood, not only in the Caribbean but also in the established nation-states of the European Union.

Pros and Cons of Extended Statehood in the Caribbean

So-called *dependent* Caribbean microstates are among the most subsidized territories on the globe.**[xxviii]** Compared to the islands that surfed on the wave of independence in the 1960s and 1970s, the *extended statehood* islands are better off. This is generally well acknowledged these days. Study after study has enumerated the differences.

*Today the relative prosperity of the non-sovereign territories is becoming more marked as independent Caribbean states slip into economic recession and growing poverty, so that their political systems and leaders face an endemic crisis of political legitimacy.***[xxix]**

The non-sovereign territories being referred to here are the French, Dutch and British Caribbean. Another study pointed to the same phenomenon.

*Most colonies have reached a development level that distances them from the neighbouring independent societies. They possess urban economies that are closely tied to the metropolitan government through subsidies or commerce; and have benefited from the extension of developmental upsurge experienced by their respective metropolis during the last forty years. In addition, (these) territories have social and economic indicators that reveal high life expectancy, high income and educational levels, and low levels of disease.***[xxx]**

With regards to Guadeloupe and Martinique, another scholar concluded that compared to both their material welfare in the 1940s and that of neighbouring independent states in the 1990s, the DOM are well off.**[xxxi]** And a study reviewing Puerto Rico's economic history also highlights positive differences.

Since the 1940s, the Puerto Rican economy has exhibited dramatic growth in total output and income. Puerto Rico has left underdevelopment behind and has

*entered the ranks of the developing and industrialized nations, at least as measured by the level of per capita income and the size of the manufacturing sector in comparison to the rest of the world (...) There can be no question, then, that the Puerto Rican model of development has provided real material gains to the great majority of Puerto Ricans since the 1940's.***[xxxii]**

In contrast, the potential miseries of an *independent* Puerto Rican nation-state have been painted in stark colors: '(it) would have to pauperize its population in order to compete in the capitalist world economy by reducing the minimum wage and government transfers to individuals, by submitting to neo-liberal policies of the International Monetary Fund to subsidize the trade and balance of payments deficits, and by reducing environmental controls'.**[xxxiii]** Another valuable asset of *extended statehood* relative to formal independence is freedom of movement in a post 9/11 world where travel has become increasingly restrictive.**[xxxiv]** USA and European passports provide unrestricted access where others do not. Lastly, from the point of economics, 'a dependent constitutional status is assiduously preserved, partly because of its attractiveness to international investors'.**[xxxv]** McElroy and De Albuquerque, in their comparison of specific economic and social indicators between sovereign states and dependent territories, have provided the groundwork for these betteroff statements.**[xxxvi]**

At the same time, quite a few commentaries cannot help but expressing their concern about the (quasi) colonial status of these island communities: they did not aim to stand on their own; they have not severed colonial ties; they have sacrificed their cultural and political identities for a well-being that -by definition- cannot be true; they suffer from racial discrimination, not only on the metropolitan mainland but also at home. Instead of exhausting every possibility to achieve sustainable development, a welfare mentality predominates the dynamics of the islands. local economies. Better off, yes, but at what price?**[xxxvii]** The cost and dangers inherent in the Puerto Rican development program, based upon capital-intensive, foreign-owned, vertically integrated, and export-oriented corporate expansion, are being presented as an example: '(...) the Island's experience should serve as a lesson for other nations in what *not* to do'.**[xxxviii]** Some refer to 'the scars of economic dependency' of Puerto Rico.**[xxxix]** Guadeloupe's and Martinique's prosperity may only be superficial 'since development (...) owes far more to massive transfers of public money (by France), granted for the sake of 'catching up' with the mainland, than the growth of their

own internal economies'. About 30% of the active population of these 'prosperous' territories is affected by unemployment.[xl] The prevalence of social subsidies directed to improving the conditions of individuals and families rather than to the stimulation of economic production, growth and development, raises a basic question about the consequences of some forms of extended statehood.[xli] The Caribbean islands may have reached a dead end as far as 'dependent development' is concerned.[xlii]

The nomenclature used to describe the status quo of these islands, speaks volumes. Not long ago one spoke in Britain of 'dependencies', nowadays the more correct term is 'overseas territories'.[xliii] In the language of the European Union, the OCT acronym stands for 'overseas countries and territories'. The former Dutch possessions in the Caribbean are characterized as being in a state of 'unfinished de-colonization'; the process of de-colonization has been halted, suggesting that there is still some colonial hangover to be dealt with.[xliv] In the French Caribbean, the concepts of *integration* and *assimilation* makes one wonder what was the true character of the islands before they were integrated and assimilated?[xlv] The concept of *assimilation* has been called a 'terrible word, a very difficult word'.[xlvi] In a recent book on the non-independent Caribbean, the titles of various contributions point to dark clouds which hang over these islands destinies: 'Fifty years of Assimilation', 'The Construction of Dependency', 'The Recolonisation of Aruba', 'Eternal Empire: Britain's Caribbean Colonies in the Global Arena'[xlvii] 'Trapped in Luxury' is a somewhat surprising designation of the dire plight of the populations of Martinique, Guadeloupe and French Guiana.[xlviii] With regards to Puerto Rico's political status, an 'historical impasse' is being proclaimed.[xlix] All in all, it is generally believed that the positive assets of extended statehood in the Caribbean region have come at a questionable price.

Exemplary of the prevalent post-colonial bias of this subject is the description of Britain's disengagement from the Caribbean. 'Decolonization' and 'Europeanization' are designated as 'First and Second Step Forward' while Britain's return to the Caribbean in the mid 1980s and the late 1990s is termed a 'First Half-Step-Back' and Second Half-Step Back'.[l] What is forward, what is back? Equally biased is the assumption that generous transfers of public monies from the metropolitan to overseas territories induce by definition a crippling aid-dependency. The oil and natural gas revenues of some of the European countries

do not qualify in such terms; those are categorized as positive windfalls in government income instead. **[li]**

A Different Perspective

A *new speak* must be developed; new concepts should be applied to legitimize and to further the phenomenon of extended statehood in the Caribbean region. **[lii]** The role of the former colonizers must be examined from the point of view of being a European or USA partner to the respective island territories. **[liii]** Instead of referring to a process of stagnated de-colonization, the aim should be to look for possible improvements of the status quo structures; the *dependency* structures do not constitute the format of analysis, rather the islands' *extended statehood* structures will be explored. Their connections with American or European metropolitan centers are considered lifelines which, as such, should be strengthened. For instance, 'the ultimate wisdom of de-colonization by integration' **[liv]** is not questioned from the point of view of an adverse process of increased dependency but rather scrutinized in terms of practical results, positive relationships and effective procedures of the islands. *extended statehood*. This approach is very much in line with Grosfuegel's analysis of Puerto Rico's *status*. Grosfuegel suggests that this issue should not be understood 'in essentialist terms or as a question of principle but as pragmatic question as to which status alternative will do better (or the least evil) in protecting and improving the island's ecology, quality of life, and democracy'. **[lv]**

Not having achieved – nor aimed for – formal independence may be more significant as a state of mind than to actual day-to-day reality. But it will always be an issue. **[lvi]** However, in the category of independent states, many groups of people do live under cultural and social conditions that are rather similar to people who populate islands that have extended statehood relations with the mainland. Miles summarizes a key question of these islands' statehood affairs: 'Can cultural dignity be preserved in the absence of political sovereignty?' **[lvii]** This it is not the core of this study; as stated before, *independence* is considered a non-option. Even Cintrón, in his rather biased survey of Puerto Rico's struggle for independence, arrives at the conclusion that in the 1990s the *independentistas* must learn that '(...) it is not independence per se that the masses are after, but a political status that will clearly fulfil their aspirations to a better life. These aspects must be addressed before the island can make a commitment to break away with US hegemony'. **[lviii]**

In this book we have chosen the largely unexplored field of how the islands. statehood extensions work and how they might be improved for the benefit of a fuller participation in the world at large. One chapter deals explicitly with anti-national pragmatism in the Caribbean as working capital when confronting the absence of political sovereignty. Moreover, how do the large Caribbean populations on mainland Europe (including Britain) and the USA cope with their status? **[lix]** How do these migrant populations experience such matters as political sovereignty, cultural identity, integration and assimilation? **[lx]** Does the crossing of borders between cultures inevitably result in a loss of identity and to self-destruction? For instance, are being black and English/British mutually exclusive identities? **[lxi]** Rodríguez, a Puerto Rican novelist, exclaims: 'I am Puerto Rican. I am American. I am both (...) I claim Puerto Rico though I don't live there. I claim America though I'm not white'. **[lxii]** Duany documents that Puerto Ricans identify themselves primarily as Puerto Rican, not American, Hispanic or Latino and argues, 'that Puerto Ricans on the Island and in the mainland assert a strong national (...) identity, even though most of them do not support independence'. **[lxiii]** From the political, cultural and social characteristics of the Caribbean populations on the mainland, lessons can be learned for the Caribbean islands with regards to cultural dignity, political sovereignty and extended statehood.

The immigrants on the mainland may have something to teach the people on the islands as to how they deal with these questions. **[lxiv]** It may very well be that the islands. trade-offs for maintaining extended statehood are not as dramatic as is often proclaimed. The political costs of *extended statehood* may have been distorted and magnified as a consequence of an islands. inclination to be preoccupied with island affairs. And in their own way, the world wide academy of island researchers may also have been somehow myopic and by definition (and profession) preoccupied with island affairs. In other words, these costs have been perceived through the eyes of the beholder and thus by and large overestimated. 'An island is an island is an island' however successfully extended its statehood may have developed since colonial times.

Scope and International Scene

The scope of the subject of extended statehood in the Caribbean region in terms of number of territories and people is remarkably modest: two territories with USA extensions (Puerto Rico and the US Virgin Islands), three with French

extensions (Guadeloupe, Martinique and French Guiana), two with Dutch (Aruba and the Netherlands Antilles) and five with British extensions (Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Turks & Caicos); in total 12 territories. Together they have a population of slightly more than 5 million. Puerto Rico alone accounts for almost 4 million people (with 3 million more Puerto Ricans living in the continental United States of America) while Anguilla has only 8,000.**[lxv]** Although Puerto Rico dominates the scene in terms of size and number of people, it is often left out of European studies and conferences on extended statehood in the Caribbean. One of the participants of a conference on 'Comparing Colonialisms in the Caribbean in the 21st Century' remarked on the absence of scholars representing the USA/Puerto Rico interests as 'a very large empty chair'. She was not only referring to Puerto Rico's numbers but even more to the towering presence of the USA in the region.**[lxvi]**

Considering the small number and scale of these entities, it is fair to ask the question: what makes this subject interesting? The answer is of course that, however insignificant the numbers, the meanderings of statehood history and future development are of utmost importance for the citizens concerned. Besides, 'little places (...) can and do throw up big principles, especially where the evolution of post-colonial relationships is concerned'.**[lxvii]** Moreover, in a larger context the significance of extended statehood in the Caribbean region exceeds the interests of the island communities alone. The demands of the international order, both in terms of law and order, security, as well as economics, have become significant factors in determining the perspective, direction and outcome of statehood development in the Caribbean.**[lxviii] [lxix]**

Criminal activity, such as international money laundering through fiscal loop holes and the drug trade have been gaining footholds in places outside the dominant formal international powers. Terrorism can now be added to this list. In 1997, Grosfoguel argued that the symbolic and military importance of Puerto Rico for the United States had become a secondary concern.**[lxx]** A few years later, now that terrorism has become a phenomenon on American soil, the importance of Puerto Rico for US homeland security will certainly be reconsidered. For example, the Organization of American States recently discussed how to prevent terrorists from using the Caribbean as a way station. The officials at this meeting were concerned that the chains of remote islands, which are notoriously difficult to police, could become stop-off points for terrorists.**[lxxi]** Left on their own, the

Caribbean islands are considered defenseless mini-territories, which could easily fall prey to international lawlessness. A shift from the ideological Cold War interests to concerns about the control of drug trade and illegal immigration has become manifest.

Ramos and Rivera suggest, '(...) there are indications of a process of reconsolidating Dutch control, in alliance with United States power in the region'.**[lxxii]** How affairs are run on these islands has become an international concern as well.

Technical assistance from the Netherlands to the Caribbean islands jumped from a mere 10 million Dutch guilders in 1986 to fivefold that amount in 1995. Many officials and advisors from the Netherlands were, literally, flown into prominent advisory or executive positions on the islands, especially those with expertise in the fields of public finance, government administration and justice.**[lxxiii]** One former prime minister of the Netherlands Antilles referred to this influx of European Dutch as 'the re-whitening' of the Antillean government. The share of technical assistance in the total Netherlands aid budget to the Antilles increased from 9% in 1990 to almost 30% in 1995. This influx of Dutch technical assistants with their overseas allowances jacked up the rent on the islands. housing market to levels never seen before. In the United Kingdom the *Overseas Territories* bureaucracy expanded as well; the number of officials responsible for British Dependent Territories, located in the territories and in the Foreign and Commonwealth Office in London, has been doubled since 1991.**[lxxiv]**

Also, from an economical point of view, the statehood development scene has been changing as the world has become more competitive, less protected and nonpreferential. Throughout the last century, *status* politics in Puerto Rico were ideologically motivated and wavered between incorporation as a USA state, various models of autonomy and full independence. At present, economic questions have come to the fore: 'Economics, rather than traditional status politics, might come to be the trigger of the new quest for a different, more convenient political arrangement with the United States'.**[lxxv]**

Puerto Rico is challenged to transform the ideological modality of status politics into a discussion of political adequacy for dealing with the new (economic) order and for the achievement of greater economic prosperity. Accordingly, Puerto Rico will be forced to create a competitive economy from the ruins of the dependency

structure that prevailed throughout the last half of the 20th Century.[lxxvi]

Most of the Caribbean islands have very modest economies that are too vulnerable to compete with the world's economic superpowers. Moreover they are losing their preferential status; nowadays their special relationships with their metropolitan mainland are held sway by *globalization* and the *free market* forces of the international arena.[lxxvii] Many of these Caribbean islands, independent or within the extended statehood category, are at present perceived as not poor enough to be granted preferential treatment; while on the other hand, they are not strong enough to compete successfully in a free world market economy.

Small island states are different. The size of their population, their small domestic market, their limited natural resources, their vulnerability to natural disasters, their absolute reliance on efficient communications and their ability to project and defend their interest internationally, all suggest that they require special treatment.[lxxviii]

Not poor enough to receive aid and protection nor strong enough to compete, the Caribbean region constitutes a thorny problem in the on-going economic remodeling of the modern international world.

NOTES

i. Statehood refers to the conditions of a particular state. So it is used in this book as a wider concept that normally understood as the 'statehood' option with regard to the status of Puerto Rico in relation to the US. This option implies Puerto Rico becoming one of the states of the US and is to be distinguished from the status quo 'commonwealth' status.

ii. Francio Guadeloupe uses the term 'alternative post-colonial Caribbean' in his chapter in this book while Paul Sutton applies the concept of .nonsovereign. Caribbean. In: Leiden: KITLV, NWIG. New West Indian Guide/Nieuwe West-Indische Gids, vol. 79, no. 1&2, Book Reviews, 2005, p. 126. Aruba was called a 'Dutch protectorate' by US News and Associated Press during the missing Natalee Holloway mystery. MSN, 20 July 2005.

iii. Helen M. Hintjens 1995.

iv. Gert Oostindie 1992: pp. 103 -119. Oostindie dismisses the concept of recolonization: 'Clearly, in this paper the term has been used provocatively. In the context of the Dutch Caribbean, it will not pass any test of scrutiny'.

v. Grupo de Investigadores Puertorriqueños, Breakthrough from Colonialism: An

Interdisciplinary Study of Statehood 1984.

vi. Frances Negrón-Mantener and Ramón Grosfuegel 1997.

vii. Ramos & Rivera 2001: p. 160.

viii. Helen M. Hintjens 1997: p. 533.

ix. McElroy and De Albuquerque (1995) conclude on their survey of the electoral record: 'Over the past decade and a half, the insular Caribbean dependent territories (...) have voted consistently in favour of the political status quo', p. 168.

x. José O. Díaz 1995: p. 203. And: Breakthrough from Colonialism (1984), Appendix C: Puerto Rican Election Results Since 1952.

xi. An opinion poll in 1997/1998 showed higher independence. figures: Curacao (6.6%), Bonaire (1.8%), Saba (0.0%), St. Eustatius (1.5%) and St. Maarten (15.3%). On Aruba, 'independence. received a backing of 5.2% of the sample'. Source: Gert Oostindie & Peter Verton 1998: p. 51.

xii. In Dutch: 'onder de koloniale rook'. Gert Oostindie 2004: pp. 32-33.

xiii. Paul Sutton still refers to: 'the present colonial' powers in the Caribbean. Paul Sutton 2005.

xiv. Bookreview of Islands at the Crossroads. In: Leiden: KITLV, NWIG. New West IndianGuide/Nieuwe West-Indische Gids, vol. 78, no. 1&2, Book Reviews, 2004: p. 171.

xv. Amitai Etzioni 2004: p. 161.

xvi. Samuel P. Huntington 2004. Barry Gewen 2005.

xvii. See for an almost pathetic attempt to 'rethink politics' in terms of a trajectory to more sovereignty: The Sovereign Free Association Solution. Angel Israel Rivera 2001: pp. 160-179.

xviii. Exceptions are: Islands at the Crossroads (2001) And: Decolonising the Caribbean. Dutch Policies in a Comparative Perspective (2003)

xix. Gijs de Vries, State Secretary for the Interior and Kingdom (of the Netherlands) Relations, 'Opening speech'. In: Conference report 2001.

xx. Steven Hillebrink 2005: p. 102.

xxi. Steven Hillebrink 2005: p. 111.

xxii. Ernst M.H. Hirsch Ballin, 'Introduction'. In: Lammert de Jong & Douwe Boersema (eds.) 2005: p. 10.

xxiii. Face behind Paris 'istro. counter becomes Asian' International Herald Tribune, 10 May 2005.

xxiv. De Villepin's speedy plan for France is savaged at the start. The New York Times, 9 June 2005.

- xxv.** The Dutch position in the EU. Article by the Prime Minister of The Netherlands, dr. J.P. Balkenende, as sent to the international media, 8 July 2005.
- xxvi.** Missing the Big Picture in Brussels. The New York Times, 20 June 2005.
- xxvii.** Chirac sprak over volgevreten landen. de Volkskrant, 29 June 2005.
- xxviii.** Jerome McElroy and Klaus De Albuquerque 1995: pp 167-193.
- xxix.** Helen M. Hintjens 2001: p. 23.
- xxx.** Aarón Gamaliel Ramos, 'Caribbean Territories at Crossroads 2001'. In: Ramos & Rivera 2001: p. xiv/xv.
- xxxi.** William S. Miles, 'Fifty Years of 'Assimilation': Assessing France's Experience of Caribbean Decolonisation Through Administrative Reform'. In: Ramos and Rivera 2001, p. 55.
- xxxii.** James L. Dietz 1986: pp. 307-308.
- xxxiii.** Ramón Grosfuegel 1997: p. 70.
- xxxiv.** Helen M. Hintjens 1995: p. 18.
- xxxv.** Helen M. Hintjes 1977: p. 540.
- xxxvi.** Mc Elroy and Klaus 1995: p. 173
- xxxvii.** William S. Miles 2001: p. 57.
- xxxviii.** Dietz 1986: p. 309.
- xxxix.** Jose O. Diaz 1995: p. 204.
- lx.** Justin Daniel 2002: p. 102.
- lxi.** Ramos & Rivera 2001: p. 164.
- lxii.** Ramos & Rivera 2001: p. xx.
- lxiii.** Partnership for Progress and Prosperity. Britain and the Overseas Territories. Foreign and Commonwealth Office. London 1999.
- lxiv.** Gert Oostindie 1994. Oostindie does not agree with the connotation of these terms that de-colonization is completed only when a former colony has become independent. See also Oostindie's discourse: Four models of 'unfinished' Caribbean decolonisation: any lessons to learn? Conference 'Comparing Colonialisms in the Caribbean in the 21st Century', London, 6th April 2000.
- lxv.** See Helen M. Hintjens (1995) about the concepts of assimilation and integration, pp. 1-7.
- lxvi.** Helen M. Hintjens (1995) p. 159, quoting Memmi.
- lxvii.** Aarón Gamaliel Ramos and Angel Israel Rivera (eds.), Islands at the Crossroads. Politics in the Non-Independent Caribbean. Kingston: Ian Randle Publishers & Boulder: Lynne Rienner Publishers, 2001.
- lxviii.** Helen M. Hintjens 2001: p. 35.
- lxix.** Ramos & Rivera 2001: p. 21.

- i.** Paul Sutton 2001: pp. 42-58.
- ii.** At a seminar for law students of the Netherlands Antilles and Aruba in January 2003 reference was made to the royal transfers of metropolitan France to the Caribbean DOMs in comparison with the financial transfers in the Kingdom of the Netherlands. An immediate reaction from the audience followed that such transfers create an adverse 'aid dependency'.
- iii.** At a conference in London 'Comparing colonialisms in the Caribbean in the 21st Century', some speakers expressed to need for new concepts in order to distinguish the old colonial settings from the present statehood extensions in the Caribbean. University of London, the Institute of Commonwealth Studies. London, 6th April 2000.
- iiii.** Conference Report 2001.
- liv.** William F.S. Miles 2001: p. 59.
- lv.** Ramón Grosfuegel 1997: p. 71.
- lvi.** Edward Heerenveen (translated from Dutch), 'Independence should always remain an option, irrespective of any circumstance, as it is the most essential goal and deeply rooted aim of a (former) colony'. In: Lammert de Jong 2002: p. 229.
- lvii.** William F.S.Miles 2001: pp. 50-57.
- lviii.** Wilfredo Mattos Cintrón 1993: p. 214.
- lix.** See Ramón Grosfuegel: 'Caribbean colonial migrations to the European metropolises during the postwar era experienced processes similar to the Puerto Rican migration to the US. We have a lot in common and much to learn from this comparison'. In: CENTRO, Bulletin Volume VIII, number 1. 1995: p. 93.
- lx.** For instance Fred Réno (ed.) 1995.
- lxi.** Raimund Schäffner 2002: p. 26.
- lxii.** Abraham Rodríguez, Jr. 2000: pp. 99-100. Rodríguez begins his article with the notion that in December 1998, Puerto Rico accepted the gift of 600-ton bronze head of Christopher Columbus. This statue, by a Russian sculptor, had been offered as gift to the USA in the early 1990s. Numerous American cities turned down the honor of putting up the 30-story bronze head. Eventually Puerto Rico offered it a home (in Catano, a city of 36.000 people). According to Rodríguez, the huge head of Columbus once again approaching Puerto Rican shores, had to be a bad dream. The gesture shows how separate the Puerto Rican entities have become: '....some island Puerto Rican might put up a head of Columbus on a sandy beach, the first thing a 'Puerto Rican American' might do, is to take it down'.
- lxiii.** Jorge Duany 2002: p. 282.

- lxiv.** Van Doorn (1995) attempts to draw lessons from the former colonial pluralistic society in the Dutch East Indies for the increasingly multi-cultural characteristics of the Dutch society in the last quarter of the 20th Century.
- lxv.** Bermuda (over 60.000 inhabitants), also one of the British Overseas Territories, is not part of the Caribbean region; Bermuda is classified as Overseas Territory of the UK.
- lxvi.** Conference of the Institute of Commonwealth Studies of the University of London, 'Comparing Colonialisms in the Caribbean in the 21st Century', 6 April 2001.
- lxvii.** Helen M. Hintjens 1995: p. 26.
- lxviii.** In the Indian Ocean the tiny island Diego Garcia is an example of the significance of an Overseas British Territory for military purposes: 'There are times (...) when the U.S. military considers this 17-square-mile atoll of coral and sand in the middle of the Indian Ocean - with no indigenous inhabitants or natural resources to speak of - one of the most valuable places on Earth'. In: Where in the World is Diego Garcia? Website, 3 January 2003.
- lxix.** Preparing for the war against Iraq, the Pentagon sought permission from Britain to base Air Force B-2 stealth bombers on the island. In: The New York Times, 18 September 2002.
- lxx.** Ramón Grosfuegel 1997: p. 66.
- lxxi.** The New York Times, 9 January 2003.
- lxxii.** Ramos & Rivera (ed.s) 2001, p. xix.
- lxxiii.** World Bank December 5-20, 2001: 'Technical assistance has been provided on a large scale, from both public and private sources in the Netherlands, over many years. This assistance has contributed to a relatively high level of development of key institutions, the legal system, social services and education. The assistance has inevitably also contributed to a strong European (Dutch) orientation in the development systems and programs in the Netherlands Antilles'. p. 10.
- lxxiv.** Helen M. Hintjens 1995: p. 45.
- lxxv.** Aarón Gamaliel Ramos & Angel Israel Rivera 2001: pp. 2-3.
- lxxvi.** Aarón Gamaliel Ramos & Angel Israel Rivera 2001: pp. 1-21.
- lxxvii.** Lammert de Jong 2004.
- lxxviii.** David Jessop, The Week in Europe, 28 June 2001.

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Extended Statehood In The Caribbean ~ The French

Départements D'Outre Mer. Guadeloupe And Martinique



Introduction

In 1946, the French Antilles inaugurated a heterodox process of 'decolonization through institutional assimilation'. A long historical movement, initiated during the early periods of colonization, made of rupture and discontinuities but sustained by a universalist ambition, found its ultimate consecration in the so-called *law of assimilation* of 19 March 1946. A new expression - Overseas Department (*Département d'outre mer, or DOM*) - enriched the juridical-political vocabulary, pointing out both the geographical and historical difference as well as the similarity of political and administrative structures with the Départements of the Metropole. Guadeloupe, Martinique, and Réunion located in the Indian Ocean, and French Guiana situated between Surinam and Brazil in northern South America, became part of the 'Four Oldest Colonies'. They were integrated within metropolitan France and have been regarded as European territories since 1957.

Départementalisation is another term used to refer to institutional assimilation, while highlighting the unfinished character of the assimilation process. That notion applies not only to institutions, but also to people, from a juridical and a cultural point of view.^[i] From a historical perspective, the 1946 *départementalisation* thus achieves the synthesis contemplated by the reporter of the Constitution of the year III (1795), Boissy d'Anglas,^[ii] stemming from a dual question: is it necessary to implant in the 'Oldest Colonies', independently from the locally expressed will, an administrative system identical to the current one of the mainland (assimilation of institutions)? Is it necessary to extend to the whole population of these colonies an identical system of values and juridical norms as of the mainland, thereby enlarging the circle of members of the 'motherland' (assimilation of people)? Such a colonial doctrine, which originated from the concept of a unified French State, had the tendency to deny all public expression of identity other than its own, and to marginalise all the others for the benefit of citizen allegiance.

Nevertheless, such a claim that so closely associates legal assimilation and cultural assimilation, is a source of many paradoxes that anthropologists have researched for a long time. Supported by an assimilationist ideal in which deep traces of the Ancient Regime are still perceptible, and fed on a universalist claim that the revolutionary heritage continuously reinforced, the colonial project that ensued was no less than a 'tremendous difference-producing machine'.**[iii]** The bringing together of peoples from extremely diverse backgrounds to form societies – according to a historical trajectory of a most remarkable nature – was a strong factor in the creation of cultural and social spaces which kept the assimilationist dynamic at bay. It is then indisputable that the French colonial device and the French State had long been resistant to any form of cultural and political autonomy. Nonetheless, these forces emerged and did so without strict alignment to metropolitan norms.

Upon closer examination, the processes of the confinement and marginalisation of dominated groups in deliberately unequal frameworks contributed to the emergence of the true identities of these groups; groups for which social equality, inherent to citizenship, could only be achieved through the claim of cultural specificities such as displayed by the negritude of Aimée Césaire.**[iv]** Because of the lack of respect for cultural idiosyncrasies, Aimé Césaire's project tried to reconcile the equality claim with the claims of specificity. Historically, juridical assimilation was far from being a univocal process: the evocative power of this term, whether denouncing its illusive or hoaxing character, or viewed as some sort of logical result, true to the revolutionary ideal, only reflected the extreme complexity of the situation that it claims to designate. That process did not result exclusively from the pressures exerted by the colonial power in the name of the republican myth of emancipation; to a large extent, it benefited from the support of certain social and local categories, and sometimes corresponded to dynamics and demands emanating from the Antillean societies themselves. Today, this results in a 'total system', as Marcel Mauss**[v]** conceived this notion, which clearly interferes in all dimensions – political, economic, social and cultural – of the insular societies. From this point of view, this chapter deals with the following issues:

- 1) political status, central control and local autonomy;
- 2) citizenship, identity, culture and migration;
- 3) economics, employment and welfare;

- 4) education;
- 5) rule of law and democracy;
- 6) crime, international security and diplomacy.

Political Status, Central Control and Local Autonomy

As of 1946, Martinique and Guadeloupe were granted the administrative status of *Département*. All territorial institutions, whether *Municipalité*, *Département*, or *Région*, operate like their metropolitan equivalents. However, the identical nature of political and administrative structures between the overseas *Départements* and their metropolitan counterparts has resulted in creating a *mono-départemental* region[**vi**]: a super-positioning of the two administrative constituencies of the *Département* and the *Région*. The overseas *Départements* are subject to the same rules as their counterparts in mainland France. Nevertheless, in Martinique and Guadeloupe, the Council (of official representatives) of the *Département* maintains specific tax allotments as well as proposal and advisory powers 'adapting legislative and regulatory texts' (the 26 April, 1960 Decrees).[**vii**] By and large, the *Département* is an administrative management unit; its main area of competency lies in rural infrastructure, economic and social endeavors, harbors, middle schools, school transportation and social aid.

The *Région* has power to promote economic, social, cultural and scientific development, and to negotiate a six-year economic scheme ('*contrat de plan*'). It also has powers in matters of vocational training and apprenticeship as well as domestic transportation. Finally, it manages the secondary school system. The *Région's* major areas of action are in agriculture and rural infrastructure, transportation and communication, tourism, economic undertakings, education, and culture.

The political-administrative system is marked by complexity, due to many different levels of administration. This problem is far from been totally solved, despite the premise of 'blocs of competency' as decided by French legislators: each collective body – *Municipalité*, *Département*, *Région* – is assigned a certain number of areas of competency in which none of the other institutions may, in theory, interfere. In practice, however, the overlapping of competencies is reinforced by the coexistence of two locally elected assemblies, the Regional Council[**viii**] and the General Council for one single territory, which makes for a conflicting situation and incites the territorial institutions, to compete among each other. Moreover, the social-cultural

environment in Martinique induces institutions to confer upon themselves fields of competency, which they consider exclusively theirs.

Hence, not only are there heavy social demands for public intervention but also the small size of the territory puts these institutions at the centre of all debates and propels them to become involved in areas where they do not have recognized competence. Finally, legislative texts have not been able to eliminate situations of competing involvement. For example, the *Région* is an active participant in environment policies and in safeguarding

heritage, while at the same time, the *Municipalité* and the *Département* have been assigned to enhance and safeguard heritage. The policy of housing is also shared between the *Région*, in charge of defining priorities concerning housing which may compete for State aid, and the *Département* and the *Municipalité* which also define their priorities in the area of housing and which have the power to set up local housing programs.

However, the law has instituted the principle of a total absence of horizontal supervision; that is to say, no institution may claim to exercise any hierarchical power over the other. But once again, this principle is watered down due to the role of the *Région* and the *Département* in the allocation of subsidies, which confers substantial powers upon the presidents of the regional and departmental councils. They are empowered to negotiate with the mayors whose capabilities depend on those subsidies.

The means of financing local institutions in Martinique and Guadeloupe (and the overseas *Départements* in general) differs from what prevails in mainland France. Without going into complex detail, the municipality budgets are for most part obtained by financial disbursements from the French State. Local institutions benefit from a specific system of substantial indirect taxation, the so called *octroi de mer*, which is a duty collected on imports and consumer goods, and a fuel tax. Nonetheless the finances of local institutions are fragile. The slower development pace in comparison with mainland France (which under all circumstances still remains the standard) encourages escalating expenditure. The DOM face a considerable lack of infrastructure such as roads, low-cost housing, schools, and cultural centers. Moreover, the rather weak economy and the high rate of unemployment put weighty claims on local finances.

A review of municipal, departmental and regional finances reveals a double

dependency on the State, firstly because of the weak financial autonomy of the *Collectivités territoriales*, and secondly because of the weight of indirect taxes based on consumption in the *Départements d'outre-mer*. The main source of revenue of the municipalities consists of the *octroi de mer* (customs duties), of which Euro 122.2 million, i.e. 22% of the total revenue, was collected in Guadeloupe in 2001. The local taxes reached Euro 111.3 million, i.e. Euro 216 per inhabitant as compared to Euro 381 in Metropolitan France. For both islands non-fiscal revenue plays an important compensating role and constitutes a great part of the financial resources of the departmental institutions; it amounted to 57% of the operating budget of the *Département* of Martinique in 2002. This revenue originates for the most part from contributions of the French State, as shown in the pie chart here below, representing the revenue of the *Département* of Martinique (IEDOM, 2004):

- State contribution to local government (37%)
- Local Tax (17%)
- Miscellaneous revenue (12%)
- Fuel tax (10%)
- Public loans (8%)
- Subsidies (6%)
- Budget surplus (6%)
- Social security (4%)

Table 1
Revenue of the Département Martinique (2002)

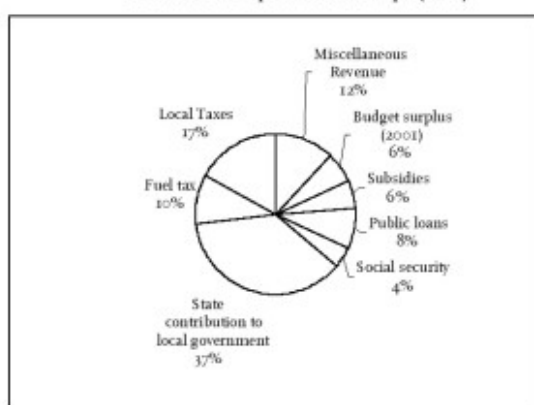


Table 1 - Revenue of the
Département Martinique (2002)

The State completes this administrative architecture. The French Antilles come

directly under all the technical ministries in Paris, as do the other *Départements* or *Régions* in mainland France. But there is also a ministry – the Overseas Ministry – specifically in charge of the overseas Territories and *Départements*. As the offspring of the former Ministry of the Colonies, its role is to work with the other technical ministries in order to foster the specific interests of the overseas regions. Its budget is relatively small when compared to that of other ministries. Locally, the State is represented by the Prefect and by administrative agencies, which serve as an extension of the Parisian ministries. It should be noted that the Prefect, in addition to his functions of Prefect of the *Département* and of the *Région*, exercises competencies conferred upon the government in matters of domestic and external security. The French government appoints him and he exercises jurisdiction under the exclusive authority of the government.**[ix]** Despite growing local autonomy, a result of the decentralization program of 1982**[x]**, the Prefect holds considerable prestige, especially through his significant role in mediating labor conflicts.

Historically, the French State has somehow modeled the insular societies and still has a substantial impact due to considerable public transfers. In 2002, these public transfers, including social transfers, reached Euro 1.3 billion for Martinique, and Euro 1.8 billion for Guadeloupe, which represents 3,347 Euro per inhabitant in the first case and 4,055 Euro per inhabitant for the second.**[xi]** The prefectorial institution reflects the weight exercised by the State. Altogether the State penetrates deeply the collective consciousness and through its presence continues to influence the Antillean imagination.

To complete this picture, the role played by European institutions must be included. Due to their status as DOM, Martinique and Guadeloupe are considered European territories, and as such, benefit generously from regional policies funded by European financial structures. However, this substantial European presence is offset by a low level of Antillean involvement in the operations of EU political institutions. The ‘democratic deficit’, so often mentioned by member states, expresses itself in the French Antilles with great indifference at the political level. For example, there was less than 20% participation in the 1994 European Parliamentary elections in Martinique; in 1999, the rate of participation plunged to the historically low level of 12%, before climbing again to 18% in 2004. This compares rather poorly with the lowest participation rate in continental France, which was 43% in 2004. The electoral indifference with

regards to the EU, despite Europe's active involvement in the operation of the islands' economies, can be explained by two factors. On the one hand, European citizenship remains abstract to Antilleans and is not able to supplant their allegiance to the French State. In other words, there is a very weak identification with the European environment, in particular from a cultural point of view. Hence the creation of the common market in the 1980s was met with distrust as in some circles Europe was considered to be a danger to Antillean interests. On the other hand, the process of economic and political integration into the EU has been coupled in recent years with a consolidation of ties within the Caribbean region. Thus the French West Indians seem to have multiple allegiances and attempt to proclaim themselves as being an integral part of the Caribbean area while at the same time their economic and political ties with the EU are in the process of being strengthened.

One of the main features of local government in Martinique and Guadeloupe resides in an increase in the levels of administration and local and central intervention. This has resulted in unstable collaboration, rivalry and conflict in implementing local policies, as well as a struggle for local leadership, which can be quite fierce at times. The French government recognized this competence problem and in the early 1980s attempts were made to implement a decentralization plan. Decentralization was not intended as a specific solution to the problems of the French West Indies or the overseas *Départements* in general. But given the persistence of *autonomism* and the notion of independence since the 1950s, the socialist government in France and its local allies, notably Aimé Césaire's Parti Progressiste Martiniquais (PPM), considered decentralization an answer to the appeal for change. Therefore the measures taken in metropolitan France were adapted to the exigencies of the overseas context to reinforce local government rule.

The consequences of this development were surprising. The accession to power of a socialist government in France combined with the success of autonomous/left-wing forces in Martinique and Guadeloupe altered the political landscape. The question of status, which was at the heart of the political debate since the 1950s, became secondary. The left-wing forces ceased to contest the juridical aspect of *départementalisation*. Rather, during the first half of the 1980s they became increasingly concerned with combating underdevelopment within the framework established by the decentralization reforms.

This stage in the development of political life in Martinique and Guadeloupe can be qualified as a depolarization effort and signified a tendency to decrease tension between the centre and the periphery. Local forces that had in the past contested the role of the French State were obliged to ask for its help in implementing development policies. For example, the PPM that since 1958 had been the most vocal opponent of the status quo (even if it had accepted the logic of economic dependency) became the principal guarantor and supporter of decentralization. In fact, Aimé Césaire's party became the leading beneficiary of the very status quo it had fought in the past.

Thus the situation had changed considerably. Before, political life was organised around the divisions between right-wing parties, which favoured the process of *départementalisation*, and left-wing parties, which preferred political autonomy and independence movements. These divisions have certainly not disappeared.

But the

French West Indies have witnessed the progressive 'territorialisation' of all the parties, including the right-wing in an attempt to keep their distance from mainland French political parties such as the UDF (*Union pour la Démocratie Française*) and the RPR (*Rassemblement pour la République*), and now the newly created UMP (*Union pour un Mouvement Populaire*) by asserting their local bases. With respect to the left-wing parties, whether it was the PPM or the Martinique Communist Party (PCM) or the Guadeloupe Communist Party (PCG), have since the 1950s claimed, if not independence, then at least autonomy from their mainland counterparts. In other words, the local political systems do possess their own internal dynamics; they are far from being simply a carbon copy of the mainland France models. Indeed, one of the main characteristics is excessive fragmentation due to the great numbers of political movements, some of which develop through fissiparous behavior. The political system is definitely witnessing a crisis in terms of representative democracy. Traditional political parties no longer seem able to respond satisfactorily to emerging aspirations, whereas other movements - literary, political or cultural - which are flourishing within 'civil society' don't seem to be able to take over, even if they seek to mobilize the population around issues that are currently *en vogue* such as environmental protection and preservation of cultural traditions. Decentralization enabled creative potential to be unleashed and revealed the capacity of local leaders to implement local policies. However, it reinforced dependency since it never questioned the old egalitarian claim while local institutions had to face up to an

increase in financial demands. The earlier depolarization efforts were followed at the end of the 1980s by a revival of status claims, and by tensions between the State and the heads of the *départementale* and *régional* executives. Negotiations concerning institutional changes followed. These negotiations led in December 2003 to the organization of a plebiscite on the creation in Guadeloupe and Martinique of a new local entity that would replace the *départements* and the *régions*.

The proposition to create a new *collectivité territoriale* was meant to simplify the institutional landscape by reducing the number of structures so as to redefine the State's role and to strengthen local powers. It met the zealous requests that have for years been addressed to the French Government and was backed by a strong majority of local representatives. The new *collectivité* would exert not only the competences devolved to the *département* and the *région*, but also competences transferred by the State, particularly in the fields of territorial development, urbanism, environment, land and sea transport, culture and regional cooperation. This reform would essentially have answered the local representatives' aims to employ wider responsibilities and so have better control over the institutional mechanisms of economic, social and cultural development. At the same time this reform was meant to respect the attachment of Martinicans and Guadeloupeans to social rights and their links to Europe.

The results of this election are interesting as they reveal the ambivalence of both the political elites and the citizenry. The massive victory of the 'no' option in Guadeloupe (72.9%) was a bitter failure for the President of the *Région*, Lucette Michaux-Chevry, a charismatic leader who was in favor of reform.**[xii]** It also expresses the will to preserve acquired rights. Though narrower in Martinique, the victory of the no option (50.4%) reveals an instinctive mistrust with regard to any change that may call into question the real or perceived advantages related to the *départementalisation*. The outcome of the plebiscite was a rejection of any institutional change that supposedly could have paved the way for more autonomy or even independence. Interestingly, three months after the plebiscite, the citizens of Martinique re-elected Alfred Marie-Jeanne, a supporter of independence and president of the *Mouvement Indépendantiste Martiniquais* (MIM), as head of the regional executive. Such contrasting results show the ambivalence embedded in the behavior of the citizens of Martinique who attempt to reconcile their identity assertion with an allegiance to the French realm.

All in all, the political status of the French West Indies is characterised by a strong financial dependency on the Metropole and increasingly also on the EU. Moreover, institutional pluralism is ubiquitous as a consequence of the multiplicity of the local and State actors participating in the management of insular affairs. The strong presence of the State through public and social transfers, considerably limits local representatives freedom of action despite the decentralisation reforms of the 1980s. Not only is the politico-institutional status persistently contested, but there is also an imbalanced development model, which shows strong structural unemployment (more than 25% of the active population), coupled with endemic under-employment. Nonetheless the response of the central power – sometimes backed by its local supporters – is invariably an elaboration and implementation of public and institutional policies that are based on the principles of Republican equality. Through measures of ‘positive discrimination’ (affirmative action), structural local handicaps such as the small size of the market or the weakness of the production mechanism are taken into consideration.

From the 1960 *Loi de programme* to the 2003 *Loi de programme pour l’outre mer* (LOPOM) through to the 1986 *Loi de programme* and the *Loi d’orientation pour l’outre mer* (LOOM) of 13 December, 2000, the same logic is at work: a package of economic and social measures is presented as an answer to the malaise and local claims for improvement. These measures usually consist of injecting public funds in the insular economy and in different kinds of backing such as social transfers, tax exemptions or a moratorium or reduction of social charges. These measures have created a problem of fine-tuning the public policies led by the State with those of the *collectivités locales*. More often than not, the *collectivités locales* are condemned to ‘socialize’ the consequences of measures of which they have no control, particularly in the field of economic policy. One cannot but admit that this system is based on a kind of ambiguous consensus that guarantees its continuation. Strengthening local autonomy, as demanded by the representatives, is not necessarily compatible with maintaining social and public transfers that have increased dependency on the State. Pierre Mesmer, former *Ministre de l’Outremer*, compared autonomy at the beginning of the 1970s with a ‘divorce with alimony’ – thus illustrating that the State continues, under all circumstances, to retain a leading role in the running of local affairs.

Citizenship, Identity, Culture and Migration

The English sociologist Thomas Marshall[xiii] distinguished three stages and three forms in the fulfillment of modern citizenship: assertion of civil rights during the 18th century (phase of construction of the Liberal State); conquest of political rights during the 19th century (recognition of Universal Suffrage); and the organization of the social rights during the 20th century (development of the Welfare State). If these three constituents of citizenship are universal, Marshall's chronology raises a problem when being applied to France, especially to its outermost territories[xiv].

The abolition of slavery in the French West Indies in 1848 signified indeed an acceleration of the historical process in which the three components of citizenship as highlighted by Marshall converged. Marshall's three stages crystallized in one essential date, 1848, which brought about universal equality since freedom came with the plenitude of civil and political rights, and was logically followed by the fulfillment of social rights in 1946. Moreover, contrary to the vision of a linear and finalized evolution as suggested by Marshall's theory, the experience of the French West Indies reveals that the authenticity of the citizen was from the beginning confronted with rival identifications which continue to this day to assert themselves.

At present, French citizens from Martinique and Guadeloupe benefit from all the rights inherent in French citizenship and from the inclusion of the two islands in the EU. The granting of civil and political rights since 1848 following the abolition of slavery thus enabled the newly liberated people, hitherto denied any political power, to participate in political activities. French West-Indians now take part in all local and national elections organised in France and each island sends six elected officials to the French Parliament (4 deputies and 2 senators). Regarding social rights, the situation proved to be more delicate. Social equality was gradually implemented from 1946 onwards and during this process contentious debates and social conflicts arose, which contradicted the idyllic vision of a harmonious development of citizenship and a progressive extension of its various - civil, political and social - dimensions.[xv]

Access to these rights did not go hand in hand with an alignment of cultural norms with the mainland. The process was complex for at least two reasons. Firstly, contacts between different cultures, including oppressive and unequal situations, do not automatically result in simply imitating or assimilating the traits of one group by another group and so modifying the behaviour of each.[xvi]

Secondly, it seems that the construction of identity in Martinique and Guadeloupe was engineered by a superposition of subjective belongings. Without doubt, the *assimilationist* force of the State has been widely supported by its undeniable ability to tolerate an island space mediating a belonging in a broadened community through local attachments, which were being constantly reconsidered.

This mediation operated within the framework of the political-administrative system of *départementalisation*. Representatives of the 'island community', accessing the State controlled resources in a urgent quest for equality, explicated the specifics that are compatible with integration within the French national orbit. In their everyday operations and relations with central government officers, they brought into play a certain autonomisation of the political island space.**[xvii]** Against the history of disappointment and disillusionment generated by the failure of *départementalisation*, this autonomisation favored a revival of native and cultural forms. Michel Giraud emphasizes that the social over-enhancing of 'classic' French culture, going hand-in-hand with a reduction of West Indian culture, was intrinsically linked to the credibility of the assimilative ideology of which *départementalisation* was the major product. Once this credibility was achieved through the contradictions and troubles of *départementalisation*, the West Indian cultural situation could not help but be affected.**[xviii]** This evolution resulted in a politicization of West Indian identities that took its first impulse from the conflicts created around the experience of *départementalisation*. For a long time, differences were crystallized in three approaches: supporters of political and cultural assimilation and, therefore of an identity re-shaped by the French State; the protagonists of cultural autonomy within the French orbit coupled with a respectful acknowledgement of differences; and finally the supporters of a radical *otherness*. The first attitude clearly articulated a strong electoral theme, the access to all rights and claims inherent in French citizenship and a valorization of French culture. The second tried to reconcile as a matter of principle a discourse based on themes of lesser electoral efficiency, like respect for cultural identity, the need to question the model of development and to reinforce the local powers on the one hand, and the logic of financial dependence on departmental institutions and the implementation of social programs, on the other. The third claimed independence. The weakening of the republican myth, associated with the rise of uncertainties linked to the construction of Europe, will most likely favor a redefinition of identity strategies.

Thus, the French West Indies exemplify to the extreme the classical tension between State universalism and local particularism or, if one prefers, between the search for an identity and the construction of a polity. In its process of imposing a unique allegiance, the French State relied on the republican myth, which was taken over by social groups, particularly the descendants of the slaves who form the majority of the population. The *universalisation* process that was engineered by the State nevertheless produced ambivalent results in so far as this process is accompanied by a reactivation of local culture and the development of local idiosyncrasies justifying specific claims.

The autonomist movement that asserted itself during the 1960s, even though its electoral basis remained limited, articulated claims of Martinique and Guadeloupe being separate national entities, of a political status based on local powers and financial and monetary autonomy, as well as respect for the *dignity* of the insular people. This development opened up potentially significant protest and facilitated also a multiplication of identity declarations through the 1970s in the cultural and political fields. Accelerated by the decentralization process of the 1980s, a true explosion of cultural activities and social expressions followed. Though the central powers had for a long time resisted every form of public expression of peripheral identity, from now on the existence of expressions of a different culture were acknowledged to such an extent that the French State financially participated in its development. Thanks to a loosening of tensions between central and insular powers, cultural initiatives and actions multiplied. However, the local assemblies acted often in an uncoordinated way and followed a process that emphasized collective teamwork rather than the development of clearly defined goals.**[xix]**

The new infatuation with the 'cultural thing' on the part of locally elected officials is full of ambiguities and paradoxes. These officials are more often than not permeated with a culture of automatic resistance to central power, but also quest for national (French) appraisal and national (French) gratefulness.**[xx]** At the same time, the elected members of the local assemblies try to outdo the State by deliberately distancing themselves from mainland France. In their relations with metropolitan and European centers, these local political leaders conduct a permanent presentation of 'specificities' as real symbols of their identity. They use 'specificity' erratically in negotiations with central and/or European authorities. In other words, local communities increasingly use all sorts of identity declarations to garner support for local public policies. The struggle for territorial

control in partnership with the State and the designation of local leadership rest largely on the appeal of the notion of 'dignity' and 'specificity'. These notions have become significant parts of the symbolic construction of a collective identity. Also, the educational system is forever the subject of debates concerning the inclusion of local 'specificity' to strengthen identity affirmation within the Guadeloupean and Martinican societies in their relations with metropolitan and European centers. In order to reinforce their legitimacy, some political leaders do not hesitate these days to embrace local identities while they claim at the same time to be part of political movements which are strongly marked by the tradition of assimilation. These cross-pressures put them at risk of moving away from the metropolitan parties.[xxi]

Each movement, in its own way, strives to mobilize support by identity construction-affirmation. 'Civil society' abounds with initiatives from groups or organizations whose strategies participate in the construction of collective identities. Whether they are movements engaged in defense of the environment or defense of the neighborhood, a retreat from specific micro-identities has taken place. These movements now often aim at participating in political forums during local elections.[xxii]

The phenomena of identity construction are also of concern to the West-Indian diaspora in Metropolitan France. In the 1960s and 1970s emigration to mainland France was quite strong. During the period of 1974-1982, departures amounted to 23,000 people or almost 3,000 people per year. This high rate of emigration enabled a large part of the natural population growth to be absorbed and explains the moderate increase in the population until 1982. From the 1980s, however, the French Antilles witnesses a contrary tendency. This development was a result of endemic unemployment in mainland France, but was also tied to the favorable civil service salaries in the overseas *Départements* in comparison with mainland France. Consequently, during the period 1982-1990, the net migratory balance was inverted to almost 1,900 arrivals per annum.

The demographic history of the *Départements* shows an impressive dynamic. One out of four West Indians born in the region now resides in metropolitan France. In 1999, their number (212,000) almost equaled the total population of Martinique (239,000) or Guadeloupe (229,000) in 1954. The population drain appears all the more remarkable when one bears in mind that mostly young and active people migrated. Out of every 100 West Indians who left their *Département* of origin to

settle in metropolitan France in 1990, 75% were under 40 years old, and almost 65% were between 15 and 39. Almost half of the Martinicans aged between 30 and 40 years had settled in metropolitan France.**[xxiii]**

At present a large West Indian community exists in mainland France whose numbers are difficult to calculate due to poor census methods and the intermingling of generations: many people of Martinican or Guadeloupean descent living in mainland France were born there. We can roughly estimate that 500,000 West Indians and Guianans, across all generations, presently live in Metropolitan France, the large majority being made up of the Martinicans and Guadeloupeans (337,000 as of March 1999). Martinicans and Guadeloupeans living in France work for the most part in the public sector, in particular the post office and within the hospital system. In the West Indian diaspora in France a double affiliation, Antillean and French, is evident. Reports from the 1999 census tend to show stabilization, even a debit balance of migratory movements towards the mainland. This stabilization seems to be caused by a return of migrants of the second or even third generation. In the diaspora the French Antilles are internalized as an obligatory frame of reference, a myth sustained by the hope – especially for the West Indians of the first generation – of a hypothetical return to the home country. This framework integrates references borrowed from French society and emerges as a space of intense identity re-compositions. Consequently, the fact that Guadeloupean and Martinican migrants have been excluded from mainstream French society in spite of their citizenship has encouraged them to develop a strong consciousness of community identity and to mobilize a symbolic identity in order to enhance and defend their fundamental rights, especially the right to social promotion.**[xxiv]**

In other words, ethnic identity and its cultural attributes represent important political resources, since the ‘community’ emphasizes specific problems while celebrating differences within French society at the same time. West Indian emigrants are progressively changing in attitude and behavior within the metropolitan society. Whereas the pioneers – the immediate post-war emigrants, a minority coming from the middle classes and brought up with an ardent admiration for the Republics school system – aimed at integrating into the mainstream rather than singling themselves out, the West Indians who settled later in metropolitan France tended to voice a variety of specific demands. They condemn discrimination and their low presence in the political and cultural

arenas as well as the cost of air transport between the West Indies and continental France. Hence they show a noticeable tendency to organize themselves into 'demand groups', or join political parties, trade unions and associations that are keen to defend their interests.

On the islands themselves, strong tensions sometimes occur between the local population and 'foreigners'. These tensions particularly concern the Haitians who are rejected in Guadeloupe, and the Saint-Lucians in Martinique. In 2000, it was estimated that 22,000 migrants were present legally in Guadeloupe and 10,000 illegally (half of them solely in the *commune* of Saint-Martin).[xxv]

The number of documented Haitians in Guadeloupe amounted to 9,935 in the survey of 1999. Apart from the undocumented migrants whose number is difficult to establish, the migratory flow remains low, also when including the population of metropolitan origin. The example of Martinique (see Table 2) shows that in 1999 11% of the people residing on the island originated from outside, most of which came from metropolitan France.

Table 2
Foreigners residing in Martinique in 1999

Country of origin	Number	%
Haiti	1,032	28.8
St Lucia	949	26.4
EU	531	14.8
Other American countries	434	12.1
Dominican Republic	26	2.1
Brazil	58	1.6
Indian Ocean islands	32	0.9
Suriname	8	0.3
Guyana	7	0.2
Others	499	12.8

Source: INSEE

Table 2 - Foreigners residing in Martinique in 1999

Emigrants represent less than 1% of the total population of Martinique. The Haitians are the most numerous, but they are ten times less in Martinique than in Guadeloupe. They are followed by Saint-Lucians, and by citizens of EU member countries, other than France. Most Martinicans aver that the presence of the latter, which are benefiting from the principle of free movement within the EU, does not pose any problems because of their small number. That is not necessarily the same for the migrants coming from continental France. As a matter of fact, in view of high unemployment figures, some political movements and trade unions have tried to make the distinction between 'Martinicans' and 'non natives',

particularly with regards to competition for jobs in the public service. Demands in favor of 'west indianization' of posts tend to amplify after economic downturns, based on an 'affirmative action' policy for Martinicans. More recently, similar demands have been made to secure jobs in the private sector.

Economics, Employment and Welfare

The economic model, prevalent in the French West Indies, operates on the basis of blending economic growth and development. Frequently, official reports underline the drawbacks of a model that does not enable the islands to achieve self-sustained development despite considerable economic growth. Some elementary statistics placed in their proper perspective reveal that the process of *départementalisation* from its inception to the present day has been instrumental to the political elite in attaining economic resources from the mainland in order to attain a high level of development. [xxvi]

The increase of GDP and revenues is assured by the mainland and, increasingly also by the EU (EU). Hence, there is a significant difference in economic conditions with the independent states of the Caribbean. These states do, indeed, benefit from foreign financial contributions in the form of aid, including aid from the EU under the Lomé Conventions (Cotonou Agreement, as of June 2000). But their situation cannot be compared to that of the French Antilles which are directly integrated into French and European frameworks, and which therefore benefit from significant public funds, an important factor in financing the local economy. The funds derived from the mainland and the EU constitutes one of the major driving forces of an economic growth rate that is often higher than in the mainland during identical reference periods. Such funds usually benefit households (civil servant salaries, social benefits, tax breaks) and, to a lesser extent businesses (grants, public contracts, tax incentives). With respect to civil servant salaries, it should be noted that since the 1950s these remunerations are 40% higher than those received in mainland France (including the institutions of the *Municipalité*, *Région* and *Département*) and related public administrative bodies. In other words, all civil servants enjoy advantageous benefits, independent of employment by the State public service or the *collectivités territoriales* or by the public hospital. Also the location of origin, West Indian or Metropolitan, does not make a difference in civil servant salary level.

Table 3

State accounts for the Département Guadeloupe 2001-2003 (million Euro)							
Local revenue of the State	2001	2002	2003	Local expenditure of	2001	2002	2003
Tax revenue	458.50	432.85	466.82	Operating cost including:	857.39	857.98	883.98
Including:				Agriculture	27.54	28.10	24.95
Direct Taxes	268.70	232.89	262.52	Education	50.76	45.04	52.77
VAT	163.84	178.03	182.30	Domestic	75.00	81.12	88.00
Indirect Taxes	22.96	23.71	25.00	Labor	23.83	27.32	28.71
Non-tax income	89.80	42.85	46.14	Local wages	608.57	603.15	623.08
Integrated Revenue	1.10	3.29	167.31*	Other ministries	72.20	71.39	65.85
Special accounts				Investment including:	135.06	170.70	178.98
Loans, advances				Agriculture	10.82	17.06	18.03
Fund transfer				Education	0.45	1.38	0.32
	266.85	254.90	251.37	Domestic	70.12	88.03	106.35
				DOM	37.04	43.84	36.17
				Housing	1.98	2.37	1.59
				Other ministries	14.63	21.32	14.50
				Special accounts			
				Loans, advances	251.08	261.98	273.87
				Other	1.57	2.98	8.25
Total income	773.87	733.35	873.64	Total expenditure	1244.87	1262.24	1344.44
Deficit balance	470.90	558.89	470.80				

Table 3 – State accounts for the
Département Guadeloupe 2001-2003
(million Euro)

Table 3 illustrates the total expenditures of the State in the *Département* Guadeloupe for the years 2001 – 2003. It appears that the deficit balance which corresponds to the State transfers to the *Département* varies from year to year, from Euro 470 millions in 2001 to Euro 558 millions in 2002. A similar observation can be established for Martinique: the debit balance was Euro 492 million in 2001 and Euro 423 millions in 2002.

A more precise picture of the total amount of social and public transfers in the two *Départements* requires that the balance payment of social transfers must be added to these figures (see tables 4 and 5). For example, in 2003 the total amount of social and public transfers in Guadeloupe was Euro 1160, 5 millions, Euro 470.5 millions brought in by the State, and Euro 1161,1 millions provided by the Social Bodies, and Euro 28,6 millions coming from other transfers (Banana subsidies).

Table 4
Balance payment of public transfers in favor of Martinique 2000-2002 (million Euro)

State	2000	2001	2002
Revenue (1)	812	840	815
Expenditure (2)	1319	1314	1276
Balance (1)-(2)	97	492	423
Social Bodies			
Revenue (3)	757	725	976
Expenditure (4)	1494	1591	1736
Balance (3)-(4)	737	868	760
Other transfers (Banana subsidies)	205	66	84
Net balance of transfers	1379	1426	1287

Source: DESOM

Table 5
Balance payment of public transfers in favor of Guadeloupe 2001-2003 (million Euro)

State	2001	2002	2003
Revenue (1)	774.0	731.4	873.6
Expenditure (2)	1245.9	1292.2	1344.4
Balance (1)-(2)	471	358.9	470.8
Social Bodies			
Revenue (3)	690.5	399.4	711.7
Expenditure (4)	1724.8	1748.8	1872.8
Balance (3)-(4)	884.5	1181.4	1161.2
Other transfers (Banana subsidies)	21.7	7.5	28.6
Net balance of transfers	1378.9	1779.6	1660.5

Table 4 – Balance payment of public transfers in favor of Martinique 2000 -2002 (million Euro) Table 5 – Balance payment of public transfers in favor of Guadeloupe 2001-2003 (million Euro)

In addition, the increasingly important role played by another protagonist – the EU – should not be ignored. Martinique and Guadeloupe are ‘Outermost Regions’ (*ultra peripheral* regions) of the EU, which means that European legislation and policies may be adapted to their specific characteristics. In addition, their banana, sugar and rum markets benefit from protective measures against international competition. In particular, the DOM benefit from significant structural funds whose aim is to promote development and economic adjustment. The aid allocated by the EU amounted to a total of 1.2 billion French Francs between 1989 and 1993. These development funds were doubled and reached 2.5 billion French Francs by the year 2000. The new Structural Fund for the years 2000 – 2006 allocated Euro 805.5 millions to Guadeloupe and Euro 674 millions to Martinique. These substantial increases are supported by identical and complementary efforts of the State, territorial institutions and local actors, in particular through the State-Région five-year economic scheme and the ‘Single Planning Document’ (SPD).**[xxvii]** The following pie charts represent the financing of the ‘Single Planning Document’ for Guadeloupe and Martinique and the respective contribution of the participating institutions.

Table 6
The financing of the 'Single Programming Document', Guadeloupe 2000-2006

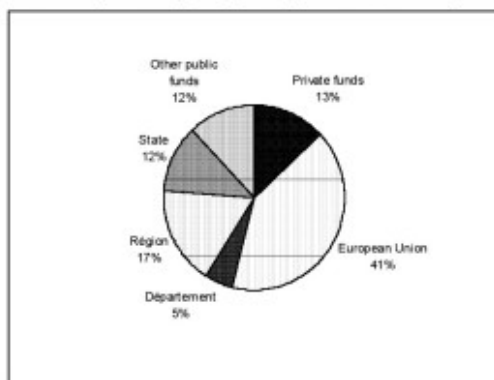


Table 6 - The financing of the 'Single Programming Document', Guadeloupe 2000-2006

To these funds must be added the European funds contributed by the programme INTEREG[xxviii] III-b, which aims for a better integration of Guadeloupe and Martinique (as well as French Guiana) in the Caribbean region. For the period 2000-2006, these funds amount to Euro 24 million for the Antilles and Guiana, of which 12 million comes from the EU's European Regional Development Fund (ERDF).

It would be difficult to total together all these diverse funds that cover policy areas as disparate as sustainable development and maintaining the *collectivités territoriales*, in order to calculate the amount of State and EU public and social transfers towards the French West Indies, and so establish a ratio per inhabitant. Nevertheless, one thing is sure, these transfers play a fundamental role in the insular economies. For example, one estimate suggests that net public transfers of the French state to Martinique amount to roughly one quarter of its total GDP.

Table 7
The financing of the Single Programming document, Martinique 2000-2006

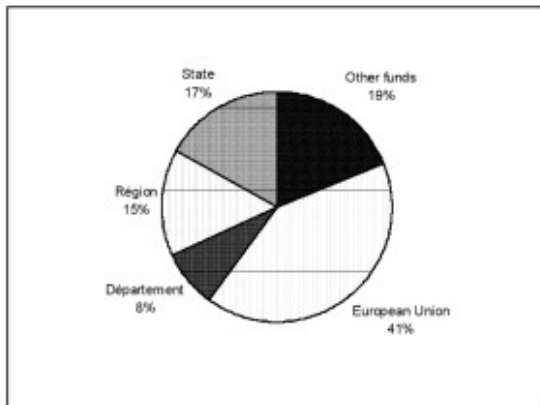


Table 7 - The financing of the Single Programming document, Martinique 2000-2006

As a result of the process of institutional assimilation, an economic development model has emerged that makes Martinique and Guadeloupe stand out against the other territories in the region. The French Antilles present a most notable economic development index within the Caribbean. This singular characteristic requires some explanation. The transformation of the French Caribbean islands into French *Départements* in 1946 raised enormous expectations with regards to social and economic development. Founded in the universalistic ideals that characterised the French State, economic and social 'assimilation' of the 'Four Oldest Colonies' with mainland France became a notion that matched perfectly the local ambitions to bring an end to underdevelopment that contradicted the Republican ideal of equality. With the benefit of hindsight, it may seem foolish today to try to solve the intractable set of social and economic problems that beset the former colonies merely by applying a few Keynesian principles that were thought at that time to have universal value. Increased public spending, development of infrastructure and a system of financial incentives were the measures put in place to achieve an objective that hardly has changed: matching the standard of development present in mainland France. Each and every attempt was inspired by the inescapable, but flawed logic that matching economic conditions could be achieved with the help of massive injections of public funds into the island economies.

This was the case in re-building traditional agricultural sectors like sugar cane and bananas during the period 1946-1960, or in establishing an administrative

apparatus modeled on the system in mainland France in 1961, or in creating economic and local authority structures with direct funding from the ministries in Paris. This strategy had crucial repercussions as it undoubtedly fuelled remarkable levels of economic and social development in Guadeloupe and Martinique, which together demonstrate a showcase for France and Europe in the Caribbean.

However, the economic output needs to be qualified, taking into account the persisting structural imbalances that have marked this development model. As generous as it may seem, this determined approach presented several unexpected and perverse effects. The priority given to the 'catching up' objective resulted in relatively high economic growth from 1946, which at times was even higher than in mainland France – an average of 4% per annum between 1975 and 1994[xxix] – but this was highly dependent on public fund transfers and entailed a deterioration in local production capabilities.

Unemployment is now a serious problem on both islands; it affects more than 25% of the working population and is reinforced by other forms of under-utilization of the available labor force. Unemployment is endemic and many people do not bother to seek employment; they depend on social allowances.

The importance of the *Revenu Minimum d'Insertion* (Minimum Integration Income) (RMI) in the two islands is obvious. The number of beneficiaries in 2002 in Guadeloupe was 29,764 and in Martinique 31,436. Ever since its creation in 1989 the RMI has become a means of subsistence for a growing part of the Martinican and Guadeloupean population. The number of direct beneficiaries in the overseas Departments, including the French West Indies, represented 15% of the population as compared to 3.1% in metropolitan France.[xxx] Designed to supplement the deficiencies of the welfare system, the RMI offers certain groups that face financial difficulty the opportunity to benefit from specific integration measures. But the actual result has been that the RMI supports a sector of the population that suffers from endemic labor market exclusion.

Those benefiting from this allowance are mainly young people: 52% are younger than 35 years and 24% are between 35 and 44 years of age.[xxxi] These figures demonstrate the difficulties that young people, who are particularly affected by long-term unemployment, encounter when trying to get into the job market. The failure of numerous political measures to enhance employment, some of which

have been specially designated for the overseas Departments, have demonstrated the limitations of positive action in the face of an economy that is unable to accommodate a young population.[xxxii] The plans designed for them allow at best a respite of some months or some years before they fall back onto the guaranteed RMI. Eventually this allowance is the only income for a majority of young beneficiaries who have never worked, or have only done so for a brief period, and who are unable to obtain regular employment.[xxxiii] Wanting to escape this vicious cycle is therefore not a realistic option.

For the DOM, the drawbacks of such a development model are offset by a generous welfare system. One of the objectives of the process of *départementalisation* was to enable the former colonies to benefit from all rights inherent in French citizenship, in particular with regards to social provisions. In 1996, fifty years after the law of assimilation was enacted, social equality of the DOM with mainland France was proclaimed. Now the population receives all the social provisions that are in force in France. As of the early 1990s, the departmental funds for social aid began once more to rise following a slump that had coincided with the period of decentralization.[xxxiv] This evolution – a dramatic rise in social aid granted by the *Département* after a respite in the 1980s – reveals the universalistic pretensions of the system of social security. Since 2000, Universal Medical Coverage (CMU) is included.[xxxv] It appears that in the DOM the number of beneficiaries of the social services – particularly the RMI and the CMU – is proportionally much higher than in metropolitan France: in 2002, 26% of the Martinican population and 23.8% of the Guadeloupean population benefited from the CMU, compared to 7.5% for the population of continental France.

Table 8
Implementation of Medical Coverage in the French Antilles and French Guiana
2004

Universal Medical Coverage	French Antilles & French Guiana	Guadeloupe	Martinique	French Guiana
Basic coverage	165 575	99 465	80 264	25 846
Complementary Coverage	243 494	103 288	100 677	37 529
% of people covered	24.3%	23.8%	26.0%	21.8%

Source: Direction de la Santé et du développement social de la Martinique, service des études statistiques

Table 8 – Implementation of Medical Coverage in the French Antilles and French Guiana 2004

Education

Long before Martinique and Guadeloupe became full-fledged *Départments* of France, education was considered a priority. But there remained much to accomplish. In 1900 for example, Martinique counted approximately 13,000 children (6,830 boys and 5,158 girls) in primary school out of a total of 62,000 school-aged children. The level of exclusion was much higher in the countryside, due to children working on the plantations, with nearly three-quarters remaining illiterate or uneducated.**[xxxvi]** While secondary education was a luxury that only a few children from privileged families could afford.

In 1946, at the time when the *départementalisation* process was launched, the public primary school sector included 40,018 pupils against 2,090 in the private school system; secondary schools had 3,962 students enrolled and 721 were enlisted in vocational education programmes.**[xxxvii]** In 1971, 25 years later, primary school enrolment had doubled, reaching 88,024 pupils; secondary school figures remained stable at 3,150. However, in the first cycle of general education and in specialized education middle schools the number enrolled jumped to 24,307, and enrollment for vocational education tripled (2,400). In 1971, almost 700 Martinican students were registered with mainland French universities and 327 at the faculty in Martinique.**[xxxviii]**

The Martinican and Guadeloupean public enjoys a relatively high level of education. The educational infrastructure established over the past few decades has enabled substantial improvement to occur. The rate of enrollment in primary schools is 100%; while enrollment has constantly increased in secondary schools and jumped from 17% in the 1960s to over 46% in the 1990s. The proportion of young people enrolled in school at age 16 in Martinique as well as Guadeloupe is higher than in mainland France.**[xxxix]**

Without any doubt, these results are in line with the expectations of a major part of the population that perceives education in terms of cultural capital and social progress. These results also reflect the objectives set by the State to make education one of its main priorities within the framework of *départementalisation*. The ambition of creating a tertiary sector within the Martinican and Guadeloupean economy has encouraged these efforts. This sector includes a vast potential for human resources, compensating for the low level of natural and material resources. The progress in education reflects par excellence the ideology of an egalitarian Republic which aimed to close the gap that existed with the mainland and has thus fostered claims in favor of an increased

intervention by the French central government and amplification of the flow of public fund transfers.

However, this irenic vision must be tempered in view of the large proportion of youths who have completed their studies and subsequently face enormous difficulties once they find themselves ready to enter the job market. The low rate of first employment demonstrates the setbacks that are prevalent in the labor market. Such imbalances can be traced back to the confines of the French Antilles status as overseas *Département*, which is principally based on an artificial economic growth generated by public and social fund transfers.

The Rule of the Law and Democracy

Formally integrated within the French and European orbit, the French West Indies are subject to the principles of the rule of law: government authority is exercised in accordance with written laws, which are adopted through an established procedure. Individuals and government are subject to law, and all individuals have equal rights without distinction in regard to social stature, religion, political opinions, and so forth. This equality principle is especially significant in countries where the colonial past still holds a strong grip on the collective consciousness. Here the formal dimension of the rule of law is confronted with the conditions under which citizenship was granted. The historical short cut with regards to the successive components of citizenship – civil, political and social – continues to affect the relationship of the overseas citizens under the law and with the State. It affects also the capacity of the French republican universalism to call into question local allegiances or to reduce the institutional specificities inherited from colonialism.

The implementation of the *départementalisation* process resulted, at least in the beginning, in a complex combination of old and new structures which were partially reinterpreted. The colonial past continued to prey on the collective imagination in the context of a growing centralization and standardization in the DOM.**[xl]** These local predispositions gave rise to demands that specificities be respected, that internal autonomy be reinforced and that law enforcement be adapted to the local situation. In a more general way, the deepening of institutional assimilation did not entail the disappearance of traditional forms of allegiance to organizations and informal practices that coexisted with legal norms emanating from the central government.**[xli]** The citizenship allegiance that was created with the *départementalisation* process, became adapted to these pre-

existing residual and unofficial organizations and informal practices, which demonstrates the limits of State penetration into an external and distant outermost region where cultural difference is regularly emphasized. The operation of the local political administrative system in Martinique highlights the phenomena of the transgression of civil servants rules. For instance, the Prefect tends to interiorize the norms of the island society and adapts them to local contingencies. Despite the persistence of centralization, the Prefect sometimes becomes an advocate of local interests. The insular society thus avenges itself of State imposed centralization and standardization. In other words, *le mort saisit le vif*.^[xlii] The combination of these elements demonstrates that the assimilationist claims collide with local aspirations whereas the republican universalism continues to serve as the foundation of equality. In such a context, tensions between the universalism proclaimed by the State and a locally fostered identity, may become acute. In other words, the *départementalisation* of Guadeloupe and Martinique did not completely overrule the allegiance to a dual system of universal and particularistic norms.

As for democracy in the DOM, a crisis of the representative institutions is apparent. This is indicated by: a profusion of candidates on all the ballots, an erosion of the traditional political forces, the rise of peripheral competing forces and, with the exception of the municipal elections of 2001, a decline in participation.^[xliii] The rates of abstention in the first round of the presidential election in 2002 speak for themselves: 65.9% in Guadeloupe and 64.6% in Martinique. This crisis apparent in representative democracy, combined with the process of Antillean political movements distancing themselves from their counterparts and traditional allies on the mainland, has altered the political realm. The process of territorialisation of the political forces, which was initiated in the late 1950s by the left and recently accelerated, now affects all political movements, regardless of their political label or persuasion. These phenomena – a crisis in representative democracy, a distancing from metropolitan political life, and the rise of identity assertions – are mutually consolidating.

Crime and Diplomacy

The French Antilles are not immune to an alarming tendency evident in the whole of the Caribbean region, which is the dramatic and regular increase in crime and the feeling of insecurity that has emerged over the last few years. Certainly, the statistics must be used with caution since insecurity is one concept that is rather

predisposed to manipulation. Nevertheless, the statistics reveal a quantitative and qualitative evolution of crime in Guadeloupe and Martinique.

The evolution of public highway crimes (armed robbery, robbery with violence, burglary, car theft, theft from vehicles, and criminal destruction and damage) has developed since 1998, as table 9 shows.

Table 9
Evolution of public highway crime

	1998	1999	Evolution	2000	Evolution	2001	Evolution	2002	Evolution	Evolution 1998-2002
Guadeloupe	13.630	14.523	6,55 %	15.228	4,85 %	15.353	0,82 %	16.287	+ 6,08 %	+19,49 %
Martinique	11.303	12.186	7,81 %	13.286	9,01 %	14.197	6,8 %	12.943	- 8,83 %	+14,51 %

Source: José Balarelli. Actes présentés au nom de la commission des Lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale sur le projet de loi de finances pour 2004, adopté par l'Assemblée nationale, tome VII Départements et régions d'outre-mer, Journal officiel, documents parlementaires (Sénat).

Table 9 - Evolution of public highway crime

From a qualitative point of view, violent crime has increased dramatically in both islands. In Guadeloupe, armed robberies multiplied by three between 1993 and 2003, while crimes and offences against the person doubled. In Martinique, armed robberies increased by 200 % over two years. The qualitative change in crime is related to the development of drug addiction. Without being high traffic stations, Guadeloupe and Martinique are spaces of transit. An increasing local consumption affects the entire society. It is evident that the borders of these two islands are relatively porous and increasingly difficult to control.

Security is ensured by the French State in charge of the sovereign mission of government. France operates today in large measure within the framework of the EU, which favors a new regionalism in structuring a partnership between the territories of the Caribbean and the EU. The EU external borders extend to the Caribbean, due to the incorporation of the French West Indies. This is especially true in the struggle against the drugs trade and money laundering, where broad cooperation is required among the various countries of the Caribbean, the countries of the EU that are directly involved in the region, and the United States. These convergent interests initiated the establishment of the Bridgetown Group in 1990, a regional counterpart to the EU parent Dublin Group.

The Bridgetown Group meets monthly on an informal basis and representatives of British, Canadian, French and US diplomatic missions attend together with officials from the EU, the Organisation of American States and the United

Nations. A similar group has been established in Trinidad.**[xliv]** Martinique and Guadeloupe have become significant sites of coordination in the fight against narco-trafficking and money laundering. The mobilization of state services, a regular exchange of information and technical and financial assistance between governments has encouraged a common approach to combating drug trafficking. However, there is a problem with regards to the competences of the State and the local authorities.

Regional Cooperation

At present local councilors consider engagement in regional co-operation a political challenge. Their discourse on co-operation between the French West Indies and their neighbors is not new but the rather limited results when offset against highly vocalized ambitions, give these efforts an incantatory character. Elected officials at the head of decentralized institutions are keen to denounce the legal and political obstacles that prevent better integration of the French Antilles within the Caribbean area.**[xlv]** The French government does not remain indifferent. Beginning with measures taken by the *Rocard* government in the early 1990s to the recent provisions of the *loi d'orientation pour l'outre mer* (*LOOM*), the institutional arrangements for regional co-operation improved notably.

The presidents of the regional and general councils have been endowed with a 'representative role' in the Caribbean by granting them the power to negotiate agreements with one or several neighboring states and territories, or regional organizations. These presidents now also have the capacity to negotiate and sign agreements with partners and to take action within their domain of competence. In addition, the *LOOM* Act allows local executives to represent France in international forums of a regional nature, such as the Association of Caribbean States (ACS). Lastly, the *LOOM* regulation created several funds for co-operation, mainly financed by the State and to which subsidies from the EU are added, either within the framework of the European Regional Development Fund or within the framework of the program *INTEREG* IIIB 'Caribbean Area'. This institutional framework favors the development of cooperation in economic, scientific, technical, cultural and sporting domains.

It is still too early to assess the long-term effects of the improved arrangements for regional cooperation, in particular the recent provisions contained in the *LOOM* Act. The outcomes of cooperation cannot be evaluated simply through

reviewing legal measures or decisions made by official institutions. Also to be taken into account are the regularity of cooperation practices; the behavior of the population and their capacity to appropriate this cooperation; and, finally, the capacity of the elected officials to stimulate and oversee public and private initiatives. From this perspective regional cooperation is far from complete.

Conclusion

Guadeloupe and Martinique underwent an original historical trajectory from the status of being a colony to one of an overseas *Département* formally integrated into the French national concord. In a long experience shared with mainland France, *départementalisation* resulted in changes influencing all aspects of insular social organization. At the political level it gave rise to the imposition on these distant islands of institutions identical to those functioning in mainland France, though with some minor amendments. Likewise, laws and regulations enacted in Paris were automatically applicable and the French West-Indian citizens remained much attached to the principle of republican equality. Such a system, however, reveals its limitations today. Based on the French tradition of centralization of power, the *départementalisation* project has gradually run out of steam. It hardly succeeds in taking into account demands that have emerged, in particular the persistent claims to the right to enjoy one's own culture. These calls are fed by identity assertions and reveal one of the major paradoxes of *départementalisation*. The economic, social and political bonds with France have been strengthened during the last years, but at the same time the cultural bonds have been loosened and a withdrawal from French identity has taken place on both islands.

A number of issues illustrate the current ambiguity in the relationship between Martinique, Guadeloupe and mainland France. On the one hand, on each island strong indigenous cultural movements manifest themselves and a valorization of local resources is apparent. The recent election of a strong supporter of independence as head of Martinique's regional government also points to nationalistic sentiments. On the other hand, both DOM have recently rejected plans to simplify their organisational structures as they feared that such would put their close ties with France and Europe at risk. And since the end of the 1980s, the independence movement as such has lost much of its appeal on Guadeloupe. The French West Indies show a paradoxical concurrence of cultural nationalism on one hand and a weakened appeal of political independence on the

other. In short, the French West Indies offer a perfect example of cultural and political identity being dissociated from each other.

From an economic point of view, the situation is equally complex. The two islands have reached a level of development that in many respects comes close to the level in developed countries. But the model implemented in 1946 had unexpected and persistent effects. The quest for social equality and a high standard of living has penalized the productive sectors, in particular by increasing production costs. Further, the French West Indies have become isolated from its regional economic environment. Mainland France as well as the EU is condemned to socialize the consequences brought about by the choices made in 1946. Public and social transfers regularly rise in volume. These financial contributions maintain a very strong dependence on external resources and limit the possibilities of implementing an economic model in Guadeloupe and Martinique based on sustainable development. Thus a deep social malaise in particular due to endemic unemployment, has set in. The social fabric is fraying, evidenced by new forms of criminal activity, which are related to the increased consumption of drugs. The explosion of cultural activities expresses both a protest against the French model of assimilation, and a quest for Antillean identity. As a result, demands for a change in political status fuel a permanent public debate. These demands are linked to notions of 'democracy of proximity' and to identity assertions. The quest for republican equality with a strengthening of political autonomy and one's *own* cultural rights is difficult to reconcile within a coherent political framework.

NOTES

i. However, the notion of assimilation, while affirming its universalist dimension, proved, at least at the beginning of the colonial period, to be compatible with the maintenance of a colonial regime founded on a hierarchical organization and a very pronounced differentiation.

ii. Boissy d'Anglas (François Antoine de) is a moderate politician who served during the French Revolution, the Empire, and the Restoration. His political philosophy was firmly based on religious tolerance, freedom of expression, strong constitutional government and equality before the law.

iii. M. Giraud 1997.

iv. R. Suvélor 1983.

v. M. Mauss, 1999.

vi. In mainland France, since 1964, the départements have been grouped into 22

régions as a result of the policy of decentralization of local government.

vii. These decrees provide for the consultation of the local assemblies before the implementation of laws in the overseas departments.

viii. The régional council is the elective assembly of the région; the général council is the elective assembly of the département.

ix. Since the départementalisation process, a single Martinican was appointed to the office of Prefect in Martinique.

x. While local government in France has a long history of centralization, the past 20 years have brought some radical changes. The decentralization law of 2 March 1982 and the legislation completing it marked the Paris government's desire to alter the balance of power between the State and local authorities (regions, departments and communes). It gave far greater autonomy in decision-making by sharing administrative and budgetary

tasks between central and local authorities. The March 1982 law also made several changes concerning financing. Any transfer of State competence to a local authority must be accompanied by a transfer of resources (chiefly fiscal). In practice, local taxes have tended to rise. The reform also extended the responsibilities of the communal, départemental and regional accountants, giving them the status of chief accountant directly responsible to the treasury. Lastly, the 1982 law assigned to a new court, the regional audit chamber, and responsibility for the final auditing of local authority accounts. The process of decentralization has profoundly altered local government in France. The new system is indisputably more costly than the old for the public purse and has led to some fragmentation of tasks and objectives, as local authorities act primarily in their own rather than the national interest. In March 2003, a constitutional revision has changed very significantly the legal framework and could lead to more decentralization in the coming years. See Association des maires de France: http://www.citymayors.com/france/france_gov.html

xi. The difference between the two islands is explained by higher social transfers in Guadeloupe (2,696 Euro per inhabitant as against 2,000 Euro for Martinique), owing to a higher degree of poverty.

xii. Her conduct of public affairs was controversial, due to corruption and an autocratic exercise of power.

xiii. T. Marshall 1997.

xiv. P. Rosanvallon 1993.

xv. F. Constant 2000; J. Daniel 1997.

xvi. D-C. Martin and B. Jules Rosette 1997.

- xvii.** J. Daniel 1997.
- xviii.** M. Giraud 1997: p. 385.
- xix.** Y. Bernabé et alii.
- xx.** F. Constant 1993.
- xxi.** A former Member of the French parliament, Pierre Petit, embodies, along with other politicians, this strategy.
- xxii.** J. Daniel 2001.
- xxiii.** C-V. Marie 2002: p. 27.
- xxiv.** M. Giraud 2002.
- xxv.** J. Larché et alii, 2000.
- xxvi.** J. Daniel 2001.
- xxvii.** The SPD is a planning document that collects the financial funds from the EU, the State and the territorial institutions. It serves as a six-year guide of public interventions.
- xxviii.** The program is specifically designed to help promote greater economic, social and regional cohesion and integration in the cooperation area, particularly with neighboring countries and regions, in order to bring about sustainable, balanced development. These aims are in line with the economic integration objectives for the area proposed under the regional programs of the European Development Fund (EDF). Cooperation with neighboring countries and regions will have to be coordinated closely with organizations working in the area, particularly the Association of Caribbean States and the Caribbean Forum. (European Commission: http://europa.eu.int/comm/regional_policy/country/prordn/details.cfm?gv_PAY=IT&gv_reg=A LL&gv_PGM=2001CB16PC009&LAN=5).
- xxix.** This tendency has been maintained during recent years, even if the contribution of the private sector to the growth of GDP seems to have increased in value. The GDP of Guadeloupe has grown on average by 4.90% per annum from 1993 to 2000, compared to 4.92% for that of Martinique during the same period (IEDOMb, 2003: 37).
- xxx.** Fragonard et alii, 1999, p. 41
- xxxi.** IEDOM 1998: p. 18.
- xxxii.** M. Carole 1999.
- xxxiii.** IEDOM 1998: p. 19.
- xxxiv.** This decrease is mainly explained by the efforts deployed by the Département of Martinique to limit the expenditure of social aid. But from the

beginning of the 1990s, the economic and social situation once again deteriorated, bringing with it a new increase in social expenditure.

xxxv. These categories are mainly unemployed or underemployed persons who do not receive unemployment benefit. See Daniel and Dokoui, 2003.

xxxvi. A. Nicolas 1996: p.155.

xxxvii. A. Nicolas 1998: p. 133.

xxxviii. Idem: p. 278.

xxxix. C. Lise and M.Tamaya 1999: p. 14.

xl. We refer in particular to the prefectorial institution that was perceived at the beginning to be the resurgence of colonial rule.

xli. The most significant example is the informal economy. See, for example, K. Brown.

xlii. J. Daniel 1984.

xliii. The decline in participation is general and concerns almost all elections: - Legislative elections: the abstention climbed from around 38% in 1967 to 53% in 1993; this rate is close to that noted for the cantonale elections in the large communes or in Fort-de-France - The regional elections are equally characterized by a regular and notable increase of abstention: less than 39% in 1983 compared to 52% for the first round in 2004 (the record being attained in 1998 with 55%); - The referendums: rates of abstention of 39% in 1961 (self-determination in Algeria), 62.42% in 1972, 87% in 2000; - The presidential elections have undergone a constant increase of the rate of abstention since the beginning of the Fifth Republic: 1965: 34.87%; 1969: 53.2%; 1974: 46.14%; 1981: 51.65%; 1988: 42.37%; 1995: 59.23%; 2002: 64.62%.

xliv. P. Sutton 1995: p. 51.

xlv. They denounce a very restrictive mode of delivery for visas, which is due in particular to the fight against clandestine immigration and the limited competence granted to local officials.

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Extended Statehood in the Caribbean ~ Fifty Years of Commonwealth ~ The Contradictions Of Free Associated Statehood in Puerto Rico



July 25, 2002 marked the fiftieth anniversary of the Constitution of the commonwealth of Puerto Rico. A Spanish colony until 1898, the Island became an overseas possession of the United States after the Spanish-Cuban-American War. In 1901, the U.S. Supreme Court defined Puerto Rico as an unincorporated territory that was 'foreign to the United States in a domestic sense' because it was neither a state of the American union nor a sovereign republic.^[i] In 1917, Congress granted U.S. citizenship to Puerto Ricans, but the Island remained an unincorporated territory of the United States. In 1952, Puerto Rico became a Commonwealth or Free Associated State (*Estado Libre Asociado*, in Spanish).^[ii]

The Commonwealth Constitution provides limited self-government in local matters, such as elections, taxation, economic development, education, health, housing, culture, and language. However, the U.S. government retains jurisdiction in most state affairs, including citizenship, immigration, customs, defense, currency, transportation, communications, foreign trade, and diplomacy.

In this chapter, we analyze the socioeconomic costs and benefits of 'associated free statehood' in Puerto Rico. To begin, we describe the basic features of the Commonwealth government, emphasizing its subordination to the federal government. Second, we examine the impact of the Island's political status on citizenship and nationality, which tend to be practically divorced from each other for most Puerto Ricans. Third, we focus on the cultural repercussions of the resettlement of almost half of the Island's population abroad. Fourth, we review the main economic trends in the half-century since the Commonwealth's establishment, particularly in employment, poverty, and welfare. Fifth, we recognize the significant educational progress of Puerto Ricans since the 1950s, largely as a result of the government's investment in human resources. Sixth, we assess the extent of democratic representation, human rights, and legal protection of Puerto Ricans under the current political status. Finally, we identify crime, drug addiction, and corruption as key challenges to any further development of associated statehood in Puerto Rico. Our thesis is that the *Estado Libre Asociado* has exhausted its capacity to meet the needs and aspirations of the Puerto Rican people, a task that requires a major restructuring of U.S.-Puerto Rico relations.

Over the past decades, the three major political parties – as well as the majority of the Puerto Rican electorate – have expressed a desire to reform Commonwealth status. Major differences of opinion remain regarding how exactly to complete the Island's decolonization, whether through independence, enhanced autonomy, or full annexation to the United States.

Political Status

The origins of the Commonwealth formula can be traced to the political crisis confronting the United States and other European powers in the Caribbean in the wake of the Great Depression and the beginning of World War II. Before 1950, several military decrees (1898-1900) and two organic laws, the Foraker Act of 1900 and the Jones Act of 1917, had governed relations between Puerto Rico and the United States. Until 1952, Puerto Ricans had little participation in their own government; the governor, most members of the executive cabinet, and the justices of the Supreme Court of Puerto Rico were Americans appointed by the President of the United States. In short, the Island's political system was that of a classic colony.

During the war, the Caribbean became the United States first line of defense against the German threat in the Americas, and Puerto Rico was the American key to the Caribbean. U.S. Army strategists 'conceived of Puerto Rico, together with Florida and Panama, as forming a defensive air triangle that would guard the eastern approaches to the Caribbean and act as a stepping stone to South America'.^[iii] U.S. military interests dictated the necessity for political stability in their own 'backyard'.

The wartime appointed governor of Puerto Rico, Rexford G. Tugwell, a leading member of President Franklin D. Roosevelt's New Deal brain trust and member of the Anglo-American Caribbean Commission, articulated this new geopolitical vision.^[iv]

In 1940, the Popular Democratic Party (PDP), founded by Luis Muñoz Marín, won the elections in Puerto Rico, and continued to control the local government until 1968. U.S. security interests in the Caribbean and the post-World War II decolonization drive enabled PDP leaders to engineer and implement a new and comprehensive strategy of economic and political reform in Puerto Rico. This strategy reconfigured the key features of American colonial tutelage over the Island, by adding concessions and federal programs to chart the postwar political

and economic course. If Puerto Rico was to be the American key to the Caribbean, it had to become an example of American democracy and economic largesse to its neighbors. The basic rationale for Commonwealth status was that it provided a greater measure of self-rule, short of independence, and a more effective political framework for economic development than the earlier colonial regime.

In 1946, President Harry S. Truman named the first Puerto Rican governor, Jesús T. Piñero, and in 1948 Congress passed a law allowing the governor's election. In 1950, Congress passed and the President signed Law 600, authorizing a convention to draft the Constitution of the Commonwealth of Puerto Rico. The constitution was first approved by Congress (after requiring several changes, especially in its bill of rights),^[v] and then by the people of Puerto Rico. In a referendum held on March 3, 1952, eighty-one percent of the Island's electorate supported the creation of the *Estado Libre Asociado*.

The new political status did not substantially alter the legal, political, and economic relations between Puerto Rico and the United States. The U.S. dollar was Puerto Rico's official currency since 1899; the Island was under U.S. customs control since 1901; Puerto Ricans were U.S. citizens since 1917; federal labor legislation and welfare benefits had been extended to the Island since the 1930s; and Puerto Ricans could elect their governor since 1948. In 1953, Harvard Professor of International Law Rupert Emerson emphasized the essentially symbolic nature of the Commonwealth: '[T]he most distinctive element is that they [the Puerto Rican people] now have for the first time in their history given themselves a constitution and given their consent to their relationship to the United States (...) It is arguable that the status which they now have does not differ greatly in substance from that which they had before; but to press that argument too far would be to ignore the great symbolic effect of entering into a compact with the United States and governing themselves under an instrument of their own fashioning'.^[vi] Nonetheless, Commonwealth status provided more autonomy for Puerto Rico. Henceforth, the local governor would appoint all cabinet officials and other members of the executive branch; the local legislature could pass its own laws and determine the government's budget; and the judicial system would amend its civil and criminal code, without federal interference – as long as such measures did not conflict with the U.S. Constitution, laws, and regulations.

Because the Commonwealth formula is not part of U.S. federal doctrine, the

prevailing judicial interpretation is that Puerto Rico continues to be an 'unincorporated territory' that 'belongs to but it is not a part of the United States'.**[vii]** Under Law 600, the U.S. Congress and President retain sovereignty over Puerto Rico and can unilaterally dictate policy relating to defense, international relations, foreign trade, and investment. Congress also reserves the right to revoke any insular law inconsistent with the Constitution of the United States. Moreover, federal regulations may be applied selectively, resulting in both concessions and revocations of regulatory privileges or advantages in any decision of the President or law enacted by Congress. In addition, many U.S. constitutional provisions – such as the requirement of indictment by grand jury, trial by jury in common law cases, and the right to confrontation of witnesses – have not been extended to Puerto Rico and other unincorporated territories.**[viii]**

Furthermore, the Commonwealth of Puerto Rico does not have voting representation in the U.S. Congress. Because the Island's residents do not pay federal taxes,**[ix]** they are only entitled to one nonvoting member in the House of Representatives, called a Resident Commissioner. Pro-statehood and pro-independence supporters argue that Commonwealth is a colonial status because of the lack of effective representation and unrestricted congressional and executive power over Puerto Rico. Commonwealth advocates argue that this formula represents a compact among equals, which can be renegotiated to remedy its salient flaws. As the United States-Puerto Rico Commission on the Status of Puerto Rico enthusiastically concluded in 1966, the Commonwealth relationship 'constitutes a solemn undertaking, between the people of the United States acting through their Federal Government and the people of Puerto Rico acting directly as well as through their established governmental processes'.**[x]** Nevertheless, the advantages and disadvantages of the *Estado Libre Asociado* have been endlessly debated over the past five decades.

Citizenship and Nationality

Paradoxically, the Island's contested political status has strengthened rather than weakened feelings of national identity among Puerto Ricans. In a poll conducted on the Island in 2001, more than 60 percent of the respondents chose Puerto Rico as their nation. About 17 percent considered both Puerto Rico and the United States as their nations, and only 20 percent mentioned the United States alone.**[xi]** Another survey found that an even higher proportion – more than 93 percent – identified themselves as Puerto Rican, alone or in some combination

(including black, white, mulatto, Caribbean, or a member of another ethnic minority, such as Cuban and Dominican).**[xii]** Other empirical studies, conducted both on the Island and in the mainland, have confirmed that most Puerto Ricans see themselves as a distinct nation and share a specifically Puerto Rican, not American or Latino, identity.

Even in the mainland, Puerto Ricans seldom align themselves primarily with a pan-ethnic category such as Hispanic.**[xiii]** Recent debates on Puerto Rican cultural politics have focused on the demise of political nationalism on the Island, the rise of cultural nationalism, and continuing migration between the Island and the mainland. Many writers concur on the strength, clarity, and popularity of contemporary Puerto Rican identity.**[xiv]** Unfortunately, much of this work has centered on the Island and neglected how identities are reconstructed in the diaspora.**[xv]** Although few scholars have posited an explicit connection between cultural nationalism and migration, we would argue that they are intimately linked. For instance, most Puerto Ricans value their U.S. citizenship and the freedom of movement that it offers, especially unrestricted access to the continental United States. In recent years, Puerto Ricans have claimed the ability to migrate to the mainland and back to the Island as a fundamental right derived from their 'permanent association' with the United States. Ways to preserve this 'right' are currently being considered under all political status options (Commonwealth, free association, and independence, in addition to statehood). However, important sectors of the U.S. elite (including leading Congress members and businesspeople) do not see such options as realistic or even constitutionally possible.

As Puerto Ricans move back and forth between the two places, territorially grounded definitions of national identity become less relevant, while transnational identities acquire greater prominence. Transnational migration has often bred 'long distance nationalism', the persistent claim to a national identity by people born and raised away from their homeland, or residing outside of it for long periods of time.**[xvi]** For example, Puerto Ricans in Chicago have created *Paseo Boricua* (Puerto Rican Promenade) a mile-long strip along Division Street near Humboldt Park. This area features two giant Puerto Rican steel flags, the Puerto Rican Cultural Center, *la casita de don Pedro* (a small house in honor of nationalist leader Pedro Albizu Campos), the Roberto Clemente School, and celebrations of street festivals such as Three Kings Day, the People's Parade, and

patron saints' commemorations.**[xvii]** Similarly, Puerto Rican enclaves in New York, Philadelphia, Hartford, Orlando, and elsewhere express a strong pride in their national origins. The vast majority of Puerto Ricans, on and off the Island, imagine themselves as part of a broader community that meets all the standard criteria of nationality – a shared history, a homeland territory, a vernacular language, and shared culture – except sovereignty. What has declined over the past five decades is the public support for the proposition that Puerto Rico should become an independent country, apart from the United States.

How can most Puerto Ricans imagine themselves as a nation, even though few of them support the creation of a separate nation-state?**[xviii]** We address this issue by making a careful distinction between political nationalism – based on the doctrine that every people should have its own sovereign government – and cultural nationalism – based on the assertion of the moral and spiritual autonomy of each people, as expressed in the protection of its historical patrimony as well as its popular and elite culture.**[xix]** Whereas political nationalism insists on the necessity of independence, cultural nationalism can be reconciled with other forms of self-determination, such as free association. Whereas political nationalists concentrate on the practical aspects of achieving and maintaining sovereignty, cultural nationalists are primarily concerned with celebrating or reviving a cultural heritage, including the vernacular language, religion, and folklore. Cultural nationalism conceives of a nation as a creative force; political nationalism equates the nation with the state. The distinction between these two forms of nationalism is made only for analytical purposes, for in practice they often overlap.

While political nationalism is a minority position in contemporary Puerto Rico, cultural nationalism is the dominant ideology of the Commonwealth government, the intellectual elite, and numerous cultural institutions on the Island as well as in the diaspora. However, the U.S. government and most international organizations have not officially recognized the existence of a Puerto Rican nationality. Still, most Puerto Ricans believe that they belong to a distinct nation – as validated in their participation in such international displays of nationhood as Olympic and professional sports and beauty pageants. In 2001, the nearly simultaneous victories of Félix 'Tito' Trinidad as world boxing champion and Denise Quiñones as Miss Universe sparked a wave of nationalistic pride among Puerto Ricans of all political parties.**[xx]** At the same time, most Puerto Ricans have repeatedly

expressed their wish to retain their U.S. citizenship, thus pulling apart the coupling that the very term 'nation-state' implies. Put another way, the vast majority of Puerto Ricans do not want to separate themselves politically from the United States, but they consistently affirm their cultural identity as different from that of Americans.

The extension of U.S. citizenship to the Island in 1917 undermined the juridical bases of a separate identity among Puerto Ricans.**[xxi]** In 1996, the pro-independence leader Juan Mari Bras resigned his U.S. citizenship to test the feasibility of traveling abroad and voting with a Puerto Rican passport. However, in 1998, the U.S. District Court for the District of Columbia ruled that, under current federal laws, Puerto Ricans could not legally claim a nationality apart from the United States. But Puerto Ricans maintain a sharp distinction between the legal and cultural dimensions of identity, insisting on separating their U.S. citizenship from their Puerto Rican nationality. While all Puerto Ricans are U.S. citizens by birth, few consider themselves Puerto Rican-Americans or Americans.

Emigration and Immigration

In addition to its unresolved political status, Puerto Rico is increasingly a nation on the move: a country whose porous borders are incessantly crisscrossed by migrants coming to and going away from the Island. Since the 1940s, more than 1.6 million islanders have relocated abroad. According to the 2000 Census, 47.2 percent of all persons of Puerto Rican origin lived in the United States. At the same time, the Island has received hundreds of thousands of immigrants since the 1960s, primarily return migrants and their descendants, and secondarily citizens of other countries, especially the Dominican Republic and Cuba. By the year 2000, 9.3 percent of the Island's residents had been born abroad, including those born in the mainland of Puerto Rican parentage.**[xxii]** This combination of a prolonged exodus, together with a large influx of returnees and foreigners, makes Puerto Rico a test case of transnationalism, broadly defined as the maintenance of social, economic, and political ties across national borders. The growing diversity in the migrants' origins and destinations undermines traditional discourses of the nation based on the equation among territory, birthplace, citizenship, language, culture, and identity. It is increasingly difficult to maintain that only those who were born and live on the Island, and speak Spanish, can legitimately be called Puerto Ricans. As the sociologist César Ayala puts it, the Puerto Rican case suggests that 'the idea of the nation has to be understood not as a territorially organized nation

state, but as a translocal phenomenon of a new kind'.**[xxiii]**

We argue that diasporic communities are part of the Puerto Rican nation because they continue to be linked to the Island by an intense and frequent circulation of people, identities, and practices, as well as capital, technology, and commodities. Over the past decade, scholars have documented the two-way cultural flows between many sending and receiving societies through large-scale migration. Sociologist Peggy Levitt calls such movements of ideas, customs, and social capital 'social remittances', which produce a dense transnational field between the Dominican Republic and the United States.**[xxiv]** Similarly, Puerto Ricans moving back and forth between the Island and the mainland carry not only their luggage, but their cultural baggage: practices, experiences, and values. Culturally speaking, the Puerto Rican nation can no longer be restricted to the Island, but must include its diaspora.

Five decades of uninterrupted migration have unsettled the territorial and linguistic boundaries of national identity in Puerto Rico. For instance, second-generation migrants – often dubbed pejoratively 'Nuyoricans' on the Island – may speak little Spanish but still define themselves as Puerto Rican. While the Spanish language continues to be a basic symbol of national identity on the Island, it has become a less reliable mark of Puerto Ricanness in the mainland. Anthropologist Ana Celia Zentella has documented that many migrants believe that speaking English is compatible with being Puerto Rican.**[xxv]** In contrast, for most native-born residents of the Island, Spanish is their 'mother tongue'. According to the 2000 census, 14.4 percent of the Island's population speaks only English at home, while 85.4 percent speak Spanish only.**[xxvi]** It remains unclear whether return migration will expand the traditional discourse of Puerto Rican cultural nationalism to include English monolinguals and bilinguals, as well as those living outside the Island.

Table 1
Net Migration from Puerto Rico to the United States, 1900-1999

Years	Number of persons
1900-1909	2,000
1910-1919	11,000
1920-1929	35,638
1930-1939	12,715
1940-1949	145,010
1950-1959	446,693
1960-1969	221,763
1970-1979	26,683
1980-1989	490,562
1990-1999	325,875
Total	1,777,969

Sources: José L. Vázquez Calzada, "Demographic Aspects of Migration," U.S. Commission on Civil Rights, *Puerto Ricans in the Continental United States: An Uncertain Future*; Junta de Planificación de Puerto Rico, *Indicadores socioeconómicos, 1973-1989*, and "Movimiento de pasajeros entre Puerto Rico y el exterior. Años fiscales 1990-2000".

Table 1 – Net Migration from Puerto Rico to the United States, 1900-1999

Table 1 presents a rough estimate of the net migration between Puerto Rico and the United States throughout the twentieth century.**[xxvii]** These figures show that Puerto Rican emigration first acquired massive proportions during the 1940s, expanded during the 1950s, tapered off during the 1970s, and regained strength during the 1980s. According to these figures, almost 8 percent of the Island's inhabitants moved to the United States during the 1990s. Although the exact numbers can be disputed, the most recent Puerto Rican diaspora may have surpassed the one that took place in the two decades after World War II.

Table 2 shows the growth of the Puerto Rican population in the United States between 1900 and 2000. The exodus was relatively small until 1940, when it began to expand quickly. After 1960, the mainland Puerto Rican population grew more slowly, but faster than on the Island. Today, the number of stateside Puerto Ricans closely approximates those on the Island. Because of continued emigration, Puerto Ricans abroad will probably outnumber islanders in the next decade.

As the exodus to the mainland has accelerated, immigration to the Island has continued apace. Between 1991 and 1998, Puerto Rico received 144,528 return migrants. In 1994-1995 alone, 53,164 persons left the Island, while 18,177 arrived to reside there. Nearly 95 percent of those who moved to the Island were return migrants and their children. Furthermore, thousands of Puerto Ricans have engaged in multiple moves between the Island and the mainland. In a 1998 survey, almost 20 percent of the respondents had lived abroad and returned to the Island, while another 3 percent had moved back and forth at least twice.**[xxviii]**

Table 3
Foreign-Born and U.S.-Born Population of Puerto Rico, 1899-2000

Year	Foreign-Born				U.S.-Born		
	Total	As % of population	Cuba	Dominican Republic	Total	As % of population	Qualifying (foreigner) ^a
1898	13,851	0.5	—	—	7,050	0.1	1,069
1910	11,955	0.1	140	140	6,540	0.2	2,300
1920	8,107	0.6	164	220	4,075	0.2	1,507
1930	6,007	0.4	203	—	3,585	0.4	2,005
1940	5,099	0.3	107	—	2,531	0.5	1,413
1950	8,415	0.4	711	—	2,311	0.6	1,176
1960	10,214	0.4	1,070	1,211	2,535	2.2	45,092
1970	16,027	1.0	2,000	10,841	4,120	4.0	106,602
1980	20,258	0.8	22,501	10,058	5,000	6.2	193,114
1990	29,801	0.3	19,795	37,491	4,073	6.9	109,801
2000	109,381	0.9	19,400	61,471	13,000	6.1	211,008

Source: War Department, *Report on the Census of Porto Rico, 1899*; U.S. Census Bureau, *Census of the United States, 1910-1990*; Census of Population, 1990-1999; Census 2000 Summary File (2000-2000 Census).

^a Includes persons born outside of Cuba, the Dominican Republic, and Spain.

^b Includes Alaska and Hawaii (1912), the Philippines (1910), the U.S. Virgin Islands (1910), the Panama Canal Zone, Guam, American Samoa, the Northern Mariana Islands, and territories born abroad.

Table 3

At the same time, the Island's population has become increasingly diverse regarding nativity. **Table 3** summarizes the demographic trends in the foreignborn and U.S.-born population of Puerto Rico during the twentieth century. On the one hand, the Island's foreign residents diminished greatly between 1899 and 1940, largely as a result of the decline in Spanish immigration. After 1940, especially between 1960 and 1970, the foreign-born population increased rapidly, primarily as a consequence of immigration from Cuba and the Dominican Republic. Smaller numbers of people have come from Spain, Colombia, Mexico, Venezuela, Argentina, China, and other countries. The U.S. mainland-born population in Puerto Rico has increased spectacularly since the beginning of the twentieth century. Most of this growth has been due to the return of Puerto Ricans and their offspring born abroad. By the end of the century, mainland-born residents of Puerto Rican descent were one of the fastest-growing sectors of the Island's population. A smaller number of Americans has also moved to the Island. In 1990, the census counted 16,708 persons born in the United States, whose parents were also born there, living in Puerto Rico. The 2000 Census found that 6.1 percent of

Puerto Rico's population had been born in the United States and that 3.2 percent had been living there in 1995.**[xxix]** In short, the Island is simultaneously undergoing three major types of population movements: emigration, return migration, and foreign immigration. Puerto Rico has become a veritable crossroads for people of various national origins and destinations.**[xxx]**

Table 4
Immigrants Admitted to Puerto Rico, 1960-2002

Year	Cuba	Dominican Republic	Other countries	Total
1960-64	4,156	—	8,609	12,765
1964-69	14,044	10,049	8,934	33,027
1970-74	4,948	12,288	6,385	23,621
1975-79	5,748	9,722	7,513	22,983
1980-84	—	—	—	—
1984-89	887	6,955	3,664	11,486
1989-94	1,628	16,052	4,749	22,429
1994-99	710	35,758	5,447	41,915
1999-04	1,028	22,551	3,324	26,903
2004-09	821	5,624	2,025	8,470
Total	33,970	118,999	51,339	204,308

Sources: U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service, 1960-1977*; *Statistical Yearbook of the Immigration and Naturalization Service, 1978-2002*; Blandie V. Shanks, Statistical Analysis Branch, Immigration and Naturalization Service, personal communication, September 4, 1987.

Table 4 – Immigrants Admitted to Puerto Rico, 1960-2002

After 1960, Puerto Rico became an attractive destination for Caribbean immigrants, especially Cubans and Dominicans (see **table 4**). Two major political events in neighboring countries signal the beginning of this period: the Cuban Revolution in 1959 and the assassination of Rafael Leónidas Trujillo, the dictator of the Dominican Republic, in 1961. Furthermore, U.S. marines invaded Santo Domingo in April 1965, after a local coup d'état and civil war. The political turmoil and material hardship in these neighboring countries, combined with the Island's rapid economic growth during the 1960s, brought nearly 34,000 Cubans and 119,000 Dominicans to Puerto Rico over the past four decades. More than 51,000 immigrants came from other countries, primarily in Latin America. [xxxi] The growing demand for cheap labor in certain economic niches, such as domestic service, construction, and coffee agriculture, continues to draw Dominicans and other foreigners to the Island. Thus, the Puerto Rican situation presents the apparent contradiction of a growing immigrant population – one of the largest in the Caribbean – along with sustained emigration to the United States.

In the long run, exporting and importing labor has not been a viable development strategy for Puerto Rico. Despite decades of enduring emigration, unemployment rates have never fallen below 10 percent. Living standards have deteriorated over the past two decades. Almost half of the population still lives under the poverty level. An increasing proportion depends on transfer payments from the U.S. government, particularly for nutritional and housing assistance. The Island's economic outlook seems bleak, especially after the elimination of Section 936 of the Internal Revenue Code in 1996, which provided tax exemptions to U.S. companies operating on the Island. Salaries have not kept pace with the rising

cost of living – especially in housing, transportation, education,**[xxxi]** food, and basic services such as electricity and running water. Consequently, migration to the mainland will most likely increase.

Economic Development

Chart 1 summarizes the pillars of the Commonwealth's economic policies:

- (1) common defense,
- (2) common currency,
- (3) common citizenship,
- (4) selective application of federal labor laws and regulations,
- (5) federal tax exemptions and special quotas, and
- (6) local tax exemptions.

These juridical and political principles have been configured and reconfigured through time by federal and insular laws, provisions, and regulations to produce policy outcomes beneficial to the Commonwealth government and U.S. corporations on the Island. Because Congress has the power to alter, and has altered, the regulatory substance of these principles, they have become 'permanent but wobbly' pillars of the Commonwealth's development strategy.**[xxxii]**

Chart 1 Pillars of the Economy of the Commonwealth of Puerto Rico

Common Defense

1898-U.S. military bases are established in Puerto Rico.

Common Currency

1899-The U.S. dollar becomes *the official currency of Puerto Rico by presidential decree*.

Common Market

1901-Puerto Rico is included in the U.S. Customs territory and coastwise shipping laws. Federal laws and rules apply to international and interstate business and commerce. The Federal District Court is established in Puerto Rico to deal with interstate disputes.

Common Citizenship

1917-The Jones Act extends U.S. citizenship to Puerto Ricans during World War I.

Federal Welfare Programs and Transfer Payments

1934-New Deal Programs are extended to Puerto Rico through the Puerto Rico Emergency Relief Administration (PRERA) and the Puerto Rico Reconstruction Administration (PRAA).

1975-Federal public welfare programs, e.g., food stamps and nutritional assistance programs, are extended to Puerto Rico.

Selective Application of Federal Labor Laws and Regulations

1934-The Fair Labor Standards Act is extended to Puerto Rico.

1947-The Taft-Harley Act is extended to Puerto Rico.

Federal Tax Exemptions and Special Quotas

1954-Section 931 of the Internal Revenue Code is applied to Puerto Rico.

1965-Presidential Proclamation 3279 establishes special oil import quotas.

1976-Section 936 of the Internal Revenue Code is approved.

1982-The Tax Equity and Fiscal Responsibility Act (TEFRA) is approved.

1993-The Omnibus Budget Reconciliation Act (OBRA) is approved.

Local Tax Exemption

1948-The Industrial and Tax Incentive Act is approved in Puerto Rico, with modifications in 1963, 1978, 1987, and 1998.

Operation Bootstrap was the economic corollary of the Commonwealth political status. The PDP government's policies opened a new chapter in the history of development economics by attempting to demonstrate the viability of industrialization in a small island with few natural resources. Teodoro Moscoso, the architect of what would later be known as 'industrialization by invitation' or the *maquiladora* model, put together a technocratic structure combining the features of a think tank with the connections of public relations firms. Among the young economists hired by Moscoso were the future Nobel laureates Arthur Lewis, John Kenneth Galbraith, and Wassily Leontief. The prominent planner Harvey S. Perloff was one of the masterminds of Operation Bootstrap. Consultants such as Arthur D. Little, Robert H. Nathan and Associates, and public relations firms such as McCann Erickson and Young and Rubicam were also part of the Bootstrap brain trust.[xxxiii]

Economists, planners, and consultants collaborated to promote industrial development in a small-scale economy. Public relations firms targeting U.S. investors then repackaged their message. Widely disseminated through publications such as *Fortune*, *Baron's*, *Times Magazine*, *The Wall Street Journal*, and the *New York Times*, the message highlighted the Island's unique advantages as a U.S. possession: free access to the mainland market, a dollar economy, low wages, and, above all, total tax exemption from local and federal taxes. Former Governor Roberto Sánchez Vilella once quipped that Americans believed that no one could escape death and taxes, but Puerto Ricans were offering them an escape to the latter.**[xxxiv]**

Operation Bootstrap radically transformed the Island's economy and society between 1950 and 1970. Gross national product (GNP) annual rates of real growth averaged 5.3 percent in the 1950s and 7 percent in the 1960s. Real wages, measured in 1984 prices, grew steadily from a weekly average of US\$41.64 in 1952 to US\$153.18 in 1972. The gender gap in wages declined by 19 percent during the same period. Although income distribution did not improve substantially in the short term, by the 1970s the Puerto Rican middle class was thriving and engaged in conspicuous consumption. Expenditures in durable consumer goods rose from 8.2 percent of personal expenditures in 1950 to 16.1 percent in 1970 (remaining at that level for the rest of the century), accompanied by increases in the consumption of services. Unemployment declined from 12.9 percent in 1950 to 10.7 percent in 1970. Manufacturing employment rose from 55,000 jobs in 1950 to 132,000 in 1970, while the number of workers in domestic service and the home needlework industry declined from 82,000 in 1950 to 15,000 in 1970.**[xxxv]**

Without the 'advantages' of Commonwealth (chart 1), the rapid growth of the 1950s and 1960s would have been impossible' Improvements in wages and employment were directly related to one of the pillars of the Commonwealth, U.S. citizenship, and one of its key consequences, the free movement of labor between the Island and the mainland. Between 1950 and 1970, an estimated 684,000 Puerto Ricans migrated to the United States, mostly to the East Coast.**[xxxvi]** According to economist Stanley Friedlander, had such mass migration not taken place, the Island would have faced an unemployment rate of 22.4 percent in 1960, as opposed to the actual rate of 13.2 percent.**[xxxvii]** The export of surplus labor thus became part of the economic strategy, helping to reduce the country's

population growth and unemployment levels. As government planners predicted in the 1940s, migration became a survival strategy for thousands of Puerto Rican families.

The economic significance of the diaspora can be gauged from the migrants' monetary transfers to their relatives on the Island. Although much smaller in volume than in neighboring countries like the Dominican Republic and Cuba, private remittances to Puerto Rico increased more than eleven-fold from approximately US\$47 million in 1960 to nearly US\$549 million in 1999.**[xxxviii]** Together with the larger amounts of transfer payments from the U.S. government, migrant remittances are a growing source of support for the Island's poor. They represented about half of the net income generated by the tourist industry in 1997.**[xxxix]**

Between 1950 and 1970, Operation Bootstrap and the Commonwealth were the economic and political expression of an arrangement that seemed mutually advantageous to both the governments and peoples of the United States and Puerto Rico. A prosperous Puerto Rico would play the symbolic role of political showcase during the Cold War, as well as the more traditional role of U.S. naval base in the Caribbean. In particular, the U.S. government promoted the Island as a democratic and capitalist alternative to the Cuban Revolution after 1959.

Half a century after its creation, the Commonwealth's economic deterioration contrasts with the promise of the first two decades. Between the mid-1970s and 1980s, the Puerto Rican economy skidded uncontrollably. Growth faltered, unemployment soared, and wages hit a plateau that would become the norm for the remainder of the twentieth century. While some blamed the 1973 oil crisis and the second oil shock of 1978, others realized that the Puerto Rican economy was structurally compromised. In 1974, the Nobel Prize winner in economics, James Tobin, headed the Governor's Committee for the Study of Puerto Rico's Finances, which concluded that the Commonwealth's main problems were its economic openness and dependency. The local government did not have the power or policy mechanisms to chart an effective economic strategy outside the limits of its peculiar relation with the United States. The government could adjust its finances (cut spending, raise taxes), but the Commonwealth structure constrained the wider economic implications of its public policies.**[xl]** In the last quarter of the twentieth century, Puerto Rico changed from a model of political and economic modernization to a high-cost and politically contentious corporate

tax haven.[xli]

Table 5
Performance of Selected Socioeconomic Variables,
Puerto Rico, 1970-1999

	Real GNP Annual Growth	Real Wages Annual Growth	Federal Transfers Annual Growth	Unemployment Annual Average	Migration Annual Average
1970-79	4.2%	1.2%	25.6%	15.2%	2,668
1980-89	1.8%	-0.7%	6.2%	19.0%	49,016
1990-99	2.8%	-0.7%	7.2%	14.4%	12,588

Sources: Junta de Planificación de Puerto Rico, *Informe económico al Gobernador*, 1981, 1989, 1996, 2000; statistical appendix, *Serie histórica de empleo en Puerto Rico*; *Estadísticas socioeconómicas, 1972-1989*; *Movimiento de pasajeros entre Puerto Rico y el exterior, Años fiscales 1990-2000*.

Table 5 - Performance of Selected Socioeconomic Variables, Puerto Rico, 1970-1999

Crisis and Welfare

Table 5 presents the performance of selected socioeconomic variables on the Island over the last three decades of the twentieth century. At first sight, the data suggest that the Puerto Rican economy never recovered from the downturn of the 1970s, and that the massive injection of federal funds in welfare payments and the return to mass migration merely served to alleviate poverty and unemployment. Commonwealth opponents (both pro-statehood and pro-independence supporters), as well as some of its advocates, argue that the Island's economy has been adrift during the past three decades and that federal subsidies and concessions have only palliated the major socioeconomic problems.

A look at the levels of federal disbursements in Puerto Rico over the last three decades of the twentieth century seems to confirm the perception discussed. Chart 2 presents total federal expenditures and federal transfer payments as a percentage of the Island's gross national product (GNP) from 1970 to 2000 in real prices, using the Commonwealth government's standard 1954 price index to adjust for inflation. Federal expenditures and transfers have played an increasing role in the Puerto Rican economy. During the 1970s, total federal disbursement and federal transfers grew at a fast rate (13 and 18 percent per year, respectively). Federal disbursements came to represent more than one third of the GNP while federal transfers came to represent between one fifth and one fourth of the GNP. But after a quick burst in the 1970s, federal disbursements leveled off. The largest and fastest growing share of federal expenditures were transfers to individuals.[xlii]

A close analysis of federal disbursements, however, reveals a complex picture.

The introduction of the food stamps program in 1975 spearheaded the dramatic increase in federal transfer payments to Puerto Rico. The program began with an allocation of US\$388.4 million in 1975 and nearly doubled to US\$754.8 million in 1976. Federal aid for nutritional assistance represented about 10 percent of Puerto Rico's GNP between 1976 and 1978, tapering off to around 5 percent by the mid-1980s and between 3 and 4 percent in the 1990s. Six programs led the rapid growth in federal transfer payments during the seventies: social security; veterans. benefits; Medicare; food stamps; the Basic Educational Opportunity Grants program (BEOG, later known as Pell Grants); and the mortgage and rent programs, such as Federal Housing Administration (FHA) loans and 'Section 8' subsidies.

In short, most federal transfer payments to Puerto Rico are not simply welfare, but earned benefits, especially social security and veterans' benefits. Between 1980 and 2000, the combined share of federal transfers in nutritional assistance, housing subsidies, and scholarships declined from 35.8 percent to 23 percent, while social security and veterans benefits together increased from 47.7 percent to 56.2 percent. As U.S. citizens by birth, Puerto Ricans serve in the U.S. armed forces, pay social security contributions on the Island as well as in the mainland, and can move freely between the two places. Likewise, the U.S. armed forces have military bases on the Island and U.S. corporations are free to move capital, goods, and services between the Island and the mainland. So are federal agencies operating in Puerto Rico, from the postal service to the Federal Bureau of Investigations (FBI). This unrestricted movement of labor, capital, private and public services, and law enforcement agencies has tightened the linkages between private companies and government agencies on the Island and the continent, which account for a substantial share of federal payments.

Chart 1



Sources: Junta de Planificación de Puerto Rico. *Informe económico al Gobernador*, 1974, tablas 15, 16, 20; *Informe económico al Gobernador*, 1985, tablas 1, 18, 19, 21; *Informe económico al Gobernador*, 1989, tablas 1, 20, 21, 22; *Informe económico al Gobernador*, 1996, tablas 1, 20, 21, 22; *Informe económico a la Gobernadora*, 2000, tablas 1, 20, 21, 22.

Chart 2

Unemployment and Poverty

Unemployment and poverty have been structural features of the Puerto Rican economy since 1898. The promise of industrial development to reduce unemployment and end poverty did not materialize during the first half-century of Commonwealth. As shown in chart 3, unemployment never fell below 10 percent of the active labor force despite massive emigration during the fifties, sixties, eighties, and nineties (see table 1).

The main cause of poverty in Puerto Rico is unemployment. According to a recent study, families with unemployed heads of household account for 75 percent of all poor families.**[xliii]** Although income distribution has improved somewhat since the 1950s, the number of poor families according to the census increased steadily between 1969 and 1989, from 336,622 to 492,025. In 1999, the number of families below the poverty threshold was 450,254, the first reduction since 1969. However, the former head of the Special Communities Office of the Department of the Family, Linda Colón, has disputed this figure.**[xliv]**

One of the goals of Commonwealth founder, Muñoz Marín, was that by the 1970s Puerto Rico would reach the per capita income level of Mississippi, the poorest state of the union according to the 1960 census. This goal appeared feasible in the sixties, when Puerto Rico's median per capita income was 68 percent of Mississippi's. Table 6 shows not only that the Commonwealth did not attain that goal, but that the income gap between Puerto Rico and the poorest states broadened between 1959 and 1999. Furthermore, poverty levels are worse on the Island than in the mainland. Although the poverty threshold in Puerto Rico is lower than in the United States, a larger share of the Island's population (48

percent in 1999) than in the mainland (11 percent) is poor

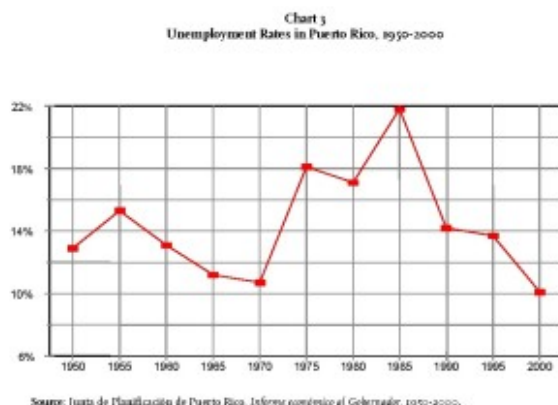


Chart 3 - Unemployment Rates in Puerto Rico, 1950-2000.

On the bright side, the educational attainment of Puerto Ricans has improved dramatically over the last five decades. For instance, the proportion of adults with a high school diploma rose from 7 percent in 1950 to 60 percent in 2000. Moreover, the share of college graduates increased from a mere 1.8 percent in 1950 to 18.3 percent in 2000 (see table 7). This extraordinary growth of the schooled population was largely due to the growing availability of federal funds for numerous educational programs - from preschool to the university - as well as the relatively large share of the Commonwealth's budget devoted to education and culture (35.6 percent in fiscal year 2002-2003).**[xlv]** Puerto Ricans have benefited from greater access for U.S. minorities to higher education since the 1960s, especially in public colleges and universities on the Island and in the mainland. By the year 2000, Puerto Rico had a comparable proportion of college and graduate students (20.9 percent) to the United States (22.8 percent).**[xlvi]** The rapid expansion in the educational opportunities for the Puerto Rican people is one of the Commonwealth's most important accomplishments.

Table 6
Puerto Rico's Per Capita Income Ratio, 1949-1999

	1949	1959	1969	1979	1989	1999
United States	0.25	0.37	0.25	0.21	0.21	0.29
Mississippi	0.52	0.68	0.39	0.31	0.32	0.40
West Virginia	0.35	0.51	0.32	0.27	0.29	0.39
New Mexico	0.33	0.45	0.32	0.26	0.28	0.37
Arkansas	0.47	0.60	0.35	0.28	0.29	0.37
Montana	0.24	0.41	0.29	0.24	0.27	0.37
Louisiana	0.35	0.50	0.32	0.24	0.27	0.36

Source: U.S. Bureau of the Census, *Statistical Abstract of the United States, 1950-2000*.

Table 6 - Puerto Rico's Per Capita Income Ratio, 1949-1999

Despite such advances, the educational system of Puerto Rico faces great challenges. To begin, the quality of education has not improved significantly with the massive expansion of public instruction. On the contrary, many local schools and universities are producing poor results as measured by student retention, test scores, skills acquisition and transference, creation of knowledge, technological applications, and research and development. Second, the educational credentials of Puerto Ricans do not ensure their successful incorporation into the local labor market. In June 2003, the unemployment rate for persons with 13 years or more of schooling on the Island was 10.2 percent (compared to 12.4 percent for the entire population).**[xlvii]** In addition, many college graduates are forced to accept lower-status service occupations or to migrate to the mainland in search of better

jobs and salaries. Third, growing dependence on federal funds means that the Island's educational system must submit to U.S. standards, methods, and

Table 7
Educational Attainment, Puerto Rico.
Population 25 Years of Age and Over, 1990-2000 (in Percentages)

	1992	1995	1997	1998	1999	2000
Less than 9th grade	38.0	37.4	36.0	35.8	35.4	35.4
9-11th grade	4.7	5.2	10.9	10.7	10.9	10.5
High school graduate	3.6	7.5	19.0	23.1	23.0	23.5
Some college	1.6	4.0	6.0	9.4	14.4	19.4
Bachelor's degree	1.8	3.5	6.0	9.4	10.7	15.6
Graduate or professional degree	—	—	—	—	3.6	4.7
Not reported	0.3	0.3	—	—	—	—
Total	100.0	100.0	100.0	100.0	100.0	100.0

Sources: U.S. Census Bureau, U.S. Census of Population, 1990-1999, Profile of Selected Social Characteristics; 2000, Puerto Rico.

practices. For instance, the 'Leave No Child Behind' Act, approved in 2002, requires that students release personal information to the U.S. armed forces for recruiting purposes. Many Puerto Rican parents have resisted what they see as an infringement of their children's civil rights. Finally, Puerto Rico's educational system, particularly at the university level, needs major restructuring to raise the productivity and competitiveness of human resources vis-à-vis the global economy. Teaching methods, curricular materials, and evaluation strategies are still oriented toward a professional, technocratic, and vocational philosophy that does not fit well in a postindustrial, knowledge-intensive, and high technology world.**[xlviii]**

The Rule of Law, Democracy, and Human Rights

In some ways, the Commonwealth of Puerto Rico can be considered a model of liberal democracy, 'where politics based on free elections, multiple parties, and liberal democratic freedoms are still predominant'.**[xlix]** Since 1952, Puerto Rico has held thirteen Island-wide elections and eleven plebiscites and referenda without major accusations of fraud or external interference. Three political parties – the Popular Democratic Party, New Progressive Party (NPP), and Puerto Rican Independence Party (PIP) – compete openly for majority support and control of the Commonwealth government. Two of them, the PDP and the NPP, have alternated in power six times since 1952. Furthermore, Puerto Ricans enjoy a high degree of civil liberties and political freedoms, compared to other Latin

American and Caribbean countries. As political scientist Carl Stone has pointed out, the Island 'has strong and free trade unions, a free press, well-developed political and civil rights, and high levels of mass political participation'.^[i] The Commonwealth as well as the U.S. constitutions protect the rights to free speech, assembly, organization, freedom of religion, privacy, equal protection under the law, equal pay for equal work, and many others.

However, Puerto Ricans on the Island do not enjoy all the rights and freedoms as U.S. citizens in the mainland. This is one of the key issues shaping the status debate in Puerto Rico. According to legal scholar Efrén Rivera Ramos, 'the extension of U.S. citizenship to Puerto Ricans in 1917, has probably been the most important decision made by the United States regarding the political future and the lives and struggles of Puerto Ricans'.^[ii] Originally an external imposition by Congress, U.S. citizenship has become one of the main pillars of continuing association between Puerto Rico and the United States. Moreover, the discourse of rights is a powerful ideological justification for the Island's complete annexation into the American union. Today, most Puerto Ricans recognize the material and symbolic value of U.S. citizenship, including access to federally-funded programs; free movement between the Island and the mainland; and protection of some of the civil, social, and political rights guaranteed by the Constitution of the United States.^[iii] Although Puerto Ricans on the Island cannot exercise the full range of these rights (such as voting for the President of the United States and voting members of the U.S. Congress), they can do so once they move to the mainland. Under Commonwealth, place of residence rather than legal status determines the extent to which Puerto Ricans enjoy their rights.

At root, the legal problem is that, in 1917, the Jones Act conferred U.S. citizenship, but not representation, upon the residents of Puerto Rico.^[iiii] Based on the distinction between incorporated and unincorporated territories, the U.S. Congress and Supreme Court determined that the constitution did not 'follow the flag'. That is, not all rights, duties, laws, and regulations promulgated by the federal government applied to its overseas possessions. In effect, Puerto Ricans were granted a second-class citizenship similar to African Americans, Native Americans, and women prior to the approval of universal suffrage. As Rivera Ramos argues, 'a distinction made early on between the political condition of the territories and the civil rights of its inhabitants has allowed for the development of a political system that may be described as a partial democracy, based on the

liberal ideology of the rule of law and the discourse of individual rights, but coexisting with a situation of collective political subordination'.**[liv]** This contradiction between state protection of civil liberties and lack of appropriate representation in that state lies at the heart of the argument that Commonwealth is still a colonial status and, at best, an incomplete democracy.

The most flagrant violations of human rights in Puerto Rico have been committed against political dissidents. In 1987, the Puerto Rican Commission on Civil Rights found that the local police had placed more than 75,000 citizens under secret surveillance because of their political beliefs. In 1992, Puerto Rico's Supreme Court ordered the devolution of all personal files (carpetas) documenting the ideas, activities, and organizations of the so-called subversives. The main targets for surveillance were members of the pro-independence, socialist, and student movements, but labor, feminist, cultural, religious, community, environmental, and communist groups were also included in this illegal practice. In 2000, the Commonwealth compensated more than 1,000 persons (for a total of US\$3.8 million) who sued the government on the grounds of political persecution.**[lv]**

The recent 'peace for Vieques' movement was largely a struggle for human rights. On May 4, 2000, the U.S. Navy carried out Operation Access to the East, removing more than 200 peaceful demonstrators from its training grounds in Vieques, a small island municipality off the eastern coast of Puerto Rico. Since then, more than 1,640 persons were arrested for trespassing federal property, particularly during firing practices. According to the head of the Puerto Rican chapter of the American Civil Liberties Union (ACLU), the federal government committed multiple violations of human rights, such as using pepper spray and tear gas on unarmed protestors, and denying them due process after their arrest.**[lvi]** Those practicing civil disobedience included a wide spectrum of political and religious leaders, university students, environmentalists, community activists, and fishermen. The protests had been sparked by the accidental death of security guard David Sanes Rodríguez during a military exercise in Vieques on April 19, 1999. Soon thereafter, Puerto Ricans of all ideological persuasions and walks of life called for an end to live bombings, the navy's exit, and the return of military lands to the civilian residents of Vieques. In June 2000, a survey conducted by the Catholic diocese of Caguas found that 88.5 percent of the population supported the navy's retreat from the island.**[lvii]** No other issue in recent history has galvanized such a strong consensus in Puerto Rican public

opinion. Despite the strong solidarity displayed by Puerto Ricans on and off the Island, the U.S. Navy continued military exercises in Vieques until May 1, 2003. Without voting representation in Congress, islanders were forced to accept a presidential directive (timidly negotiated by former Governor Pedro Rosselló), that did not please most opponents of the navy's bombing of Vieques. This directive called for the resumption of military training activities, although with inert bombs, as well as for a plebiscite to poll the views of the people of Vieques. On July 29, 2001, 68.2 percent of the voting residents of Vieques supported the navy's immediate withdrawal from the island.**[lviii]** International pressure, together with a strong grassroots movement, finally forced the navy to abandon Vieques in 2003.

Other violations of human rights in Puerto Rico focus on undocumented immigrants from the Dominican Republic. U.S. immigration authorities have been accused of mistreatment and abuse of persons attempting to enter U.S. territory illegally. Saúl Pérez, president of the Dominican Committee for Human Rights, has denounced several instances of police brutality and harassment of Dominican citizens in Puerto Rico.**[lix]** Many Dominican workers also experience labor discrimination on account of their national origin. In 2000-2001, Puerto Rico's Department of Labor and Human Resources received 76 complaints of this kind, most of which were presumably filed by Dominican citizens.**[lx]** In the wake of federal legislation restricting health, educational, and housing benefits to legal residents of the United States, the Commonwealth government may deny such basic services to undocumented Dominicans.

Drugs and Crime

Drug addiction often leads individuals to engage in criminal activity because the manufacturing and sale of illegal drugs are restricted or prohibited. Drug consumption and abuse became part of Puerto Rican popular culture in the 1960s. The Vietnam War and the hippie counterculture, as well as organized crime, contributed to the popularization of drugs among youth on the Island and in the mainland. Marihuana, heroin, and mind-altering hallucinogens, such as LSD, entered the Puerto Rican social scene, much in the same form as they did in American urban centers.

Methodologically sound estimates of the number of drug addicts in Puerto Rico are unavailable. In the year 2000, the Administration of Mental Health Services and Prevention of Addiction (known as ASSMCA, its Spanish acronym) estimated

that Puerto Rico had 38,000 drug addicts, about 1.4 percent of the population, and some 130,000 alcoholics, equivalent to 4.8 percent of the population. These figures are based on a study conducted in 1997-98 by the Center for Substance Abuse Treatment using a household sample. The study had clear limitations: it conducted telephone interviews of persons between 15 and 64 years old, in an island where 27 percent of the population does not have telephone service at home. To conduct interviews in households without telephones, the researchers provided the interviewees with cellular phones. Thus, the survey excluded much of the addicted teenage population and vitiated the confidentiality of telephone interviews by coming face to face with interviewees in the cellular loan transaction.**[lxi]** Common wisdom, even among the ASSMCA personnel contacted, is that between 4 and 5 percent of the population is addicted to or uses drugs regularly. Hence, the number of drug users ranges between 152,000 and 190,000 persons of all ages.

Similarly, it is difficult to estimate the cost of drug addiction to the Puerto Rican economy. Local and federal funds are used at all levels and from a variety of programs. Expenditures on prevention, law enforcement, and treatment are not reported separately either. For example, in 2000 the Public and Indian Housing Program awarded US\$9.2 million in federal funds to the local police and US\$2.8 million to ASSMCA. In 2001, ASSMCA received about US\$24.5 million from seven different federal programs for services to addicts, while Puerto Rico's Health Department received US\$33.1 million in federal funds for HIV/AIDS programs from six different sources.**[lxii]** The growing use of federal funds suggests that the Commonwealth government has not found an adequate strategy to halt drug addiction on the Island.

A corollary of the drug problem is crime and law enforcement. As well as a major consumer of drugs, Puerto Rico is a springboard for smuggling illegal drugs into the United States. The U.S. Drug Enforcement Administration (DEA) estimates that 20 percent of all drugs entering the Island is destined for local consumption. In the year 2000, Puerto Rico's Police Department had intervened 1,200 'drug points' (*puntos de droga*), the locations for the retail sale of illegal drugs (mostly crack cocaine, heroin, and marihuana). This figure suggests that the Island has at least one drug point for every three square miles. And this average excludes the sale of 'designer drugs', such as ecstasy, sold mostly at private parties and schools for young, middle class, 'recreational' drug users.

In November 1995, the DEA opened its Twentieth Field Division in San Juan. This office is responsible for Caribbean operations from Jamaica to Surinam. According to congressional testimony of the DEA administrator in 1997, Puerto Rico, with the fourth busiest seaport in North America and the fourteenth in the world, was ‘the largest staging area in the Caribbean for smuggling Colombian cocaine and heroin into the United States’.**[lxiii]** At that time, roughly 31 percent of all drugs entering the United States passed through the Caribbean corridor. The remaining 69 percent entered through Central America and Mexico.

The competition in the drug trade brings extraordinarily high rates of violence. Between 1990 and 1995, Puerto Rico averaged 849 murders per year or 2.3 per day. Between 1996 and 2001, the figures dropped to 708 per year or 1.9 per day. But the real magnitude of the problem can be observed when we compare murder rates on the Island with those of other jurisdictions in the United States. According to the FBI’s ‘Uniform Crime Reports Statistics’, 2002, the state of the union with the highest murder rate is Louisiana, with 13.4 murders per 100,000 inhabitants. No other state has a rate of ten or more. Puerto

Table 8
Highest Murder Rates, 2002
Selected Cities and Metropolitan Areas with More than One Million Inhabitants
in the United States and Puerto Rico

Area	Population	Crimes	Rate per Violent 100,000 Crimes	Rate per 100,000 Crimes	Murders	Rate per 100,000
San Juan-Bayamón, PR	1,991,772	55,813	2,802.2	8,936	448.6	528
New Orleans, LA	1,342,821	69,399	5,180.4	9,279	692.4	327
City of Philadelphia, PA	1,524,226	83,392	3,389.7	20,057	588.5	288
City of Los Angeles, CA	3,830,361	190,992	3,998.3	51,695	902.4	654
City of Phoenix, AZ	1,404,938	109,916	6,846.7	10,916	572.1	177
Baltimore, MD	2,630,914	134,817	5,124.3	26,049	990.1	317
Las Vegas, NV	1,153,546	36,810	4,811.1	8,981	678.9	137
Richmond-Petersburg, VA	1,026,785	46,681	4,548.3	4,573	445.6	115
Detroit, MI	4,491,605	193,042	4,297.8	31,665	705.0	494
Washington DC, Metro	5,050,449	204,399	4,047.1	25,531	505.5	474
Jacksonville, FL	1,150,811	66,995	5,821.5	9,633	857.1	102
Miami, FL	2,336,396	168,968	7,170.6	26,303	1,116.2	204

Source: Federal Bureau of Investigation, ‘Uniform Crime Reporting Program’.

Table 8 - Highest Murder Rates, 2002 - Selected Cities and Metropolitan Areas with More than One Million Inhabitants in the United States and Puerto Rico

Rico’s murder rate is 20.1 murders per 100,000 inhabitants, only surpassed by the District of Columbia, with 46.2 murders per 100,000 inhabitants.

Table 8 compares murder and crime rates in major metropolitan areas in Puerto Rico and the United States. In 2002, the San Juan-Bayamón metropolitan area had the highest murder rate, followed by Philadelphia, of all metropolitan areas with more than one million inhabitants. The Washington D.C. metropolitan area had a much lower murder rate than the District of Columbia. Two other large metropolitan areas of Puerto Rico, with less than one million dwellers, had very high murder rates: Ponce (with 22.7) and Caguas (with 17.9).[lxiv]

Corruption

An important component of drug-related criminal activity is money laundering. In published congressional testimony, DEA officials have argued that Colombian drug cartels use Puerto Rico as a money-laundering center, but have not revealed specific figures on this practice. Since April 1996, the U.S. Department of the Treasury requires banks and financial institutions to file ‘suspicious activities reports’ (SARs) on certain transactions that are deemed suspicious or unusual. Between 1996 and 2000, local banks and financial institutions filed 505,491 SARs. Puerto Rico ranked number 33 in the United States, with California, New York, Florida, and Texas leading the list with most SARs.[lxv]

According to the DEA, a frequently used drug money-laundering tool in Puerto Rico is the *casa de cambio or casa de envío de valores*, a currency office that ‘wires’ cash to other countries. In Puerto Rico, most of these establishments process the sending of remittances by Dominican migrants to their families in the Dominican Republic. Whereas most remittance agencies are legitimate businesses, some operate primarily as fronts for illegal transactions.[lxvi]

Large financial institutions have also been implicated in these practices. A Spanish judge recently visited Puerto Rico to investigate allegations of money laundering by the Banco Bilbao Vizcaya, but did not file any charges. In January 2003, Banco Popular de Puerto Rico, the Island’s largest bank, paid US\$21.6 million in penalties to settle accusations of money laundering by the U.S. Department of Justice.[lxvii]

Besides drug-related money laundering, much of it is related to government fraud in Puerto Rico. Since 1998, corruption among high-ranking government employees of the Rosselló administration (1993-2000) has been well documented. Many public officials have been accused and convicted of funneling federal funds from grants and special contracts for both personal gain and for financing

political campaigns for the NPP. The former Secretary of Education, Víctor Fajardo, pleaded guilty to federal charges involving a scheme in which contracts were awarded to contractors in exchange for a kickback amounting to 10 percent of the contract. The secretary personally appropriated more than US\$3 million, some of which he kept in a vault in his home because depositing such large sums of money in a local bank would have prompted a SAR and an investigation by the U.S. Department of the Treasury.

Fraud and extortion cases involving Federal Emergency Management Agency (FEMA) relief funds for hurricane Georges in 1998 have been brought against five mayors from the NPP and two from the PDP. These actions of mismanagement involved nearly US\$22.6 million (an average of US\$7.53 million per municipality) in funds approved by FEMA for municipal cleanup. The mayors were accused of extorting from or conspiring with contractors to appropriate millions of dollars from FEMA funds by billing the agency for services not rendered.**[lxviii]** Since 1999 the Puerto Rican press regularly reports the prosecution of cases for similar schemes of extortion, laundering, and misappropriation of funds. The agencies where the most notorious cases of corruption have been discovered are those with the highest rates of federal funding, namely, education, health, and housing. Between 1990 and 2000, the Island's Department of Education received between 21 percent and 32 percent of all federal grant moneys awarded to Puerto Rico. The share of the local Health Department increased from 5.6 percent to 23.2 percent of all the grants. The Housing Department received more than 90 percent of its funding from federal sources. Likewise, the nearly US\$800 million for hurricane relief by FEMA in 1998, served as a 'pork barrel' for corrupt mayors.

According to the public testimony of indicted businessmen, during the Rosselló administration the kickback practice was so common that it was dubbed 'the tithe'. Such funds were laundered and passed on as campaign contributions to the then-ruling NPP. Thus, money laundering in Puerto Rico refers not only to cleaning up drug earnings but also to redirecting government funds to politicians and their associates. Between 1993 and 2000, the extortion, misappropriation, and laundering of public funds was such a well-organized business that a major local newspaper reported that a Grand Jury might be convened to indict the NPP under the Racketeer Influenced and Corrupt Organization Act, the RICO Act.**[lxix]**

Conclusions

Puerto Rico's political status is puzzling to most outside observers and many insiders as well. Even though Commonwealth represented an advance in self-government over the previous colonial situation, it did not eliminate the Island's political and economic dependence on the United States. Although many legal rights and privileges have been extended to Puerto Rico, they are severely curtailed by the Island's condition as an unincorporated territory that 'belongs to but is not a part of the United States'. Lack of congressional representation, the incapacity of voting for the President, the inability to sign treaties with other nations, and unequal access to federally-funded programs are some of the problems flowing from the Island's current status. Paradoxically, Puerto Rico is one of the most democratic countries in the Caribbean region, as measured by massive electoral participation, a competitive party system, and legal protection of individual rights and freedoms. But it is also one of the most undemocratic ones in the sense that Island residents are not fully represented in the federal government and international organizations that shape their everyday lives.

After reviewing the socioeconomic performance of the Commonwealth of Puerto Rico over the full half century of its existence, we found that the government's development strategies have relied heavily on tax exemptions and federal regulations as incentives for external investment. This approach limited the capacity for sustained growth of the Island's economy, leading to a structural downturn in the mid-1970s from which it has never fully recovered. Low and inconsistent rates of economic growth in the last quarter of the twentieth century have resulted in high levels of unemployment and poverty. In turn, this situation has led to increasing reliance on federal transfers to maintain a standard of living higher than Latin American countries but lower than the poorest states of the United States.

Persistent poverty and unemployment are strongly correlated with high rates of crime and drug abuse. Puerto Rico has become both a large consumer of drugs and an international transshipment point from the Caribbean to the U.S. mainland. The ever increasing level of federal funds from a wide array of sources has resulted in high-level corruption around government programs and departments that rely heavily on such funds. Accountability systems seem to have failed given the frequency and volume of corrupt practices uncovered.

The Commonwealth's most significant achievement over the past five decades has been the rising educational attainment of the Puerto Rican population. Because

education has received a large portion of the government's budget and a growing amount of federal funds, the Island's labor force has become increasingly schooled and skilled. One of the most favorable aspects of the contemporary Puerto Rican situation is the high quality of its human resources. Unfortunately, for several decades after World War II, many Commonwealth planners and policymakers saw overpopulation as an obstacle to development and encouraged the relocation of 'surplus workers' abroad. Although this strategy helped to reduce unemployment and poverty rates on the Island, it expelled almost half of the population to the mainland. Ironically, Puerto Rico may now be experiencing the beginnings of a 'brain drain', with a growing proportion of professionals and skilled workers who move abroad.

Puerto Rican migration to the United States continues to be used as an escape valve for persistent unemployment and poverty. Massive movements of people to and from Puerto Rico will undoubtedly continue and probably increase during the first few decades of the twenty-first century. Deteriorating living conditions on the Island have already intensified the outflow of people to the mainland, similar in scale to the great exodus of the 1950s. At the same time, the return flow of Puerto Ricans is likely to persist, and perhaps intensify, as well as the constant circulation of people between the Island and the mainland. While Cuban immigration to Puerto Rico has practically stopped, Dominican immigration shows no signs of containment. It is foreseeable that smaller groups of people from other countries (such as Colombia, Venezuela, Argentina, and even China) will move to the Island. Should current trends continue, settlement patterns on and off the Island will become more mobile and diverse than ever before. Our analysis suggests that popular support for political nationalism tends to weaken with the constant transgression of national boundaries through large-scale migration and the emergence of a quasi-colonial form of government, in this case, the *Estado Libre Asociado*. Diasporic communities often develop different representations of identity from the dominant nationalist canon by stressing their broad kinship, cultural, and emotional ties to an ancestral homeland, rather than its narrow linguistic and territorial boundaries. This strategy is typical of long-distance nationalism.^[lxx] Cultural nationalism will probably prosper more than political nationalism because the Puerto Rican population has become increasingly transnational in its residential locations, cultural practices, and values. Given the scant electoral support for independence and the difficulty of becoming the fifty-first state of the American union, the struggles for the expansion of citizenship

rights, national identity, economic development, democratic representation, social justice, and security will most likely be advanced within the limits of the associated free state.

Notes

- i.** For the multiple implications of this legal expression, see Christina Duffy Burnett and Burke Marshall, eds., *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Durham, N.C.: Duke University Press, 2001); Efrén Rivera Ramos, *The Legal Construction of Identity: The Judicial and Social Legacy of American Colonialism in Puerto Rico* (Washington, D.C.: American Psychological Association, 2001).
- ii.** Aside from Puerto Rico, the other unincorporated territories of the United States are the Northern Mariana Islands, Guam, the U.S. Virgin Islands, and American Samoa.
- iii.** Katherine T. McCaffrey, *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico* (New Brunswick, N.J.: Rutgers University Press, 2002), pp. 29-30.
- iv.** Tugwell, *The Stricken Land: The Story of Puerto Rico* (New York: Double Day, 1947).
- v.** According to José Trías Monge, who participated in the constitutional convention, the proposed bill of rights, 'largely patterned after the Universal Declaration of Rights approved by the United Nations and the American Declaration of the Rights and Duties of Man, approved at Bogotá by the Organization of American States, was generally broader than the usual state constitution, a fact that created problems when the constitution was considered by Congress'. Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven, Conn.: Yale University Press, 1997), p. 114. The original version of the Commonwealth Constitution included the rights to work, free education, an adequate standard of living, and social protection in old age and sickness.
- vi.** Emerson, *Puerto Rico and American Policy Toward Dependent Areas*, *The Annals of the American Academy of Political Science* 285 (January 1953), p. 10.
- vii.** The phrase was coined during the Insular Cases of 1901, especially *Downes v. Bidwell*, in which the U.S. Supreme Court formulated the category of 'unincorporated territory'. The current Dean of the University of Puerto Rico's Law School, Efrén Rivera Ramos; former Secretary of Justice and Chief Justice of the Puerto Rico Supreme Court, José Trías Monge; as well as the Puerto Rican

Chief Justice of the United States Court of Appeals for the First Circuit, Juan R. Torruellas, all agree that Puerto Rico remains an unincorporated territory, although each of them favors a different solution to Puerto Rico's political status. See Rivera Ramos, *The Legal Construction of Identity*, p. 13; Trías Monge, *Puerto Rico*, especially chapters 10 and 11; and Torruellas, 'One Hundred Years of Solitude: Puerto Rico's American Century', in Burnett and Marshall, eds., *Foreign in a Domestic Sense*, pp. 241-250.

viii. See United States-Puerto Rico Commission on the Status of Puerto Rico, *Status of Puerto Rico* (Washington, D.C.: U.S. Government Printing Office, 1966), pp. 44-46.

ix. As an unincorporated territory, Puerto Rico is excluded from federal internal revenue laws.

x. United States-Puerto Rico Commission, *Status of Puerto Rico*, p. 12.

xi. Cited by Julio Muriente Pérez, *La guerra de las banderas y la cuestión nacional: Fanon, Memmi, Césaire y el caso colonial de Puerto Rico* (San Juan: Cultural, 2002), p. 46.

xii. Angel Israel Rivera, *Puerto Rico: Ficción y mitología en sus alternativas de status* (San Juan: Nueva Aurora, 1996), pp. 194-195.

xiii. See Nancy Morris, *Puerto Rico: Culture, Politics, and Identity* (Westport, Conn.: Praeger, 1995); Rodolfo de la Garza, Louis DeSipio, F. Chris García, John A. García, and Angelo Falcón, *Latino Voices: Mexican, Puerto Rican, and Cuban Perspectives on American Politics* (Boulder, Co.: Westview, 1992).

xiv. The bibliography on Puerto Rican nationalism is voluminous, polemical, and growing. For a recent sampling, see Rafael Bernabe, *Manual para organizar velorios (notas sobre la muerte de la nación)* (San Juan: Huracán, 2003); Juan Manuel Carrión, *Voluntad de nación: Ensayos sobre el nacionalismo en Puerto Rico* (San Juan: Nueva Aurora, 1996); Luis Fernando Coss, *La nación en la orilla (respuesta a los posmodernos pesimistas)* (San Juan: Punto de Encuentro, 1996); Arlene M. Dávila, *Sponsored Identities: Cultural Politics in Puerto Rico* (Philadelphia: Temple University Press, 1997); Jorge Duany, *The Puerto Rican Nation on the Move: Identities on the Island and in the United States* (Chapel Hill: University of North Carolina Press, 2002); Nancy Morris, *Puerto Rico*; and Carlos Pabón, *Nación postmortem: Ensayos sobre los tiempos de insoportable ambigüedad* (San Juan: Callejón, 2002).

xv. For exceptions to this trend, see Juan Flores, *From Bomba to Hip Hop: Puerto Rican Culture and Latino Identity* (New York: Columbia University Press, 2000); Erna Kerkhof, *Contested Belonging: Circular Migration and Puerto Rican Identity*

(Ph.D. dissertation, University of Utrecht, The Netherlands, 2000); Gina M. Pérez, *The Near Northwest Side Story: Migration, Displacement, and Puerto Rican Families* (Berkeley: University of California Press, 2004); Ana Y. Ramos-Zayas, *National Performances: Class, Race, and Space in Puerto Rican Chicago* (Chicago: University of Chicago Press, 2003); Carlos Torre, Hugo Rodríguez Vecchini, and William Burgos, eds., *The Commuter Nation: Perspectives on Puerto Rican Migration* (Río Piedras, P.R.: Editorial de la Universidad de Puerto Rico, 1994); and Ana Celia Zentella, *Growing Up Bilingual: Puerto Rican Children in New York* (Malden, Mass.: Blackwell, 1997).

xvi. Benedict Anderson, *Long-Distance Nationalism: World Capitalism and the Rise of Identity Politics* (Amsterdam: Center for Asian Studies, 1992); Nina Glick Schiller and Georges Fournon, *Georges Woke Up Laughing: Long-Distance Nationalism and the Search for Home* (Durham, N.C.: Duke University Press, 2001).

xvii. See Pérez, *The Near Northwest Side Story*; Ramos-Zayas, *National Performances*; and Nilda Flores-González, 'Paseo Boricua: Claiming a Puerto Rican Space in Chicago', *Centro: Journal of the Center for Puerto Rican Studies* 13, no. 2 (2001), pp. 6-23. Many members of the Chicago-based Fuerzas Armadas de Liberación Nacional (FALN, National Liberation Armed Forces) prosecuted in the 1980s had been born and raised in the United States.

xviii. In the last plebiscite on the political status of Puerto Rico, held in 1998, only 2.5 percent of the electorate voted for independence. According to a 1993 poll, 3.5 percent of Puerto Ricans living in the United States favor independence. See Institute for Puerto Rican Policy, *Characteristics of US-based Puerto Ricans by Status Preferences for Puerto Rico*, IPR Datanote 15 (October 1993), p. 1.

xix. Here we draw on John Hutchinson, *The Dynamics of Cultural Nationalism* (London: Allen and Unwin, 1987).

xx. Puerto Rico has participated as a separate country from the United States in international sports events such as the Olympics since 1948 and in the Miss Universe pageant since 1952. On the implications of the victories by Quiñones and Trinidad, see Emilio Pantojas García, 'La puertorriqueñidad en el nuevo discurso popular', *Diálogo* (August 2001), p. 20.

xxi. Rivera Ramos, *The Legal Construction of Identity*.

xxii. (<<http://factfinder.census.gov>>).

xxiii. Letter to Jorge Duany, March 11, 2001. See also Linda Basch, Nina Glick Schiller, and Cristina Szanton Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States* (New York:

Gordon and Breach, 1994); Nina Glick Schiller, Linda Basch, and Cristina Blanc-Szanton, eds., *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity, and Nationalism Reconsidered* (New York: New York Academy of Sciences, 1992).

xxiv. Peggy Levitt, *The Transnational Villagers* (Berkeley: University of California Press, 2002).

xxv. Zentella, *Growing Up Bilingual*.

xxvi. U.S. Census Bureau, American Factfinder, .Profile of Selected Social Characteristics: 2000. Puerto Rico. (<<http://factfinder.census.gov>>).

xxvii. The estimate is based on the difference between outbound and inbound passengers between the Island and the mainland, as reported by Puerto Rico's Planning Board. Currently, U.S. immigration authorities do not keep statistics on population movements between Puerto Rico and the United States. The U.S. Census Bureau recently released much more conservative estimates of net migration: 126,465 persons for the 1980s and 111,336 for the 1990s. See Matthew Christenson, *Evaluating Components of International Migration: Migration Between Puerto Rico and the United States* (Population Division, Working Paper Series no. 64, Washington, D.C.: U.S. Census Bureau, 2001). To ensure the consistency of the data, we use the historical series compiled by the Junta de Planificación de Puerto Rico, *Estadísticas socioeconómicas* (San Juan: Junta de Planificación de Puerto Rico, 1972-1989), and 'Movimiento de pasajeros entre Puerto Rico y el exterior. Años fiscales 1990-2000'. (unpublished manuscript, Junta de Planificación de Puerto Rico, Programa de Planificación Económica y Social, Subprograma de Análisis Económico, 2001).

xxviii. Junta de Planificación de Puerto Rico, .Migración de retorno en Puerto Rico., in *Informe económico al Gobernador, 1999* (San Juan: Junta de Planificación de Puerto Rico, 2000), pp. 1-16; Luz H. Olmeda, .Aspectos socioeconómicos de la migración en el 1994-95., in *Junta de Planificación de Puerto Rico, Informe económico al Gobernador, 1997* (San Juan: Junta de Planificación de Puerto Rico, 1998); and Duany, *The Puerto Rican Nation on the Move*, p. 223.

xxix. Ibid.

xxx. See Samuel Martínez, .Identities at the Dominican and Puerto Rican Migrant Crossroads., in Shalini Puri, ed., *Marginal Migrations: The Circulation of Cultures in the Caribbean* (London: Macmillan, 2003), pp. 141-164.

xxxi. In addition, an unknown number of Dominicans has entered Puerto Rico illegally. In 1996, the Immigration and Naturalization Service estimated that

34,000 undocumented U.S. Census Bureau, American Fact finder, Census 2000. immigrants, mostly Dominicans, were living in Puerto Rico. See 'INS: Methodology and State-by-State Estimates', Migration News, March 1997.

xxxii. Carmen Gautier Mayoral was the first to argue that federal transfers and regulations constitute the 'permanent but wobbly legs' of the Commonwealth's economy. See Gautier Mayoral, *The Puerto Rican Socio-Economic Model: Its Effect on Present Day Politics and the Plebiscite*, *Radical America* 23, no. 1 (1989), pp. 21-34.

xxxiii. See David F. Ross, *The Long Uphill Path* (San Juan: Editorial Edil, 1969), pp. 88-100; Alex W. Maldonado, Teodoro Moscoso and Puerto Rico's Operation Bootstrap (Gainesville: University Press of Florida, 1997), chap. 9; Harvey S. Perloff, *Puerto Rico's Economic Future* (Chicago: University of Chicago Press, 1950); and John Kenneth Galbraith and Richard H. Holton, *Marketing Efficiency in Puerto Rico* (Cambridge: Harvard University Press, 1955).

xxxiv. Sánchez Vilella's quote comes from an interview in Pedro Rivera and Susan Zeig's film, *Manos a la Obra: The Story of Operation Bootstrap*, produced by the Centro de Estudios Puertorriqueños at Hunter College, 1983.

xxxv. The figures in this paragraph come from Puerto Rico's Department of Labor and Human Resources as cited by Edwin Irizarry Mora, *Economía de Puerto Rico: Evolución y perspectivas* (Mexico City: Thomson Learning, 2001), pp. 88, 97, 192-195, 217.

xxxvi. José L. Vázquez Calzada, *La población de Puerto Rico* (Río Piedras, P.R.: Raga Printing, 1988), p. 286.

xxxvii. See Stanley L. Friedlander, *Labor Migration and Economic Growth: A Case Study of Puerto Rico* (Cambridge: MIT Press, 1965), p. 93.

xxxviii. Junta de Planificación de Puerto Rico, *Balanza de pagos* (San Juan: Junta de Planificación de Puerto Rico, 1960-1999).

xxxix. Junta de Planificación de Puerto Rico, *Informe económico al Gobernador*, 1997 (San Juan: Junta de Planificación de Puerto Rico, 1998).

xl. Comité para el Estudio de las Finanzas de Puerto Rico, *Informe del Comité para el Estudio de las Finanzas de Puerto Rico (Informe Tobin)* (Río Piedras, P.R.: Editorial Universitaria, 1976).

xli. Federal and regulatory tax concessions since 1976 under Section 936 of the Internal Revenue Code amounted to billions of dollars in foregone taxes. See Randy Miller, *U.S. Possessions Corporations*, 1995, *SOI Bulletin* 17 (Summer, 1999), pp. 168-184.

xlii. Total expenditures refer to the cost of running federal agencies in Puerto

Rico as well as grants for joint projects with local agencies. All figures are from the statistical appendix of the Junta de Planificación de Puerto Rico, Informe económico al Gobernador (San Juan: Junta de Planificación de Puerto Rico, 1983, 1989, 1996, 2000).

xlili. Eduardo Kicinski and Orlando Sotomayor, *Pobreza y desigualdad en Puerto Rico: Problemas y alternativas.*, in *Futuro económico de Puerto Rico: Antología de Ensayos del Proyecto Universitario sobre el Futuro Económico de Puerto Rico*, edited by Francisco E. Martínez (Río Piedras, P.R.: Editorial de la Universidad de Puerto Rico, 1999), p. 169.

xliv. El Nuevo Día, June 5, 2002, pp. 4-5.

xlv. Estado Libre Asociado de Puerto Rico, Oficina de Gerencia y Presupuesto, *Presupuesto recomendado 2003-2004*. (< <http://www.presupuesto.gobierno.pr>>).

xlvi. U.S. Census Bureau, American Factfinder, Profile of Selected Social Characteristics: 2000. Puerto Rico, and Profile of Selected Social Characteristics: 2000 United States.

xlvii. Estado Libre Asociado de Puerto Rico, Departamento del Trabajo y Recursos Humanos, *Estadísticas de empleo y ocupaciones*.

(<http://www.dtrh.gobierno.pr/interempleo/estadisticas_grupo_trab_intro.jsp>).

(<http://migration.ucdavis.edu/mn/pastissues/mar1997mn_past.html>).

xlviii. See Eduardo Aponte, *Hacia una política y desarrollo de una infraestructura de información y conocimiento para la implantación de la estrategia económica de Puerto Rico*, in Francisco E. Martínez, ed., *Futuro económico de Puerto Rico*, pp. 83-129.

xl ix. Carl Stone, *A Political Profile of the Caribbean*, in Sidney W. Mintz and Sally Price, eds., *Caribbean Contours* (Baltimore: Johns Hopkins University Press, 1985), p. 13.

i. Ibid., p. 51. For a more recent assessment of Puerto Rican politics, see Aarón Gamaliel Ramos and Angel Israel Rivera, *Puerto Rico: Regional Transformations and Political Change*, in Aarón Gamaliel Ramos and Angel Israel Rivera, eds., *Islands at the Crossroads: Politics in the Non-Independent Caribbean* (Kingston and Boulder, Co.: Ian Randle and Lynn Rienner, 2001).

ii. Rivera Ramos, *The Legal Construction of Identity*, p. 11.

iii. A 2003 Internet poll sponsored by the Puerto Rico Herald asked 'What aspect of American citizenship is for you the most important determining factor?' Thirty percent of Island residents responded constitutional protection and guarantees, 29 percent chose long-term political stability, and 22 percent said legal access to the United States. Only 19 percent said economic opportunities. See Puerto Rico

Herald, 'American Citizenship: A Determining Factor or a Political Football?' March 7, 2003.

(<<http://www.puertorico-herald.org/issues/2003/vol7n10/Poll0710-en.shtml>>).

liii. Burnett and Marshall, *Foreign in a Domestic Sense*, p. 17.

liv. Rivera Ramos, *Deconstructing Colonialism: The Unincorporated Territory as a Category of Domination*, in Burnett and Marshall, eds, *Foreign in a Domestic Sense*, p. 109.

lv. See Ramón Bosque Pérez and José Javier Colón Morera, eds., *Las carpetas: Persecución política y derechos civiles en Puerto Rico* (Río Piedras, P.R.: Centro para la Investigación y Promoción de los Derechos Civiles, 1997).

lvi. ACLU Freedom Network, *ACLU of Puerto Rico Criticizes Government Treatment of Vieques Protestors*, May 7, 2001 (<<http://archive.aclu.org/news/2001/n050701a.html>>).

lvii. Cited by McCaffrey, *Military Power and Popular Protest*, pp. 173-174.

lviii. Comisión Estatal de Elecciones de Puerto Rico, *Escrutinio consulta Vieques 29-Jul- 2001: Resumen de resultados finales*. (<www.cespur.net.pr/consulta2001/escrutinio/resumen.html>).

lix. Comité de derechos humanos pide destitución de agente, *Terra*, May 22, 2003 (<<http://www.terra.com.do/noticias/articulo/html/act153385.htm>>).

lx. Carmen A. Lugo Fournier, *Ordenamiento jurídico para la prohibición del discrimen por origen nacional en Puerto Rico*, *UAD: Revista de la Unidad Antidiscrimen del Departamento del Trabajo y Recursos Humanos* 3, no. 5 (2001), pp. 9-12.

lxi. ASSMCA (Administración de Servicios de Salud Mental y Contra la Adicción), *Programa de evaluación de necesidad de servicios para el abuso de sustancias: Estudio de viviendas* (San Juan, 1998), p. 33.

lxii. *Distribución de estimados de fondos federales por agencia estatal participante y programa federal, consolidado gobierno* (Puerto Rico Government Internal Document, no date).

lxiii. DEA (Drug Enforcement Administration), *Congressional Testimony*, 1997; Statement by Thomas A. Constantine, DEA Administrator, before the House Judiciary Committee, Subcommittee on Crime, Regarding Puerto Rico Law and Enforcement Efforts in the Caribbean Region. April 3, 1997 (<<http://www.usdoj.gov/dea/pubs/cngrtest/ct970403.htm>>), p. 4.

lxiv. All figures are calculated from Federal Bureau of Investigation, *Uniform Crime Reporting Program*, February 21, 2004 (<<http://www.fbi.gov/publications.htm>>).

lxv. El Star, September 4, 2001, p. 5.

lxvi. DEA, Congressional Testimony, 1997, p. 7. According to a document prepared for the U.S. Embassy in Santo Domingo, the vast majority of the clients of these agencies are not drug lords, but individuals who send small amounts of money (an average of US\$219 per month) to their relatives back home. See Richard C. Boly, Money Transmitters, Remittances, Exchange Rates, and Mechanisms for Money Laundering in the Dominican Republic (unpublished manuscript, United States Embassy, Santo Domingo, June 4, 1996).

lxvii. Elizabeth Olson, Banco Popular Settles U.S. Money Laundering Case, Puerto Rico

Herald, January 2003 (<<http://www.puertoricoherald.org/issues/2003/vol7no04/BancoPopsttles-en.shtml>>).

lxviii. Of the seven accused majors, only one was convicted of extortion. El Nuevo Día, July 6, 2002, p. 4.

lxix. El Nuevo Día, August 15, 2002, p. 6.

lxx. See Glick Schiller and Fouron, Georges Woke Up Laughing.

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Extended Statehood In The Caribbean ~ The Kingdom Of The Netherlands. A Not So Perfect

Union With The Netherlands Antilles And Aruba



Bonaire

Introduction

Het Statuut^[i], the Constitution of the Kingdom of the Netherlands, was formalized in 1954 on December 15. It defines the Kingdom as a federal state of three autonomous countries, the Netherlands in Europe and two countries in the Caribbean, the Netherlands Antilles, comprising six islands, and Suriname. In 1975 Suriname left the Kingdom and became an independent country. Aruba, after obtaining a long coveted *status aparte* in 1986, seceded from the Netherlands Antilles but remained part of the Kingdom as a separate country.

As of December 2004, *Het Statuut* had lasted half a century, a respectable age. It has weathered the times without changing colour, but now its future seems blurred. At its inception, *Het Statuut* was not meant to be a constitution that would forever define the domain of a Kingdom of the Netherlands with one part in Europe and another in the Caribbean. From the outset it was believed that one day the Caribbean countries would become independent. For Suriname that day came in 1975. However, for the Netherlands Antilles and Aruba that day may never come. The Antillean public and its political representatives value the current constitutional arrangement of the Kingdom, though with mixed blessings, diverse feelings and complex attitudes. In anticipation of the constitutional anniversary of *Het Statuut* some uneasiness surfaced, both in the Netherlands as well as overseas. Was it a time of celebration and, if so, how and what to celebrate?^[ii] Some authorities were concerned that the anniversary could

become a *testimonium paupertatis* of the operations of the Kingdom in the last 15 years, adding another obstacle to the problematical state of the Caribbean affairs of the Kingdom. In the Dutch press, the Netherlands Antilles were reported as a lost case; a Caribbean democracy that has turned into a Dutch banana republic (sic) in the West Indies.**[iii]** In April 2004, the Governor of the Netherlands Antilles depicted the crisis his country is experiencing as one of widespread and profound poverty, too many school dropouts with no prospects, increasing drug trade that is derailing civil society, too many murders, muggings and burglaries and a frightening high proportion of criminals.**[iv]** The number of homicides on Curaçao is staggering and 30 xs higher than in the Netherlands.

The celebrations went ahead, especially in The Hague where on 15 December 2004 the highest officials of all three countries gathered in presence of HM the Queen of the Kingdom. A special coin was issued to commemorate the event.

*A Constitution that was not meant for the Caribbean***[v]**

When the outlines of a post-colonial order were being drawn, at the end of World War II, the Netherlands did not distinguish between its different colonized territories, which included the immense Indonesian archipelago in the East, as well as the small territories in the Latin American hemisphere of Surinam and the Dutch West Indies in the Caribbean. In the process of de-colonization all the territories were simply lumped together. After World War II ended and Japan had capitulated, Indonesia declared itself independent, an act that stunned the Netherlands. The unilateral declaration of Indonesian independence was fought with the sword. Those new to world power, particularly the United States of America, did not agree and eventually forced the Dutch to negotiate with the Indonesian nationalists. The Netherlands attempted to keep Indonesia within the Kingdom by proposing a form of postcolonial federal union. It was thought that a free association of autonomous states could pacify the ambitions of the independence movement. The Indonesian nationalistic powers, however, would not compromise and after four years of war and several round table conferences the government of the Netherlands formally bent to the will of history. The strength and appeal of Indonesia's independence movement had been misread and could not be

contained within a liberal post-colonial Charter that aimed to keep Indonesia within the Kingdom. Indonesia's independence marked the end of the Dutch empire.

After Indonesia pulled out of the Kingdom, Surinam and the Netherlands Antilles reaped the fruits of the Netherlands' attempts to keep Indonesia on board. The West-Indian countries had been party to the Netherlands promise, broadcast on December 6, 1942, by Queen Wilhelmina in exile in London, to de-colonize the Kingdom. The arrangements that were then conceived had not been meant for these much smaller territories. The Caribbean territories, however, would not budge on the concept of a free association of autonomous states as the heir to the colonial Kingdom and stuck to the original liberal terms of the Charter of the Kingdom-to-be. The Caribbean countries claimed autonomy, not independence. They aimed to be partners on equal footing with the Netherlands and succeeded, at least on paper, when in 1954 a new Charter of the Kingdom was enacted. This Charter included the rule that any changes require the unanimous consent of the parties involved. The Netherlands gave in to the aspirations of these small states, believing at the time that there was neither much to gain nor much to lose. The empire was already gone. Moreover, the Charter was not meant for eternity; one day the Caribbean countries would become independent.

Change in Status: from Temporary to Permanent Relations

The constitution of the Kingdom has not fundamentally changed since 1954. Only Aruba's *status aparte* caused some constitutional amendments. Formally, the political status of the Caribbean countries can still be defined as a free association of autonomous states. But in day-to-day reality the political status has incrementally changed because of a shift in perspective: from future independence to a more permanent arrangement. In the 1970s and 1980s future independence was a dominant prospect and a system of development aid formed the core of the Kingdom's relations. The Dutch aligned their aid to the development priorities as determined by the autonomous Caribbean government. In line with international development cooperation theory, it was believed that with the help of development aid, the islands would eventually become viable self-governing units. Dutch parliament and media did occasionally scrutinize this aid to the Antilles as the islands fell into the category of high-income countries. In 1998, the GDP per capita in the Netherlands Antilles was around US\$11,000 and in Aruba US\$16,000.^[vi] In 2002/2003 these figures were US\$15,624 and US\$20,310 respectively. According to standards of international development cooperation, these countries do not merit assistance. At the moment of the expansion of the European Union in 2004, the Netherlands Antilles and Aruba had a GDP per capita that was higher than the GDP per capita of the new member

countries of the European Union.[vii]

In view of the assumed future independence of the islands, Dutch politics simply alleged that the development aid could only serve this process. No harm was done, consensus ruled, criticism was rare and no further questions were raised. The Antillean development policy, if any, directed the Netherlands aid, which resulted in large amounts spent on infrastructure such as harbours and airports, roads, social housing and the restoration of monuments.

In the early 1990s the prevailing winds changed and requirements of good governance and democratic law and order took precedence over the perspective of future independence. In the Netherlands a political consensus emerged that the Caribbean islands were too vulnerable to become sovereign self-governing states; they needed external support structures. This change manifested itself after Aruba seceded in 1986 from the Netherlands Antilles. Aruba obtained a separate status as an autonomous country in the Kingdom on similar and equal terms as the Netherlands Antilles. Aruba's secession was initially granted on the condition of becoming an independent country after a period of ten years. As soon as Aruba had seceded, it began to renegotiate the independence clause. Aruba had never intended to become independent; it wanted to remain a partner in the Kingdom. Without much ado the Netherlands gave in. Consequently the prospect of independence was exchanged for a more or less permanent relationship, both for Aruba and for the Netherlands Antilles. The Kingdom was to stay in the Caribbean; the moment for independence of the overseas countries had passed. As a result, the Netherlands became more involved in the affairs of the Caribbean islands. This involvement with the islands' governance was reinforced by changes in the international order. Left on their own, the Caribbean islands were considered defenseless, sub-scale territories, which could easily fall prey to international lawlessness. How internal affairs are run on the islands has become an international concern as well. As the Kingdom represents the Caribbean countries in international affairs, the Netherlands is held accountable. A stronger involvement of the Netherlands in the local politics of the island governments has taken place.

Kingdom's Extended Statehood Operations

History's legacy created in its wake a rather unbalanced Kingdom. In Antillean politics, the autonomy of the Caribbean countries has become, over the years, a central doctrine of how the Kingdom should operate. But according to Dutch

politics, the Antillean insistence on the canons of autonomy is rather outdated, now especially with the Netherlands itself yielding substantial authority to the offices of the European Union. The world has become much more interconnected and the partition between local and Kingdom affairs has become rather porous.**[viii]** However, amending the constitutional arrangement of the Kingdom requires the consent of the Caribbean countries. In Dutch politics this formal equality of the partners is nowadays conceived to be out of proportion to the reality of vast differences in size and population, government and administration, economics and international status. In sum, the operations of the Kingdom are not backed by a balanced distribution of powers; it is rather difficult to get things done. Every so often, a tight rope has to be walked which is not the most expedient way to progress. Too often, delays, blockades and procedural excess are the norm. For outsiders the complexity and viscosity of the Kingdom's operations is exceedingly difficult to follow.

Mission and Organization of the Kingdom

Once upon a time, the Netherlands ruled the waves. Today, it can hardly cope with what is going wrong in the greatly reduced remaining parts of the Kingdom in the Caribbean, those being the Netherlands Antilles (Curaçao, Bonaire, Saba, Sint Eustatius and Sint Maarten) and Aruba. Four hundred years ago the Dutch East Indian Company became one of the world's first multinationals, encompassing a large part of the globe and forming the foundation of the Netherlands colonial empire. Nowadays, the empire is gone; what is left is a Kingdom that is barely able to enforce right over wrong in its overseas countries. The Netherlands has minimal power with regard to the Caribbean countries of the Kingdom, the last vestiges of its colonial past. Compared to the colonial period, the stakes have changed. In the Netherlands, today, a progressive self-image prevails, one that does not allow for any ambition to rule the waves once again. More significantly, a sentiment of *never again* has taken hold, a consequence of repressed memories of a bloody colonial legacy in Indonesia (1945-49) where the Netherlands lost its empire. The colonial mission is long past. Since the 1980s the Kingdom's mission in modern times is *under construction*, as it were. The Kingdom's course in the last decades of the 20th Century was rather unsteady. The makeover from a mission to *decolonise* to a calling for the Kingdom as a modern form of extended statehood still has to be made.

Kingdom Ltd.

After World War II, the Kingdom's role in the Caribbean was not meant to be dominant. The Charter of 1954 designated the Kingdom a federal state, comprising three autonomous countries albeit with a rather asymmetrical internal structure: the Netherlands, Surinam and the Netherlands Antilles,

*The Netherlands Antilles, Aruba and the Netherlands have their own parliaments, governments, judicial structures and constitutions, with responsibilities at federal level (or: Kingdom level as it is called in the Netherlands) being limited to foreign policy, defense, nationality, safeguarding human rights and good governance, and a few other areas.***[ix]**

The designers of the Charter purposefully limited its authority. The Charter was a landmark document, concluding the colonial period. Suriname and the Netherlands Antilles would, as autonomous countries, administer their own affairs. Neither the Kingdom nor the Netherlands would have a say in local concerns such as government finance, social and economic development, cultural affairs and education. The founding fathers of the Charter defined the Kingdom essentially as a federal institution whose formal authority was limited mainly to foreign affairs, defense, and nationality/citizenship. In addition, the Charter stipulated areas of communal responsibilities, which, by statute, require the partners to cooperate (*statutory cooperation*). These communal areas are the rule of law, good governance, democracy and human rights. In these areas, the overseas countries are equally responsible but the Kingdom has the ultimate obligation of safeguarding the principles of good governance. Here the Kingdom's authority is related to the performance of the island governments. In situations where the Caribbean countries do not live up to standards of good governance, the Kingdom has to act. This is easier said than done.

Safeguards and Cooperation

One of the governors of the Netherlands Antilles, Cola Debrot, forewarned in 1973 that serious difficulties would arise when the Dutch saw reason to interfere in the area of quality of human rights and democracy in the Netherlands Antilles.**[x]** The Kingdom's safeguarding procedure, defined as *higher supervision*, has always been very restricted. According to a statement of the Minister for Kingdom Relations to Dutch Parliament in 2004, higher supervision is a measure of last resort because it infringes on the regular democratic process of autonomous countries. *Supervision* is authorized in special circumstances, and

then only when it concerns a matter of structural shortcoming on the part of the national or island government. Other considerations must first be taken into account, such as the seriousness of the matter, recourse by the Antillean government, actions of a lesser nature, and finally, the effectiveness of *supervision*.**[xi]** Thus, this minister, in unison with many of his predecessors, made it very clear that the Kingdom's *higher supervision* was only to be called upon under very unique circumstances. Moreover, even under these exceptional circumstances, tensions are inevitable as nowhere has the baseline been determined upon which the responsibility of the Kingdom would be activated.**[xii]**

In line with the principle of the equality of partners, Het Statuut calls for mutual assistance, deliberation and voluntary cooperation. In the years that followed this mutual assistance morphed into a format of international development cooperation. The Charter and other formal regulations pay little attention to this part of Kingdom affairs. In reality, most of the Kingdom's day-to-day business involved voluntary cooperation on a wide range of local affairs of the Caribbean countries. In the 1980s and 1990s, the transfer of monies from the Netherlands to the Caribbean countries took on the format of *development cooperation* projects. Over the years the Netherlands financed thousands of projects in the Caribbean countries over a wide range of sectors. Recently, Dutch development cooperation with the Netherlands Antilles and Aruba has been concentrated on a handful of areas, in particular education, good governance, sustainable economic development and law enforcement.**[xiii]** All along, the Netherlands' aim has been to ultimately end the development assistance to the Caribbean countries. It was perceived as temporary support in order to facilitate the eventual transition to independence.

A Split-Level Kingdom, de mas y menos

As it stands, the Kingdom does not guarantee a standardized provision of government service for all *Nederlanders* or, a base line for these services in the Caribbean countries. The Kingdom Ltd. does not answer claims to safeguard a basic level of provision in areas as education, public health, and social welfare. Hand in hand with recognition of the doctrine of Antillean autonomy, the Kingdom's role in social, cultural, financial and economic affairs has been restricted to a *voluntary* engagement. As a matter of principle, the autonomous countries in the Kingdom have to look after themselves in these areas. Cooperation and financial assistance are at hand, though with a limited time

perspective. As autonomous countries, the Netherlands Antilles and Aruba define their own standards of public provision in areas such as government finance, social and economic development, cultural affairs and education. They make their own political choices and do so in view of local conditions and specific local needs, political aims, budgetary constraints and personnel capacities. How government functions are performed and the level of services provided may vary between the countries of the Kingdom; such is a logical outcome of the architecture of the Kingdom's limited public authority and the autonomy of the Caribbean countries.

Government standards and services vary widely indeed between the Netherlands in Europe and the Caribbean countries of the Kingdom. Conditions of life are different for the *Nederlanders* in Europe and the *Nederlanders* in the Caribbean. This applies to education, social security, public safety as well as social housing and environmental practices. Fifty years ago, the distance between the Netherlands and the Caribbean islands was significant, both in real mileage as well as perception; nowadays frequent airline and fast online connections, television and tourism have much reduced the distance between these worlds. Perhaps even more significant is the high interaction between the substantial Caribbean population in the Netherlands and their overseas relatives. *Nederlanders* in Europe and their *rijksgenoten* in the Caribbean have become more familiar with each other's way of life. The number of people on either side with first hand knowledge of life in the other part of Kingdom has much increased. What once was faroff and foreign has become familiar. The annual Caribbean carnival in Rotterdam has become a major attraction for all kinds of *Nederlanders*.

The unequal provision of government services within the Kingdom has only recently been raised in politics as a matter of principle.**[xiv]** There are glaring differences in living conditions that do exist, especially for those who find themselves at the bottom of the social-economic ladder.**[xv]** Curaçao's statistics on violence and homicides are much higher than in the Netherlands. Living on welfare or social security is tough, but much tougher for people who have to do so on Caribbean welfare.**[xvi]** The strong notion of Caribbean' autonomy in local affairs, both in the Netherlands as well as in the overseas countries, explains why these differences have not surfaced earlier as a critical political issue. Every so often, members of the Netherlands. Parliament when visiting neighborhood slums

in the Caribbean countries have proclaimed that living under such conditions must not be allowed in the Kingdom of the Netherlands (*dit kan eigenlijk niet in het Koninkrijk!*). So far, the Netherlands' Parliament has not debated these concerns in principled terms, let alone that regulation and finances have been put in place to address them.

Organization of the Kingdom Offices

Her Majesty the Queen is the head of the Kingdom of the Netherlands. The King can do no wrong. The ministers are responsible. One of the ministers in the Dutch cabinet is charged with the responsibility for Kingdom Relations. Since 1998, this portfolio has been part of the ministry of the Interior and Kingdom Relations. Before 1998 the Kingdom's portfolio rotated among ministers who held one or another portfolio as first political assignment. These were successively Agriculture and Fisheries (1982-1986), Social Affairs and Employment (1986-1989), Justice (1989-1993) and Defense (1994-1998).**[xvii]** The combination with these other portfolios was accidental, a spin-off at the end of the Dutch cabinet formation when portfolios were assigned. The minister for Kingdom Affairs is assisted by a small sub-department of the ministry of the Interior and Kingdom Relations. In the Antilles, a Resident-Representative represents the Netherlands government. This office was created in the early 1970s after social and labour riots in May 1969 set Curaçao on fire. The Netherlands Parliament urged to open a social envelope for the Antilles, to be locally supervised by Dutch civil servants. This office became eventually the Netherlands Representation in the Netherlands Antilles with a wide range of functions: providing local feedback concerning Netherlands. overseas policy; assisting in financial cooperation; representation; and hosting visiting Netherlands' delegations.

The Netherlands is only one of the three partners in the Kingdom, but at the same time the Netherlands supersedes the other partners when specific Dutch institutions and regulations are nominated as institutions and regulations of the Kingdom. The Kingdom as such has very few institutions of its own. In many instances, institutions of the government of the Netherlands qualify as offices of the Kingdom as well. The prevalence of overlapping Dutch and Kingdom institutions causes ambiguity in the Caribbean countries: who is in charge, the government of the Netherlands or the Kingdom government? When in day-to-day reality Dutch officials act on behalf of the offices of the Kingdom, a conflict of interests may be suspected to arise. The Kingdom's interests may well vary with

the Dutch interests, and vice versa. The Antillean authorities do not tire of emphasizing their claim to equal footing with the Netherlands. Juancho Everts, prime minister of the Netherlands Antilles (1973–1977), once sardonically warned the Netherlands: ‘We will kick you out of the Kingdom’, indicating that the Kingdom is not an exclusive institution of the Netherlands. Another time, the minister of Justice in the Antilles, snipped to a Dutch journalist: ‘She is also our Queen’. At times of disagreement with Dutch government policy, the Antillean Parliament (*Staten*) has tried to find recourse in sitting down with HM the Queen. In December 2004 a delegation of the Antillean *Staten* proposed having an audience with HM the Queen in order to explain its fundamental disagreement with recent changes in the Dutch migration policy for some *rijksgenoten*. As the Netherlands parliament had already expressed its support for these changes, the Antillean *Staten* felt that there was no other recourse than making an address to the Head of the Kingdom of the Netherlands. What actually ensued falls behind the royal veil of the Crown.

The office of the Governor of the Netherlands Antilles is a most important intermediary in the Kingdom’s apparatus. The Governor is appointed by the Kingdom on recommendation by the Antillean government. Every visit of any significant Dutch official to the Netherlands Antilles, be it a politician, an administrative departmental head or a delegation of the High Court (*Hoge Raad*), starts with an audience with the Governor. The Governor’s position is double-faced, representing both HM the Queen in the Antilles and at the same time being the head of the Antillean government. The Governor has to walk a tight rope between these two functions, especially when exercising his power of supervision: does he act on behalf of the head of the Kingdom or as the head of the Antillean government? *Supervision* by Kingdom authorities tends to be perceived as Dutch supervision and is, as such, more difficult to digest for Antillean politicians than supervision by their own head of government. In 1992 the island government of Sint Maarten was put under *higher supervision* by the Kingdom. In 1994, after a successful Antillean lobby, the *higher supervision* was delegated to the national government of the Netherlands Antilles. In both instances the Governor of the Netherlands Antilles acted as supervisor. Island legislation and administrative decision making of any importance by the island executive had to be approved by the supervisor. Sint Maarten’s supervision ended in 1996.

At the time when *development cooperation* was the backbone of the Kingdom

relations, a minister for Development Cooperation in the Antillean cabinet was the principal counterpart of the Dutch minister for Kingdom Relations. Up until the early 1990s, the Dutch minister for Kingdom Relations annually toured the islands in company with the Antillean minister for Development Cooperation to apportion the development aid budget. These island tours were prepared in great detail, and projects of all sizes and sorts were discussed one by one with the respective island authorities. These tours started and ended with a formal meeting on Curaçao with the Council of Ministers of the Netherlands Antilles.

The moment that safeguarding *good governance* in Dutch overseas politics became prominent, the Antillean prime minister took over the counterpart position. Contacts between Dutch and Antillean ministers with corresponding portfolios such as Justice, Finance, Education, and Environment amplified during the 1990s. These collegial contacts were encouraged by the Dutch minister of Kingdom Affairs (1994-1998), as he felt overcome by the complexity of his portfolio. Especially his experience setting up a Coast Guard in the Caribbean waters while Defence minister, taught him a very Antillean lesson. With the Antillean government a bitter battle had ensued about the command structure of the Coast Guard. The ministry of Defence in the Netherlands did not wish to share this command with Antillean authorities while the Antillean government did not want to surrender any fraction of Antillean autonomy. The startup of the Coast Guard operations became much delayed, a delay that the Defence minister found difficult to explain in The Hague and elsewhere. He suggested that his colleagues *go and look for themselves*, expecting that such visits would provide a collegial understanding of the slow pace of accomplishments he could record. His colleagues did not need much prodding to travel to the Caribbean islands in the sun. For instance, in 1998 a total of 9 Dutch ministers visited the Netherlands Antilles and Aruba, each with their own entourage.**[xviii]** Also in following years, large numbers of Dutch ministers paid visits to the Caribbean countries.

The Netherlands' Council of Ministers constitutes the Council of Ministers of the Kingdom when Kingdom affairs require ministerial attention and decision. On those occasions the Minister Plenipotentiary of the Netherlands Antilles, respectively Aruba, in the Netherlands take part in the deliberations of the Council of Ministers of the Kingdom. In case the Netherlands Antilles, respectively Aruba, or both, have serious objections to some or other decision of the Council of Ministers, reconsideration can be demanded (*intern appel*). **[xix]** The matter is

then reviewed by a delegation of the Council of Ministers, comprising the Minister-President, two ministers and one or both Ministers Plenipotentiary. In this delegation the representatives of the Caribbean countries form a minority. But what also counts is that such a reconsideration is a serious duty and undertaken with due circumspection. An *intern appel* is a rare occasion and as such receives extensive covering in the Caribbean news media, but also in the Netherlands.[xx] The Kingdom lacks a Kingdom Parliament in which the Caribbean residents or countries are represented. This *democratic deficit* surfaces every so often on the political agenda, though without attempts at repair. In a Parliamentary Contact, delegations of the Parliaments of the Netherlands, the Netherlands Antilles and Aruba meet twice a year. These meetings are loosely structured and mainly occupied with exchanges on actual affairs, current events, grievances and incidents.

Netherlands' Assistance to the Caribbean Countries

Also in financial terms, the Kingdom of the Netherlands is very much a Netherlands affair. The Kingdom does not have a budget of its own to spend on matters concerning the operations of the Kingdom in the Caribbean countries. The outlays for the Caribbean countries are voted for in different Chapters of the budget of the Netherlands government. The costs involved in the Caribbean countries. Defence and Foreign Affairs are part of the regular budget of the respective ministries of the Netherlands government. The special financial assistance provided to the Netherlands Antilles and Aruba is voted for in a specific Chapter (*Hoofdstuk IV*) of the Netherlands government budget; it is not part of the Chapter for international aid to developing countries.

Many a Dutch politician has claimed that the financial assistance to the Caribbean countries is generous, among the highest in the world of development aid. These claims are not correct. On average the assistance amounts these days to ca Euro 400 per capita per annum, while the French and European transfers to the French Caribbean are much higher. Moreover, until 1992 a substantial part of the Netherlands' financial assistance was provided as concessionary loans, which had to be paid back. The total of the Netherlands. loans amount to ca. Euro 400 million; this was in 2004 by far the biggest part (92%) of the external debt of the Netherlands Antilles.[xxi] Since 1992, almost all Netherlands' transfers to the Netherlands Antilles became debt free, in other words these transfers since do qualify as gifts.

Over the years, financial assistance has been a dominant characteristic of the

governmental relations between the Netherlands and the Caribbean countries. It increased from Euro 61 million (Hfl 134 million) in 1979 to Euro 118 million (Hfl 265 million) in 1995 to Euro 143 million in 2004 (estimated).**[xxii]** The particularities of this assistance have changed over time. Once development projects of all size and sorts were financed and micro-managed. With the changeover to a permanent status in the early 1990s, the cost of upholding the safeguards of the Kingdom became a significant part of the portfolio. At the same time, the Netherlands attempted to streamline the project portfolio and to distance itself from micro-managing the financial assistance by creating intermediary funds.

Development Cooperation

Various concepts have been applied to the Netherlands' financial and technical assistance to the Antilles. The Charter of the Kingdom prescribes the Netherlands, the Netherlands Antilles and Aruba to assist each other.**[xxiii]** This assistance has never been considered as a regular financial transfer within the statehood arrangement of the Kingdom. The assistance provided could best be defined as exterior contributions from the Netherlands to the Caribbean countries.**[xxiv]** Concepts as *development cooperation* or *development aid* were in the 1980s in common use. The underlying idea was that with the help of development aid the Caribbean countries would become self-supporting and thus prepared for an independent status. It was expected that eventually the Dutch aid would come to an end. This line of thought included that the priorities of the aid budget should be set by the recipient and not by the Dutch donor.

The exterior character of the Dutch financial contribution to the Antillean governments did not make for planned activities that were integrated in local government plans, provided such plans existed. Frequent attempts were made to arrive at these plans, to no avail. At one time, in 1976, a Task Force comprising representatives of the Netherlands Antilles and the Netherlands was assigned to prepare an integrated 15-year social-economic development plan for all the islands.**[xxv]** Another time, in the 1980s, the Department for Development Cooperation of the Netherlands Antilles made an effort to compile integrated development plans for the *needy islands*, Bonaire, Saba, and Sint Eustatius and at that time, for Sint Maarten as well. These and other planning efforts did not materialize in budget agreements with the Netherlands donor. The development plans did not spell out operational programs nor were priorities defined in a ranking order. The total budgetary estimates of the drafted development plan far

exceeded the format of Dutch financial assistance. Some of these plans became known as 'shopping lists' or 'shopping carts'.

In the early 1980s, the Netherlands froze all spending on the development budget pending the outcome of the planning machinery. The result was that the budget could not be exhausted at the end of the annual budget cycle. This want for budget spending put the size of future budgets at risk to be reduced. In reaction, the minister for Kingdom Affairs did not hesitate to return to the practice of funding individual projects. In doing so he contradicted his requirement that money would be spend only on the basis of adequate planning by the Netherlands Antilles. In order to maintain the future financing capacity of *development cooperation*, the format of the individual project became the norm again. As priorities could not be defined in terms of development policies, budget decisions were based on individual project proposals as presented by the Antillean authorities. These proposals were discussed in *allocation meetings* with the Netherlands minister for Kingdom Affairs. More often than not, the proposals were agreed upon. Some of the successive ministers for Kingdom Affairs backed away from the minutiae of these allocation meetings and mandated a departmental head to negotiate the long list of projects in preparation, projects in execution and most important, projects to be approved. Such meetings were held on each of the islands of the Netherlands Antilles, twice a year.

How essential were all these projects? Of course, some were more significant than others. Public housing, especially on Curaçao and Aruba, received a generous flow of finance in the 1980s, ca 30% of the available budget in those years. A Public Housing Corporation was set up and became financially independent in the years that followed. The Corporation also became politically independent; objective criteria were applied in the allocation of housing rather than pork barrel considerations, as had been the case in the past. Equally successful were the various subsidies for renewal of the Dutch-colonial style city of Willemstad, Curaçao, and subsidies for the restoration of the Dutch-colonial style monuments (*land- en stadshuizen*). These programs have strengthened the tourist appeal of Curaçao. The historical architecture made Curaçao exceptional among the other Caribbean islands which all compete in the same Caribbean tourist market of beach, sun and fun. In 1997 Curaçao's historic core of Willemstad was listed on UNESCO's World Heritage.

On the Antillean part, some authorities have argued that the Kingdom's Charter

had served the Caribbean countries well. In October 2004, the minister of Constitutional Affairs of the Netherlands Antilles made reference to the immediate disaster and generous re-construction aid provided by the Netherlands government after hurricanes had struck Sint Maarten, Saba and Sint Eustatius (in 1995, and following years). He remembered with great satisfaction how, without delay, large cargo planes and numerous men and women, either as military, firefighters or technical experts were flown in, at first to help-out and maintain order, and later to assist in rebuilding the islands.**[xxvi]** These are shining examples indeed of *development aid* or *first aid* to the Netherlands and the Caribbean countries. On the other hand, in many instances an attitude of 'there is no harm in asking' has been apparent on the Caribbean part.**[xxvii]** Many projects are simply icing on the cake.

Individual projects of any kind and size have been for years the predominant format of the Netherlands financial assistance to the Caribbean countries. In the 1980s and early '90s, the Netherlands budget was spent on hundreds of projects, most of them decided individually and according to proposals by the islands' authorities. Over the years, various categorizations were in use for the portfolio of government projects. For instance, in 1997 this portfolio contained as major categories: education (27.1%), public housing (20.8%) and environment, ecology and infrastructure (17.2%).**[xxviii]** In 1998 a total of 467 projects was in various stages of realization spread out over almost every area of government: justice, administrative organization and reform, economic development, environment/ecology and infrastructure, public housing and neighborhood improvement, social development and public health, education and culture. In 1999, almost 200 projects and circa 120 technical assistance operations had to be managed. In those days almost anything went. Around the turn of the century efforts were made to bring policy to bear on the budgeting process. In the process of cleaning up the budget, all funds for cultural cooperation and cultural exchange within the Kingdom of the Netherlands were lost. Scratched beneath the surface of the budgetary details, it became apparent that on the part of the Netherlands all ambition to culturally enliven the relations with the Caribbean *Nederlanders* had died. Some disqualified henceforth the Kingdom of the Netherlands as a *bread-and-butter* Kingdom without any cultural or multicultural mission.**[xxix]** Not until the 50th anniversary of the Charter at the end of 2004, the Netherlands State Secretary (junior minister) for Education, Culture and Science, when visiting the Netherlands Antilles and Aruba, promised to brighten

up the Kingdom relations with some cultural exchange. But she added that she did not yet know how to do this.

Statutory Cooperation: Financing the Kingdom's Safeguards

In the early 1990s a broad political consensus emerged that the Caribbean countries were better off remaining part of the Kingdom of the Netherlands. On the part of the Netherlands, considerations of safeguarding *good governance* in the Caribbean countries were paramount in changing the tides. However, when the reality of a Kingdom with partners in the Caribbean region became a permanent phenomenon, the Charter's original definition of limited authority and regulation was not reviewed. Running their own affairs had always been of principal interest in Antillean politics; autonomy was there to stay, also in a permanent relationship. On a conference, titled *Future of the Kingdom* the Netherlands attempted to reach agreement on changing institutional rules and regulation in view of the Kingdom's safeguarding role in the Caribbean region. Without success. Quite the contrary, in fact, as conference documents were literally torn up in the face of the Netherlands prime minister who led the Dutch delegation at that time.**[xxx]**

But on the part of the Netherlands, the winds had definitely changed. Unable to arrive at agreement to change the Kingdom's rules and regulation, The Hague applied the Netherlands financial assistance to the Caribbean countries to get a foot in the door. With financial conditions of all sorts, the Netherlands intervened in a range of areas such as the Antillean government organization and the size of its public service, the public debt and finances, prison conditions, police operations and criminal investigation. The island government of Sint Maarten was put under *higher supervision*. A paradoxical situation surfaced: The emphasis on local autonomy had not resulted in a relaxed relationship with the Netherlands. On the contrary, it created a laborious and unwieldy partnership, so much so that around the turn of the century the Netherlands contracted international organizations (IMF, World Bank, OESO) as go-betweens in defining the governance conditions the Antillean politics had to comply with. The IMF was hired to set conditions for additional budgetary support; the World Bank was assigned an economic study and the OESO was contracted to evaluate the educational system of the Netherlands Antilles. This added fuel to the Antillean sentiment that the *special relationship* with the Netherlands had come to an end. The formal relationships soured but a majority of the Antillean populace did not much mind the Netherlands. interventions, which put the Antillean public

authorities in an even more awkward position.[xxxii] Antillean politics felt overruled by the Netherlands but this sentiment was not shared by its constituency, which added to the frustration in dealing with the Dutch.

At the onset of a *permanent* status of the Caribbean countries in the Kingdom, the acclaimed system of development aid drove a wedge between the partners. In former years, an Antillean development policy, if any, had directed the Netherlands aid. For the Antilles, the Netherlands development aid budget was considered *our money*. In 1987, in Protocol *Development Cooperation* agreement was formalized between the Netherlands and the Netherlands Antilles on how to apportion the *development aid budget*. [xxxii] A few years later, the whole concept of development cooperation came under scrutiny because of the level of the income per capita in the Caribbean countries. It was obvious that they did not qualify as underdeveloped countries nor did they qualify for development aid according to international rules. The vocabulary changed. Development cooperation became now hailed as *voluntary cooperation*. But more than merely the vocabulary changed. Now the nature and direction of the aid itself were measured in the Netherlands' politics. The obligation of the Kingdom to safeguard principles of *good governance* and democratic law in the overseas countries became a significant rule of conduct with regard to the appropriation of the aid budget. Until 1989 *development* cooperation had been the backbone of the Kingdom relations. Since then *statutory cooperation* gradually gained in importance. The Netherlands' stance on priorities changed and under Dutch pressure *statutory cooperation* cut a substantial part of the budget. Although *statutory cooperation* also qualified as a voluntary engagement that required agreement with the Antillean counterpart, it carried a stronger commitment on the part of the Netherlands. These changes were carried out under the regimen of the *Protocol Development Cooperation* of 1987. The Netherlands felt that an attempt to come to a new agreement with the Netherlands Antilles would not be successful. It was not attempted.

The Antilles felt that the Netherlands was abusing *our money* to pursue its own agenda. While before Antillean development needs were directing Dutch financial assistance, now the Netherlands interfered with demands for *good governance*. A conflict as to who should set the priorities arose. Moreover, the feasibility of *good governance* priorities was disputed. Off the record one learned that the Caribbean islands considered themselves too small, not ready, or too culturally different to live up to international *good governance* standards such as humanitarian prison

conditions, administrative transparency, public hearings and Ombudsman procedures and recognition of gay marriage. Pourier, a former prime-minister of the Netherlands Antilles, contrasted the enforcement of the rule of law in terms of the creation of a Coast Guard ('very appropriate') with the urgent need for funds to fight poverty: 'When more and more people sink below the poverty line, the trade and smuggling of drugs (to the Netherlands) becomes an attractive and devastating alternative'.**[xxxiii]** In other words, in his view good governance was very appropriate but first the problems of the people below the poverty line had to be tackled. *Good governance* and development were not recognized as complementary categories. From an Antillean point of view, the Netherlands financial assistance to answer basic needs in the Caribbean countries now had to be shared with a rather trendy interest in *good governance*.

Unable to put new regulation in place, the Netherlands applied a financial jacket to pursue *good governance*. As a result, technical assistance from the Netherlands to the Caribbean islands jumped from a mere 10 million Dutch guilders in 1986 to fivefold that amount in 1995 and stayed thereafter on a high level. Many officials and advisors from the Netherlands were, literally, flown into prominent advisory or executive positions on the islands, especially those with expertise in the fields of public finance, government administration and justice. Technical assistance has always been part of the picture, but during the early 1990s technical assistance jumped from just a few percent to about ¼ of the total Netherlands. budget earmarked for the Netherlands Antilles and Aruba (1990: 9%) (1995: 29%) (1996: 24%). In 1997 about 25% was spend on technical assistance and 75% on government projects. Technical assistance operated in areas such as justice and law enforcement, administrative assistance and reform, and public finance (together: 76.9%). In some instances, technical assistance was provided in a *twinning format*: Netherlands institutions or departments, governmental as well as non-governmental, were supporting similar institutions in the Netherlands Antilles such as tax departments, police units, foundations for education, broadcasting corporations.**[xxxiv]**

Most *technical assistance* operates under the authority of the Antillean government and does not have to answer to Netherlands. authorities. Formally, technical assistance is provided on request of the Antillean government and temporarily added to the formation of the Antillean civil service, either as expert advisor or executive. In few instances loyalty conflicts, real or assumed, have arisen. Technical assistance has been accused of leaking information to the

Netherlands. And Netherlands' authorities have been suspected of sending out a *fifth brigade* to get a foot in the door. Working conditions and competitive departmental behavior rendered in some cases proper functioning impossible. But on the whole, most technical assistance operated as was required. Without doubt technical assistance has in many respects strengthened *good governance* in the overseas countries but it falls short of a structural provision to safeguard and regulate *good governance* as one of the principal affairs of the Kingdom.

In 2003 the Netherlands. budgetary categories began to reflect the change in policy. In addition to support for *autonomy* of the Caribbean countries, the Kingdom's safeguards received a major distinction.[xxxv] Also, in 2004, the budget made a distinction between programs supporting the autonomy of the partner countries in the Kingdom (>75% of the total budget) and activities that aimed at the *safeguarding* function of the Kingdom (< 25 %).[xxxvi] The *autonomy* budget was allocated to three distinct programs: *good governance, education, sustainable economic development and, for Aruba also health care*. The expenditure estimate for these *autonomy* programs ranges between Euro 102 million in 2004 and Euro 100 million in 2008. The *safeguarding* budget included support for the overseas judiciary institutions.[xxxvii] Also, cooperation with Netherlands. agencies for criminal investigation and the Coast Guard in the Caribbean waters is financed under the *safeguarding* budget. The expenditure estimate on *safeguarding* varies from Euro 31 million in 2004 to Euro 29 million in 2008.

Once the Netherlands' assistance to the Caribbean countries resembled a Christmas tree with hundreds of projects of all sorts of activities. Now the budget had become formatted in a clear categorization of a two-pronged Dutch policy of Kingdom relations. On paper all was now well organized, but within the realm of Antillean autonomy much remained to be desired and the Kingdom's safeguarding of good governance had not yet overcome drugs, crime and poverty. The Dutch - Antillean relationship had become: 'sensitive, unequal and laborious'.[xxxviii]

Format and Horizon of the Netherlands' Assistance

Supplementing Caribbean public finances with general or specific subventions out of the Netherlands budget has been out of the question. For the Netherlands, the format of its financial assistance to the Netherlands Antilles has always been a critical matter. For a long time each and every individual project had to be approved by the Dutch bureaucracy in The Hague. Only in a few specific

instances, budgetary assistance has been granted.**[xxxix]** In 2004, a partial debt relief was agreed upon and may be followed with additional agreements. Some do wonder why the financial transfers are not formatted in a more expedient model, for instance, one similar to the local government finance system in the Netherlands.**[xl]** Dutch municipalities raise their own taxes and receive additional specific and general grants from the Netherlands' central government. This structure entails that local government finances are being monitored. However, the orthodoxy of Antillean autonomy forbids such supervision. On the other hand, Antillean autonomy does not deter requests from Antillean authorities for debt relief to the Netherlands' government. Moreover, when the Caribbean countries draw loans on the international financial markets, they need prior approval of the Kingdom government, thus also compromising the orthodoxy of being autonomous. Maybe only insiders can explain the incongruity that within the Kingdom, Caribbean taxpayers' monies are to be handled according to the *good governance* of the island authorities, while the Netherlands' financial assistance must be micro-managed by an intricate departmental bureaucracy. Apparently, Caribbean *good governance* is not good enough for Dutch subventions.

As a matter of principle, the Caribbean countries of the Kingdom have eventually to look after themselves. With Aruba a formal agreement has been reached to bring the financial assistance to an end in 2010. This time horizon does not include the areas of *statutory cooperation*. A separate budget is earmarked for matters that are pivotal to the Kingdom's operations such as the rule of law, criminal investigation and the coast guard. For the first time, the Netherlands' persistence on ending the financial relationship at some future moment is now consigned to what once was labelled development cooperation, not to the *statutory* cooperation. The latter will remain a vital part of the Kingdom's operations. Also with regards to the Netherlands Antilles, the Development Fund that has been initiated in 2004 will be temporary and eventually the Netherlands' financial assistance will come to an end. The continuous Netherlands's tenacity on Antillean financial *self-rule* may be a remnant of a not so distant past, where temporary relations and future independence prevailed.

Fragmentation of the Antillean Nation-State

In the fall of 2004 an advisory body to both the Netherlands' government as well as the Antillean government, came to the conclusion to abandon the Antillean statehood configuration. This committee was set up in a joint effort of the Netherlands and the Netherlands Antilles to advise on the wobbly government

structure of the Netherlands Antilles and its uncontrollable public finances.[xli] According to this advisory committee, the insular nature of Caribbean politics and society had rendered an Antillean nation-state unworkable. Each and every island should have its own separate statehood, in one or other way, to be complemented with extended statehood relations with the Kingdom, also in one or other way. These extended statehood relations must include that some public affairs are taken care of by the Kingdom, as was previously also the case: defence, foreign affairs, citizenship. Law enforcement should be added to the Kingdom affairs. And the Kingdom's safeguarding position must be expanded to include the public finances of the Caribbean authorities. Moreover, in order for the Kingdom to be able to hold the fort, its safeguards must be regulated and standardized. A monitoring system should be set up and monitoring procedures must be followed. For many a politician, both in Holland as well as in the Antilles, Aruba's *status aparte* in 1986 meant the end of a viable Antillean nation-state. The remaining Antillean nation-state, comprising Curaçao and Bonaire, Sint Maarten, Saba and Sint Eustatius, is out of balance. The other islands felt now even more dominated by Curaçao. A former prime minister calculated: the Netherlands Antilles minus Aruba equals: 6 minus 1 = zero. With Aruba's secession, the expense of two fully-fledged layers of government in relation to a population of less than 200,000 became even more problematic. As a result, since 1986, the government organization of the Netherlands Antilles has been, in a permanent state of imminent re-structuring (*herstructurering*), one day to be more centralized, another day more decentralized, split up in two countries, or even disbanded, but in no instance have definite choices been made.[xlii] For almost 20 years the viability of nation-state of the Netherlands Antilles has been questioned.[xliii]

A Wobbly Nation-State

In the Netherlands Antilles two layers of government exist, a national level of government (Netherlands Antilles) and an island level (Curaçao, Sint Maarten, Bonaire, Saba and Sint Eustatius). At the national level, the government nomenclature calls for *Staten* (parliament), ministers and departments; at island level for *Eilandsraad* (island council), *Gedeputeerden* (deputies) and *Diensten* (services). The *Gouverneur* (governor) is head of the national government; the *Gezaghebber* (lieutenant-governor) heads the island government. Elections for *Staten* and *Eilandsraad* are held every four years though in different years. Every two years the political parties on all 5 islands are preparing for elections, which greatly interferes with the regular administration of government. As anywhere,

unfavorable political decisions are postponed until after the elections, which in the Netherlands Antilles comes down to every other year.

The operations of the Kingdom are presently affected by the *lame duck* status of the Netherlands Antilles. In recent years several Antillean cabinets have at the moment of their inauguration, announced that they aimed at being the last Antillean government in history. They aspired to bring the nation-state of the Netherlands Antilles to an end. The Netherlands played its part; on various occasions the Netherlands. took a position that added to the instability of the Netherlands Antilles.

Curaçao is by far the largest island of the Netherlands Antilles with 130,000 inhabitants in 2004; Saba is the smallest with ca 2000. The other islands perceive the national government of the Netherlands Antilles to be dominated by Curaçao, while Curaçao maintains that its interests are twisted by the needs and financial burden of the *needy islands*. In recent years, Curaçao's social and economic problems have pervaded the operations of the national government. Going to an extreme, Sint Maarten formally suggested in 2003, that the Antillean central government should be brought under supervision of the Kingdom authorities because of negligence. Sint Maarten accused the national government of abusing its power to the advantage of Curaçao and insisted that the Kingdom should take over. The fact that in the 1990s Sint Maarten came under *higher supervision* of the central government of the Netherlands Antilles, after strong pressure from the Netherlands to do so, may have some significance here. In those years Sint Maarten's administration did not comply with standards of good governance such as administrative equity and democratic legitimacy. Like Aruba before, Sint Maarten wishes now to separate itself from the Netherlands Antilles.[xliv]

On national level, Curaçao holds 14 seats out of a total of 22 in the *Staten* of the Netherlands Antilles. In theory Curaçao could put up a majority in the *Staten* but in reality Curaçao is politically a very divided nation. Moreover, an Antillean government that is exclusively founded on the body politic of Curaçao would be unpalatable for the other islands. The formation of the national government must reach out to a variety of coalitions of political parties on all five islands. In other words, to achieve a governing majority, a coalition with political parties on the other islands is required. How a coalition will be constituted varies; the only certainty is that Curaçao will always be part of it. As the other islands count together for 8 seats out of a total of 22, no majority can be established without

participation of one or more political parties on Curaçao.**[xlv]** Every island wants to be part of the national government in order to pursue its specific interests. The coalitions that are formed often lack a solid national program. The number of seats that establish a majority in parliament comes first, a government program second. The cabinet of Louisa-Godett (2003-2004) governed for 6 months without a program that was underwritten by its coalition partners.

Referendums were held in 2004 on Sint Maarten, Bonaire, Saba and Sint Eustatius. The outcomes were unmistakable writings on the wall of the Antillean nationstate. A majority of the voters on Sint Maarten, 69%, opted for a separate status as autonomous country within the Kingdom, 14% chose for independence.**[xlvi]** But an impressive majority of Saba's and Bonaire's voters preferred a direct constitutional relationship with the Netherlands, respectively 86% and 59.5%.**[xlvii]** A majority of the vote on Sint Eustatius preferred to maintain the Antillean nation-state. The outcome of Curaçao's referendum in 2005 indicated a major preference of almost 68% for a separate status in the Kingdom. A surprisingly high percentage of almost 24% opted for direct constitutional relations with the Netherlands.**[xlviii]** The turnout averaged around 55%.

The Netherlands. Flip-Flop Position

The dynamics between the national government of the Netherlands Antilles and the island governments have over the years encouraged the Netherlands to bypass the national government. To get things done, it was often expedient to entertain direct relations with the island governments. And for matters of principle, such as the secession of Aruba, a round-table conference (1983) was comprised of representatives of all the island councils. In doing so, the Netherlands only added more fuel to the simmering disintegration of the Antillean nation-state.

Formally the Antillean government is counterpart to the Netherlands government; it is a government-to-government relationship. In day-to-day reality every island prefers to have relationships of its own with the Netherlands, for various reasons. The island authorities feel that their interests are not well served by the national government. Complaints about bureaucratic red-tape are frequent. Direct contacts with Netherlands' officials strengthen the islands' egos. For years, the Netherlands has on occasion disregarded government institutions and procedures of the Netherlands Antilles in some or other way. No harm was done as long as these contacts and deliberations took place under the auspices of the Antillean

government. During the 1980s, Jan de Koning, the Netherlands' minister for Kingdom Relations Affairs visited all the islands twice a year to decide about the appropriations of the development aid budget. His manner was informal and he strongly preferred face-to-face contacts to bureaucratic paperwork. The Antillean minister for Development Cooperation and the Minister-Plenipotentiary of the Netherlands Antilles took part in these rounds of deliberations.

When his successor, Ernst Hirsch Ballin, attempted to focus the Kingdom's operations on good governance, his direct contacts with the individual islands became critically frowned upon. His policy was to strengthen the position of the Kingdom in the Caribbean with regards to such areas as the rule of law, public finance and social security. Answering persistent calls for *herstructurering* of the Antillean nation-state, Hirsch Ballin proposed in a Draft Commonwealth Constitution (*Schets*) to split the Antillean nationstate in two: Curaçao and Bonaire forming one country, Sint Maarten, Saba and Sint Eustatius the other.[xlix] At that time, he averred that a further fracturing of the Antillean nation-state would lead to unworkable relationships within the Kingdom. The draft constitution met with uninterest in the Antilles and did not have a follow-up. In the corridors of Antillean politics it was qualified as a one-sided Dutch initiative. It may also be that this initiative was too much ahead of its time.[1]

To everyone's surprise, the Netherlands proposed in 1993 on a *Future of the Kingdom* conference that every island could obtain a *status aparte* (separate status) and maintain a specific relationship with the Netherlands. What to do with the leftover Antillean nation-state was left in the dark. The rationale behind this initiative was the Netherlands' policy to strengthen the Kingdom's safeguarding position in a direct relationship with each and every island. The Netherlands aimed to cut out the national government of the Netherlands Antilles as a wobbly intermediary. Also this initiative came to a dead end. The outcome of a referendum in 1993/1994 in the Netherlands Antilles showed a strong preference for the Antillean nation-state as is. This outcome was a surprise for Antillean politics, especially on Curaçao. The established parties on Curaçao had a strong preference for a *status aparte* in order to be on its own rather than united with the *needy islands*. Following the popular will, the next government of the Antilles attempted to re-centralize governmental operations. An Antillean advisory committee outlined a model for restructuring of the Netherlands Antilles. This was published in 1995 under the title *Make It Work*. [ii] Unfortunately, in the

years that followed, this plan did not work.

On the part of the Netherlands, the next minister for Kingdom Relations interpreted the outcome of the 1993/1994 referendums as an indication that only strict government-to-government relationships should be maintained. Subsequently, island authorities that used to visit the Cabinet for Netherlands Antillean and Aruban Affairs (the departmental forerunner of the department of Kingdom Relations) in The Hague, no longer had access. *The Hague* turned a deaf ear. A much more formal stance was taken and a disposition took over that the Netherlands should not get bogged down in the minutiae of Caribbean island politics. *Keep a safe distance* became the practice. The island authorities bitterly complained to visiting members of the Dutch parliament, to no avail. In 2003, the Netherlands government took another turn and proclaimed a renewed interest in re-directing relations with the island authorities. The authority and functions of the national government of the Netherlands Antilles should be reconsidered. The Dutch minister for Kingdom Affairs aimed at a redistribution of powers and functions between the Kingdom, the Netherlands Antilles and the island authorities: *maximum* powers had to be distributed to the islands authorities, *minimal* powers to the national government of the Netherlands Antilles and *crucial* powers to the offices of the Kingdom. A round of discussions and conferences followed. The Antillean government had initially agreed to have these discussions framed within the perspective of a continuing existence of an Antillean nation-state. Sint Maarten made explicitly clear not to agree. At the opening of an Antillean islands' conference, Sint Maarten did not want to take part in such discussions as long as Sint Maarten's aim of a separate status within the Kingdom was not recognized. This caused the conference to break up. Sint Maarten invited the Netherlands to start direct negotiations, thus circumventing the Antillean government. The Netherlands minister considered Sint Maarten's invitation improper, he would not make arrangements without the national government of the Netherlands Antilles.

In 2004, after half a year of dithering, an advisory *Committee Governmental and Financial Relations Netherlands Antilles* was appointed to make an assessment of the necessary changes in the organizational, financial and fiscal structure of the Netherlands Antilles in view of persistent complaints, especially from the smaller islands. Now however, the advisory body included representatives of all the islands, the Antillean government as well as representatives of the Netherlands

government. Finally the problems of the Antillean nation-state were recognized as a problem to be tackled by all parties, including the Netherlands, in a combined effort. Earlier on the Netherlands had consistently kept the structural problems of the Antillean nation-state at arm's length. The problem was put under the rubric of Antillean autonomy and had thus to be solved by Antillean politics first. All along the Netherlands's position had been that the Kingdom should be engaged only after the Netherlands Antilles had made up its mind. In the meantime, in the Kingdom's day-to-day operations a practical plurality had been exploited or, in other words, by *muddling through* the Kingdom had been *getting by*.

Migration

Antilleans and Arubans are *rijksgenoten* and free to move among the three countries of the Kingdom. Until recently, migration from the Caribbean countries to the Netherlands was unregulated for most part. Since 1999, a few restrictions apply, at least on paper, to underage minors who want to emigrate.^[lii] For many years the Netherlands government did not have a migration policy with regards to Antilleans and Arubans. Changes in

migration figures were like changes in weather. What to do about it? A Dutch government rule of thumb proclaimed it not to be in Antillean interests to migrate in large numbers. According to every successive Netherlands' minister for Kingdom Relations, a better idea would be to stimulate economic development on the islands so that Antilleans find jobs at home. For their part, Antillean governments have issued warnings of massive emigration to the Netherlands in order to elicit additional budgetary assistance from Holland. In 1984 the Dutch minister for Kingdom Relations was told *Holland here we come* in a meeting with the Antillean Council of Ministers when he did not give in to budgetary assistance to finance civil service lay-offs. The Dutch minister suggested that such migration would be foremost an Antillean problem. In his view, the large number of Surinamese immigrants around the date of Suriname's independence (1975) had more upset Suriname than the Netherlands society. These attitudes towards the effects of large-scale migration are obviously framed by their time. Twenty years later, migration, including Antillean migration, has become a recurrent and divisive topic in Dutch politics and society.

Antillean Migration to the Netherlands

Over the years migration has been up and down. Migration peaks at times of economic downturn in the Antilles. Especially youngsters, who cannot find work

on the islands, try their luck in Holland. Migration to the Netherlands has increased dramatically in the 1980s and 1990s. Between 1985 and 1992 the number of Antilleans and Arubans in the Netherlands tripled to 90,000. At one time it was estimated that in 2000 around 104,000 Antilleans could be living in the Netherlands.**[lii]** In 2001, the actual figure had reached over 115,000 and in 2003 this number was almost 130,000 of which almost $\frac{3}{4}$ was first-generation and $\frac{1}{4}$ second-generation Antilleans living in Holland.**[lii]** One year later almost 131,000 Caribbean *rijksgenoten* lived in the Netherlands.**[lii]** Migration from Curaçao is dominant in the national figures. In 1997 circa 5000 people migrated from Curaçao to the Netherlands, in 1998 about 8000, in 1999 about 9000, in 2000 more than 13000, in 2001 about 9000 and in 2002 about 6000. On average every year about 2000 people migrate from the Netherlands to Curaçao. It is not known how many of these migrants are *returns* that have migrated earlier to the Netherlands.**[lii]** The Curaçao census in 2001 shows that the populace of Curaçao dropped from 150,000 in 1997 to 130,000 in 2001, a decline of almost 15 % in just a few years. The large Antillean population in the Netherlands entails a constant ebb and flow of persons between the European and Caribbean parts of the Kingdom. The frequency of flights of KLM, the Royal Dutch Airlines, between Amsterdam and the Netherlands Antilles rose to figures never seen before. In just one year, 1998-99, KLM flew about 800 flights between Amsterdam and the Antilles.**[lii]** The many islanders migrating to the Netherlands must have an impact on the morale of the people who stay put on the island. The recent strong migration of a new class – professionals who have lost confidence in the island governments – has further eroded the islands' capacity to self-govern. At the same time, Antillean migrants in the Netherlands find themselves no longer living in a country where representatives of their own culture and language run the government. For them the hotly debated tenet of Antillean autonomy has been exchanged for residence in the Netherlands.**[lii]**

A regular group of migrants are students. The scholarship provisions of the Netherlands government apply also to Antillean and Aruban students who enrol at educational institutions in the Antilles respectively in the Netherlands. More than 75% of the Curaçao students who follow university education do so in Holland; the same applies to the category following higher vocational education. On the other hand, about 80 % of the students who follow a middle level of vocational training, stay on the island; 20% depart for the Netherlands.**[lii]** Every year in August so called *scholarship* (bursalen) flights leave from Curaçao, Aruba and

Sint Maarten with students who follow further education in the Netherlands. Their initial accommodation is taken care of by the Antillean, respectively Aruban Foundation for Study in the Netherlands. **[lx]** On arrival representatives of the Foundation receive them for Study in the Netherlands. The ministerplenipotentiary of the Netherlands Aruba in the Netherlands usually attend these welcoming receptions and on occasion voice warnings about how different Dutch society and manners are in comparison to home. An Antillean minister once (2003) cautioned: 'Don't let them (*the Dutch*) get to you'. In 2001 a total of 450 Antillean scholarship students departed; for Aruba this figure was circa 280. At first sight, this migration testifies to the wider educational options the Kingdom offers to Antillean students. The downside is that many of these migrant students do not return home. Successive Antillean cabinets have since 2000 insisted on a policy that encouraged students to enrol at home. To that end the Netherlands government made scholarship program also available for Antillean students who opted for study in their home country. This was abandoned in 2004. According to an evaluation of the Netherlands Ministry for Education in 1998, the availability of scholarships for study at home had not been very effective in keeping students from migrating overseas. Later on, the University of the Netherlands Antilles (UNA) disputed this conclusion as the total number of its students increased from ca 700 in 2000 to ca 1000 in 2003. **[lxi]**

The Foundation for Study Scholarship Curaçao counted a total 3200 scholarship-students in December 2002. Out of these 3200 students, 1500 studied in the Netherlands and 1700 on Curaçao. The students in Holland follow on average a higher level of education than those on Curaçao. It appears that 65% of the Curaçao students in the Netherlands do not return home after having completed their studies. This sharply contrasts with the category of students who first complete their studies at home, the University of the Netherlands Antilles, and migrate thereafter to the Netherlands for additional study. On average these *follow-up* students do return home after having finished their study in the Netherlands. Added to the number of students who do not return must be the returnstudents who do not feel at home any more on their island. They leave frustrated after a short period of failed attempts to establish themselves again. The downside of the annual *scholarships flights* is a substantial brain drain from the Netherlands Antilles. In this case the Netherlands benefits of the islands. investment in basic and secondary education. **[lxii]** On the other hand, attempts to block this brain drain through a *study at home* policy goes against the worldwide

trend to a more – literally – universal education. Moreover, the costs of such a policy have to be offset against the level of excellence of the education that can be offered at home. The intellectual advantages of exploring a wider world have to be taken into account as well. All in all, there are no simple solutions to stop the brain drain from these small islands.

The Netherlands: A Country Of Immigrants

Antillean migration to the Netherlands is now caught in the divisive debate on the topic of migration and integration in general, not only in the Netherlands but also in most countries of the European Union. The freewheeling Dutch immigration policy has come to an end under pressure of the population figures it produced. The Netherlands has once more become a country of immigrants.**[lxiii]** What once was Dutch is no more. But what is Dutch? Also in the past, the attempt to define *Dutch* raised intricate questions.**[lxiv]** In 2003 the numbers of the largest non-western populations in the Netherlands are: Turkey 341,000; Morocco 295,000; Suriname 320,000; Netherlands Antilles and Aruba 129,000. The total number of non-western residents is 1,622,602; this is 10% of the total population of 16.2 million. Immigrants of Indonesian origin are separately categorized and number 215,000 (1998). Immigrants of Suriname and the Netherlands Antilles are a minority in the total non-western immigrant population in the Netherlands but the Antillean share has been growing fast.**[lxv]** In the period 1999 – 2003 the Antillean population increased with 30%.**[lxvi]**

Amsterdam's mayor predicted in 2002 that in 2020 60% of the city population would be of non-Netherlands origin, so called *Nieuwe Nederlanders* or *Hollandse Nieuwe*.**[lxvii]** A conservative prognosis assumes that in 2015 ethnic minorities will take up a 40% to 45% share of the population in the major cities. The most recent figures of the Central Bureau of Statistics in the Netherlands confirm these trends.**[lxviii]** The share of first and second-generation migrants (allochtonen) in the population of the four largest cities in the Netherlands (Amsterdam, Rotterdam, Den Haag en Utrecht) has increased from 31% in 1995 to 43% in 2003. More than two-third of these *Nieuwe Nederlanders* are of nonwestern origin; in the total city population 31% is of non-western origin.**[lxix]** In the press this trend is captioned as the *verkleuring* (colorization) of Dutch cities.**[lxx]**

Around the turn of the century a passionate debate on migration and integration overwhelmed Dutch politics and society. Immigration and integration were paramount issues in the dramatic parliamentary elections of 15 May 2002 in the Netherlands, which followed the murder of Pim Fortuyn, a prominent candidate.

A wave of relief passed through both the immigrant communities as well as the old-time Dutch establishment when a few hours after the murder, the suspect was caught and described as a white Dutchman in his 30s. The outcome of the flowing elections upset the political establishment and dramatically changed the balance of power between the political parties. Two weeks later, during a debate on future Kingdom relations, one of the new 'Fortuyn' members of Parliament stated that he would no longer accept that the Netherlands could not overrule the Caribbean partners in the Kingdom when amendments to its Charter were required to regulate Antillean migration to the Netherlands. [lxxi] In terms of numbers, the subsequent elections restored much of the political establishment in the Netherlands. But in its wake, Fortuyn and his murder created a tougher social and political climate for the immigrant population. Fortuyn's legacy made possible that what once was absolutely politically incorrect, now gained wide political currency. More often than before Antillean immigrants complain about discrimination and stigmatization.

Towards A Netherlands Policy On Antillean Migration?

Antillean migration to the Netherlands is now often lumped together with migration from non-western countries; it has become a political issue. The Netherlands. Integration law (*Inburgeringswet*) of 1998 requires that all foreign immigrants, including Antilleans, follow a Dutch civics course (Dutch language, basic politics, social customs) unless they have a certain level of secondary education and proof of an adequate command of the Dutch language. To the chagrin of the Antillean government no distinction was made with other migrants from non-western countries. The Antillean government fiercely opposed any distinction of a mandatory nature between European and Caribbean Dutch passport holders. In 2001 the Netherlands and the Antillean government could not reach agreement over a mandatory civics course for Antillean youngsters prior to their departure to the Netherlands. And again in 2004, the Antillean Parliament rejected unanimously a mandatory *civics course* for Antillean migrants to the Netherlands. According to the unyielding opinion of Antillean Parliament, Antilleans have Dutch citizenship and should not be classified as second-rate citizens. As Dutch passport holders they should not be discriminated. [lxxii]

In 2004, the Dutch Parliament undertook an evaluation of the Dutch immigration policy of the last thirty years. During the parliamentary hearings it was observed that in the last decades of the 20th Century the Dutch government had never persuaded the new immigrants to live according to Dutch social norms and

values, because of fear of being accused of discrimination. According to the director of the Social and Cultural Planning Bureau, the politically correct belief in a multi-cultural society formed the base of this laxness. He imagined that the questions about assimilation and integration of newcomers were shrouded in the progressive belief of the co-existence of several cultures within the bosom of Dutch society. This evaluation uncovered that 75% of the second generation of Turkish and Moroccan immigrants returned to their *homeland* to find a spouse.**[lxxiii]** These homeland marriages were held accountable for a much slower pace of integration than had been expected.**[lxxiv]**

In 2004 the Netherlands government announced stringent conditions for migrants-to-be. To prepare the grounds for new legislation, a policy paper was presented to Parliament in April 2004, which contained the outlines of new rules with regards to a migrant's integration in Dutch society.**[lxxv]** Prior to migration, an individual has to obtain a civics certificate in his homeland and on arrival another test on Dutch language and civics has to be passed. Failing this test means that no permanent residence permit can be obtained. New immigrants who already reside in the Netherlands also are obliged to pass a civic test. If they have not done so within 5 years, the local authorities will fine them annually. The cost of these civics courses have to be paid in full by the migrants themselves, except for unemployed persons and disadvantaged women.**[lxxvi]**

In addition, dual citizenship of ethnic minorities of the third generation in the Netherlands will no longer be permitted as it delays a successful integration into Dutch society.**[lxxvii]** In January 2003, one out of 18 inhabitants in the Netherlands had a dual citizenship; this is 5.5% of the total inhabitants. Turkish-Dutch and Moroccan-Dutch were the most numerous combinations, respectively 234,000 and 189,000. In a period of five years the number of people with dual citizenship increased 47%.**[lxxviii]** What will become of the intentions of the Dutch government to limit dual citizenship has to be seen, also in view of the ongoing integration of the European Union.

The mandatory civics course that was required by the *Integration Law* of 1998 has not been strictly enforced with regards to Antillean migrants. The new legislation to rigorously implement this requirement was strongly contested in Antillean Parliament.**[lxxix]** And within the Netherlands's Council of Ministers, the minister for Kingdom Affairs quarreled in September 2004 with the Netherlands. minister for Integration. The Kingdom Affairs minister did not want to regulate the movement of Antillean youngsters, as 'the Antilles are a full

member of the Kingdom'.**[lxxx]** When in the media or Parliament stringent admission requirements are advocated, a foregone conclusion often is that the constitution of the Kingdom does not permit restrictions to movements of Dutch citizens within the Kingdom. Others maintain that even if such restrictions were constitutionally aligned, it would be politically unfeasible to enforce restrictions to the movements of Antillean *Nederlanders*. Any restrictive policy would only encourage more immigration – *before it is too late*.

In a Kingdom with open borders for its inhabitants, the mutual dependencies between the partners have sharply increased. The new wave of young Antillean immigrants appears to have difficulty integrating into Dutch society. Among the immigrants in the Netherlands, some of the Antillean migrants constitute a complex category. The Caribbean immigrants are of Dutch nationality; they hold Dutch passports and they supposedly speak the Dutch language, although some of them do not. They are entitled to the same domestic and welfare subsidies as their Dutch counterparts. Generally speaking they arrive lacking the immigrant's ambition to make it in a 'new' world. The Netherlands is not seen as a 'new' world but rather as the better social part of the Kingdom. Another complication is that immigrants from any other country have free access to the Netherlands once they have obtained Dutch citizenship in the Netherlands Antilles.**[lxxxi]** Dutch Parliament urged in 2004 the minister for Kingdom Relations to halt the *Antillean problem trail* to the Netherlands.

The high profile immigration issue in the Netherlands may one day create the political leverage to make amendments to the Kingdom relations. The homeland interests of the Netherlands are now more intertwined with Antillean politics than ever before. Overseas social and economic problems in the Kingdom have now hit home in the Netherlands. In the European Union, migration from the new member states to the timehonored EU nations is met with regulation and restrictions. Britain's Prime Minister announced that immigrants from the 10 new member states would not be given instant access to state benefits in Britain: 'There can be no access to state support or housing for the economically inactive'.**[lxxxii]** In Denmark, also a member of the EU, immigration laws have been barring mixed Danish-foreign couples from setting up households in Denmark. Both husband and wife had to be 24 years or older before they would be allowed to live as a couple in Denmark. And even then, the law requires a minimum income of about US\$50,000 a year, along with a deposit of US\$10,000

until the foreign spouse is able to become a citizen.**[lxxxiii]** Regulation of immigration is also increasingly becoming a *Brussels*. affair, which may require the Netherlands to become tougher in the enforcement of its own legislation. As it stands in 2005, the Caribbean opposition won and Antillean migrants to the Netherlands are excluded from the new *civics course* regulation. But other options are being considered to halt the *Antillean problem trail*. A judge on Curaçao did not mince words and qualified the pending regulation as disproportionate and a specimen of Dutch narrow mindedness.**[lxxxiv]**

Restrictions for European Nederlanders in the Caribbean

The European *Nederlanders* are not free to move to the Netherlands Antilles. For a long time, Netherlands' persuasion of the Antillean authorities to liberalize the residence and work restrictions was not acted upon. These restrictions find their origin in colonial rules. An Antillean minister proclaimed in 1987 that these rules were the only good legacy of colonial times; they should not be squandered under Dutch pressure. In his view the very limited carrying capacity of the Caribbean islands does not allow for large scale Dutch settlement.**[lxxxv]** In 2000 some restrictions were lifted but not all. European *Nederlanders* who want to migrate no longer require a residence permit but they do need an authorized statement of admittance (*van rechtswege toegelaten*) which can be obtained by proof of sufficient financial means, adequate housing, and a declaration of good conduct (no criminal record).**[lxxxvi]** Another national ruling stipulates that foreigners require a working permit.**[lxxxvii]** European *Nederlanders* are here lumped together with other foreigners in the category *Vreemdelingen* (foreigners). An exception is made for persons with an 'authorized statement of admittance'. European *Nederlanders* who have obtained such a statement still may face some restrictions in cases where the island government has ruled that for economic reasons work permits are required.

Aruba's regulation differs from the Antillean.**[lxxxviii]** European *Nederlanders* in possession of an employment contract, automatically receive a residence permit for the same period as the employment contract, with a maximum of three years under proviso of housing, income, health and good conduct conditions. After its first expiration, a residence permit for indefinite time will be granted.

Not all *Nederlanders* have the same rights of abode in the countries of the Kingdom. European *Nederlanders* who want to move to the Caribbean countries meet some restrictions that do not apply when Antilleans migrate to the Netherlands.

A Not So United Kingdom

Contrary to communal (volcanic) outbursts of *Orange* sentiments – the name of the Dutch Royal family, and the color of the shirts of the national Dutch soccer team – in all parts of the Kingdom, disparate leanings prevail.**[lxxxix]** In many ways the Kingdom is not united. Citizenship is shared but identities are defined by origin of birth, western, foreign and non-western, and increasingly prejudiced by (under-) class and crime characteristics. Divergence rather than unification holds sway in the Kingdom. An awareness of shared interests is mostly conspicuous by its absence. Being condemned to each other rather than being connected for better and worse, dominates day-to-day sentiments and relations.

Since the Charter of 1954 was enacted, the Kingdom of the Netherlands has not been a very persuasive agent in rallying a sense of common purpose and identity that unites its distinct parts. Even in colonial days, before the Charter was enacted, the Netherlands was not known for efforts to export Dutch language and culture to overseas colonies. The impact of Dutch culture during centuries of colonial rule in the Indonesian archipelago has been labeled as ‘scratches on the rock’.**[xc]** The Kingdom’s constitutional agreement in the Caribbean was never meant to endure forever; it was contrived as a postcolonial arrangement.

In the early days, interaction between the Netherlands and the Caribbean countries was infrequent, mostly out of the public eye and mainly related to government affairs. Not much was known about the *rijksgenoten* in the Caribbean. During this period, a benign perception of the overseas Dutch citizens prevailed in the Netherlands. image. Well-educated students, speaking charmingly accented Dutch, hardworking and good mannered nurses, fun-loving carnival dancers, friendly sailors, interesting people, also because of their exotic color, were the images that dominated the Dutch view of the *Nederlanders* in the Caribbean.**[xci]** Curiosity rather than a sense of shared identity or common interest set the tone in those days. The Roman Catholic Church and a range of Dutch and local charity organizations helped with basic needs. In those days, Suriname and the Netherlands Antilles did not claim much attention in Dutch politics and public interest.

Nowadays, social disintegration on Curaçao manifests itself in the form of high levels of migration to the Netherlands. The positive image of the Antillean *rijksgenoten* changed. So-called ‘Antillean’ neighborhoods have sprung up in Dutch cities with high levels of unemployment and crime. Some suggest that the

ideological climate in the Netherlands now does make Antilleans feel not welcome any more.**[xcii]** Antilleans feel stigmatized as *allochtonen* in the Netherlands and a negative image of a group of Antillean youngsters overshadows the achievements of the substantial majority of well-integrated Antillean migrants in the Netherlands.

Common Citizenship, Diverse Identities

The citizens of all three countries are *Nederlanders*; they share the same nationality and have the same passport. This passport now also carries the imprimatur of the European Union on its cover. The cover's inside holds a request from Her Majesty the Queen of the Netherlands to

(...) all authorities of friendly powers to allow the bearer of the passport to pass freely without let or hindrance and to afford the bearer every assistance and protection which may be necessary.

This royal request applies also to the Caribbean *Nederlanders*. The Dutch passport grants Antilleans and Arubans the right of abode in the whole of the European Union as well as entry without visa requirements to many other countries, including the United States of America. Many islanders consider the right of citizenship that the extended statehood the Kingdom of the Netherlands provides of paramount importance. For some, these extended citizenship rights are among the most personally tangible advantages of the Kingdom.

Sharing the right of citizenship does not go hand in hand with a communal identity. Rarely does one hear an Antillean state or claim that he is *Nederlander* or *Dutch*. Above all, the inhabitants of the Netherlands Antilles and Aruba identify themselves according to their island of origin: *yu Korsou* (from Curaçao), *Sabaan*, *Bonairiaan*, *Statiaan*, *Sint Maartener* and *Arubaan*. The nation-state of the Netherlands Antilles is often considered to be a post-colonial construct that does not provide for a sense of national identity. That line of thought is caught in the maxim: 'The Netherlands Antilles exist only in the Netherlands'.**[xciii]** Every island has its own anthem; only recently did the Netherlands Antilles acquire a national anthem. Their respective inhabitants much better know the island anthems.

For most of the Antilleans, formal citizenship in the Kingdom of the Netherlands is not coupled with affinity to Dutch culture. For an Antillean, *Nederlanders* are European *Nederlanders*, a distinct category. Antilleans who hold Dutch passports do not consider themselves *Nederlanders*. Also on the European mainland, in the

Netherlands, ambiguity rules. The Antillean population in the Netherlands is considered of foreign origin, and sometimes categorized in Dutch statistics as *allochtonen* (foreigners), together with other immigrants from non-western countries. Among Antilleans, this categorization is felt as a negative and offensive distinction.**[xciv]**

Language

Antillean culture and identity is expressed in the language spoken: Papiamentu in Curaçao, Bonaire and Aruba; and English on Sint Maarten, Saba and Sint Eustatius. Although Dutch is the formal language to be used for instruction, in court and police summons, it is common practice that at home, at school, in the island Council and in Parliament, and on the streets these other languages are spoken; not Dutch. In court, the judge speaks Dutch but a suspect may need (and does get) an interpreter. For most Antilleans in the Caribbean Dutch is a second language in day-to-day communication; for many it is foreign language. In 2003, when announcing her first visit as Prime Minister of the Netherlands Antilles to the Netherlands, Myrna Louisa-Godett made it known that she would speak Papiamentu during this visit and be accompanied by interpreters to make her understood. This was not because she had not mastered the Dutch language, but to make a political statement about the language spoken on Curaçao. She would make an exception for her visit to the HM the Queen.

Many Antillean Ministers of Education have in the past attempted to replace Dutch with Papiamentu as the instructional language in primary education though most parents preferred a bilingual education, Dutch and Papiamentu.**[xcv]** Disputes about the instructional language have turned into conflicts between the minister and the prominent Catholic Board of Education on Curaçao that had to be decided in courts, up to the highest court in the Netherlands. As it stands today, legislation is being drafted to formalize the language of instruction for the age group of children 4-15 years old. For lack of political consensus, the bill is changed every so often, leaving the schools in limbo. Three instructional models are on the table: Papiamentu, Dutch and bi-lingual. A consensus is growing that at the beginning of the first school years, the language of instruction should be the mother tongue of the pupils based on the assumption that other languages can best be learned after having mastered the mother tongue. For a majority of the schools in the leeward islands (Curaçao, Bonaire and Aruba) this means Papiamentu.

Papiamentu is now in most schools in Curaçao and Bonaire the language of

instruction in the first years, while Dutch is learned as a second language. A few schools have achieved an exceptional status with Dutch as instructional language. Other schools clamor for bi-lingual instruction and education, Papiamento and Dutch, but do not find recourse with the educational authorities.**[xcvi]** Another court case will undoubtedly follow. Dutch is the language of instruction during secondary education. One high school on Curaçao is recognized where Papiamento is the language of instruction. When continuing education, a student needs to have mastered the Dutch language. But most children enter secondary education without having done so adequately. Consequently, the shift in instructional language between primary and secondary education may be held accountable for the high number of student failures. These scores testify to the everunresolved instructional language problem.**[xcvii]**

For decades, ideological conflicts rather than a clear trajectory of language instruction have dominated the educational arena. Due to the enduring conflicts, for many years teaching material was outdated, sometimes only available in mimeograph as Dutch teaching books were not reprinted and Papiamento teaching books were not yet available. In the classrooms teachers tended to instruct children in Papiamento while the textbooks were in the Dutch language. Not only did children not master the Dutch language, also their teachers were not at ease with this language.**[xcviii]** The technical reading scores in Curaçao schools at the end of primary education lagged much behind the norms applied in the Netherlands. At the end of the 1960s, more than 25% of the Antillean primary school population doubled annually; in the Netherlands this was 7.4%. Only 25% of the Antillean pupils reached the end of primary education without having once doubled; in the Netherlands 66% reached the end of school without having doubled. In 1985 half of the population in the range of 15-24 year had dropped out of school: 10% in primary education, 14% after having completed primary education and 24% during continued education.**[xcix]** These dramatic figures were confirmed in 1994 and once more in 1997. Antillean immigrants in the Netherlands have on occasion surprised Dutch educational institutions because their children hardly speak any Dutch; some are even completely illiterate.**[c]** Most do well in Dutch schools, some do very well, but in particular children born in the lower social-economic strata of Curaçao do very poorly, not only in school but also on the streets.**[ci]** For them, the fallout from ideological conflicts about the language of instruction has been very damaging.

Living in the Margin (with Drugs)

Social class cuts through matters of identity and culture. A culture of poverty has taken hold of a substantial part of the population of Curaçao; more accurately, the poverty of the colonial period has not been lifted.**[cii]** At present, Curaçao's poverty manifests itself in a different way. Poverty is now strongly related to crime and drugs. During colonial times, racism and cultural deprivation determined social relations. Most of the black part of the population of Curaçao took on a negative self-image in relation to white-Dutch and people of mixed colors. Curaçao was, according to Hoetink in 1962, a highly segmented society.**[ciii]** The somatic and cultural imaging in colonial days was full of normative content, defining one's social position in the order of color: white, colored of various hues, and black. Curaçao's society still is divided by color lines, though less pronounced than in the period of the colonial Dutch-white supremacy. For some, the negative self-image that was ingrained during colonial times has been corrected by decolonisation, economic development and better education. But not for all, not for the people who still live in the margin of Curaçao's rather wealthy society. Instead, the negative self-image is confirmed as *others* have been able to do better for themselves, in terms of education, health, employment, income, housing, perspectives in life, and travel. For the lower and underclass, the presence of the Kingdom of the Netherlands in the Caribbean does not make much difference. This class of people is especially affected by the different standards of public provision within the Kingdom, more than their fellow islanders who have achieved a comfortable status. In their case, the colonial and racist past has not been overridden by developments that provide for a more positive self-image, one that would allow bygones to be bygones, not forgotten but replaced by a new reality. The 1954 Charter empowered local elites but did not lift the local color lines, nor did it raise the subsistence level of Curaçao's underclass. The uprising of 1969 carried a promise of black power that could have changed life for the better, also for the black underclass. This promise was not fulfilled. The hazards of embedding self-government in hands that were not prepared for it did not pay off for the classes that had been marginalized all along. Waves of economic prosperity by oil refinery (Shell), off-shore banking, Latin American tourism were followed by economic downturns, whose hardest hit victims were the people on the lower steps of Curaçao's social-economic ladder.

The drug economy offers a class of young people without proper education and skills an easy way of making money fast. It has pervaded Curaçao's society. In March 2002, the Antillean Prime Minister estimated that 50% of the informal

economy was drug-related. In an Antillean study 'Combating poverty' elaborate attention is paid to the drug economy. **[civ]** An increasing quantity of cocaine is smuggled into the Netherlands by young couriers from Curaçao who swallow large number of *bolitas*, little bags with cocaine, and then take a plane to Amsterdam. On arrival laxatives are taken to flush the coca out of a courier's body. A *bolita*-absorber can carry around 800 to 1000 grams of cocaine per flight. By September 2002 a total of 1,311 drug couriers had been arrested in that year at Amsterdam's Schiphol Airport. These included 808 regular couriers and 503 *bolitas*-absorbers. Around 3600 kilos of drugs were seized. In 2000, 800 arrests were made and in 2001 around 1220 smugglers were arrested. After a body scanner was placed at Curaçao's Hato airport, KLM had ca 25 no-shows per flight on the first days of operation, presumably of couriers and absorbers. On the basis of daily KLM flights to the Netherlands, an estimated 600 kilos per month are smuggled this way into the Netherlands. According to cocaine traffic studies, the amount carried by in-flight couriers is only a small percentage of total cocaine imports in the Netherlands.

When living in the margin, the Kingdom does not carry much significance other than some iconographic images of a faraway *Olanda*, with a Queen and family, and some dignitaries who disembark a KLM plane when they come to visit once in a while.

Downloading the Underclass

Every so often, the Kingdom operates as a platform for a confrontation with the Antillean underclass, much to the annoyance of Antillean authorities. It has become common standard for Dutch media, and also for quite a number of Dutch authorities when visiting the Antilles, to report over and again their misgivings concerning this part of the Kingdom, especially Curaçao. In 2004, a former chief of Amsterdam's police corps, Eric Nordholt, summarized his findings: 'Corruption, crime, drugs, social degradation, unemployment, inadequate medical care, political malaise and a public negation of the factual problems (...) Antillean as well as Dutch authorities should be ashamed of themselves' (translated). **[cv]** In the beginning of the 1990s, then as chief of Amsterdam's police, Nordholt had suggested that criminals were dumped in the Netherlands with the silent collusion of Antillean authorities. A storm of Antillean protest erupted. The negative assertions were never substantiated but kept on being repeated. The Minister Plenipotentiary of the Antillean government in the Netherlands reacted furiously. Nordholt's image was biased and lacked concrete substance; crime was

being countered, poverty being fought and many Antillean students were managing to graduate at universities in the Netherlands and elsewhere.[cvi] Since the mid 1990s these exchanges have often marred communications and, whatever their real substance, left dark clouds hanging over the Kingdom relations.

Teeth grinding anger erupts among Curaçao's political establishment when Dutch dignitaries plan to visit neighborhoods where the culture of poverty is starkly manifest. One of the Dutch prime ministers, on his first (and last) visit to the Antilles, requested explicitly to call on such a neighborhood. A street corner group accused the local politicians who accompanied the Dutch prime minister, of putting on a good face for the sake of the Dutch minister's visit: 'other times you are not seen here'. The Dutch prime minister encouraged the group, to keep up the struggle for a better life with thumbs up. Often a flurry of Antillean finger pointing surrounds such visits: Dutch intervention in local politics, the autonomy of government being attacked, paternalistic Dutch goodwill on display, and Dutch degradation of local politics.

The spotlight on the plight of Curaçao's underclass reflects at best a moral inclination to improve the situation. But the focus of this attention is also driven by the migration of the underclass problems to the Netherlands. These problems have manifested themselves in such a degree in the Netherlands that it has become an issue in Dutch politics. City councils, town mayors, police- and immigration authorities are urging the minister for Kingdom Affairs to take action. Consequently, most of the times when Kingdom affairs are being tabled, these topics dominate the agenda and time and again Antillean authorities are confronted with the underclass problem on their islands.

Because of the attention paid in the Dutch parliament and press, Antillean affairs have become synonymous with drug traffic, criminal youngsters, and school dropouts. On their part, Antillean authorities have become irritated and claim that Dutch officials and media deliberately overexpose these problems. They assert that no attention is paid to efforts that deserve positive attention such as a substantial trimming the overstaffed government bureaucracy, or budgets set aside for programs to fight poverty. Once the Minister Plenipotentiary of the Netherlands Antilles in the Netherlands complained that over and again the cocaine *bolita* traffic comes up in most of his government and media contacts. Another time the Antillean government requested the Netherlands to make

corrections to the negative imaging of the Netherlands Antilles in the Dutch media. The intensity of the Antillean reaction may in part derive from being ashamed of this public exposure, not only because its dirty linen is washed in public but also even more so as such confrontation scorns the canonized autonomy of Antillean government.

In addition, a sense of guilt that the underclass has been so neglected, may even further complicate the Antillean reaction. At the same time, Antilleans cannot duly raise the question as to how to define the Kingdom's responsibility in this matter. In 1995, a minister of Kingdom Affairs rubbed this in: 'autonomy also means to solve your own problems'. But others do not hesitate to broach the now ill-fated division of responsibilities between offices of the Kingdom and the local autonomous governments.**[cvii]** They argue that the issue of the Antillean underclass must be downloaded to the files of the Kingdom as well.**[cviii]** While the Netherlands seems to exploit the Kingdom's platform to make the Antillean elite look at the backyard underclass, the responsibility of the Kingdom is called into question at the same time. The underclass was always there but did not have a voice that mattered. Now it does, in elections, in local crime statistics, in migration figures and the trade of drugs, and last but not least, in Dutch cities with Antillean neighborhoods. Dutch prisons and adolescent correctional facilities count ten times more Antilleans than their share in the total population.**[cix]** The underclass can no longer be glossed over; it has become a real issue that must be dealt with, in one or other way.

Misgivings about Kingdom's Safeguards

The lack of *good governance* and social disintegration of more and more neighborhoods on the island of Curaçao have cast a worrisome light on the adequacy of Kingdom's safeguards. The number of attacks on people, either at home, shops, businesses or on the streets, has risen to alarming proportions, especially when taking into account the size of the island population.**[cx]**¹¹⁰ Compared with the number of homicides in the Netherlands in 2003, Curaçao score is 30 xs higher (x 100.000).**[cxi]** These figures do raise serious questions about local autonomy as well Kingdom's safeguards, their worth in real terms, at home and on the streets.

The drugs trade to satisfy consumer demand in Europe and the USA pervades Caribbean society. The dangers of international terrorism can now be added to this list. The small island states have demonstrated that they are vulnerable to

these opportunistic dangers as well as to environmental damage by international corporations. In 2001-2003, flights from Curaçao to Schiphol Airport, Amsterdam, were literally loaded with both traffickers and drugs. Mismanagement and neglect of the welfare systems in the Netherlands Antilles have long driven migration to the Netherlands. Free migration is seen as a lifeline on the Caribbean islands, it is seen as one of the Kingdom's most valuable assets. Yet this strong migration to an 'overseas social paradise' has sharply driven up the Antillean share in the Netherlands' crime and unemployment statistics. Socalled 'Antillean neighborhoods' (*Antillengemeenten*) have sprung up in the Netherlands, leading to calls for the Netherlands to close its borders to these migrants in the future, or at least to Antilleans with a criminal record at home.

The pollution history of Curaçao's refinery also overwhelmed the quest for Kingdom's safeguards. At the cost of the health of the population living in neighborhoods of the polluted air, first Royal Dutch Shell and now PDVSA-Refineria di Korsow have operated without proper regulation. In other parts of the world, such pollution problems have been framed in the larger context of how rich multi-national companies conduct themselves in poor nation-states.[**cxii**] In this case, however, an environmental scandal was allowed to continue for decades, not in a poor nation-state but in a country that was part of the Kingdom of the Netherlands.

With the benefit of hindsight, some point to defects in the constitution of the Kingdom of the Netherlands. They argue that it was plainly wrong in assigning full responsibility for local government and administration to the Antillean authorities. The designers of the Charter limited the Kingdom's authority in the Antilles. In the last 15 years, the Caribbean island authorities have demonstrated to be restricted in their abilities. *Het Statuut* specifies that the Kingdom must safeguard good governance, democracy and human rights in the Caribbean countries. The Dutch authorities have been slack in maintaining these standards.[**cxiii**] Regulations were not put in place and crisis management rather than regular procedures to safeguard the rule of law, public safety and social security had to save the day. Moreover, the intricate issue of safeguarding *good governance* is complicated by the logical *impossibility* of a situation in which the Kingdom has responsibility for some standards of government without carrying authority over other, interrelated domestic affairs in the Antilles.[**cxiv**] The rule of the Kingdom is limited and differentiates according to various government functions. The different functions, however, are interrelated and cut through any

formal distinctions made between Caribbean and Kingdom controls. In reality good governance is not limited just to the rule of law, democracy and human rights. Sub-standard education, high levels of youth unemployment, poverty, family deficiencies, housing conditions and neighborhood slums, call for good governance as well. The original concept of a Kingdom Ltd. could not, in 1954, have anticipated the requirements of *good governance* in modern times.

The Kingdom's institutions and procedures tend to divide rather than unite. The distribution of public authority in the Kingdom essentially demarcates autonomous governments rather than integrated statehood. Common public policy for all three countries of the Kingdom is limited. In reality, the Kingdom does not operate as a union, it is fragmented and does not have a common creed, nor language or culture. Time and again, the fundamental disagreement about the need to *reset* the Kingdom cropped up. In its operations the Kingdom stumbles, not only in addressing the well-being of the *Nederlanders* in the Caribbean part of the Kingdom, but also in protecting Netherlands. interests in Europe, especially in the Netherlands' municipalities that have become known as *Antillengemeenten*.

Conclusion

The Kingdom's role and function have been limited and Antillean autonomy was for long *de rigueur*. Neither the Kingdom nor the Antillean or Curaçao government has in past or present been able to set things right. Will abandoning the Antillean nation-state and redefining Kingdom's regulation suffice to perfect this union? And what about Antillean autonomy? Schaefer, an Alderman for Public Housing in Amsterdam, once summarized the customary talk-ins and hearing procedures in the Netherlands in 1960s and 1970s: '*you can't set up house in gibberish*' (in Dutch: in gelul kun je niet wonen). In an Antillean context he may have stated: '*you need more to eat than autonomy*' (van autonomie kun je niet leven).

To sum up, any repair option to consolidate the Kingdom's presence in the Caribbean, with equal rights and open borders for its citizens will require: more unity in policy; expansion of the Kingdom's *good governance* agenda to include social rights; more regulation and power sharing; and goodwill and practical minds on both sides. Can this be done? The repair operation aims at bringing Caribbean governance in line with rules of *good governance* that have become entrenched in the Netherlands, Europe and elsewhere, not for the sake of a persistent colonial hangover that these territories must be controlled, but because

good governance serves the social-economic development of the island nations and the commonwealth of its citizens. It is also believed that the Kingdom of the Netherlands can help to strengthen the *good governance* agenda of the Caribbean nations. The Kingdom's mission to uphold a *good governance* mirror to the Caribbean countries must be substantiated in real terms and practical safeguards. Expansion of *good governance* for the whole of the Kingdom runs counter to, first of all the Antillean insistence on being *autonomous* but also has to deal with political reservations in the Netherlands. Can the political will be mustered in the Netherlands to come up with the regulation and the money that is required to narrow the gaps in the level of government provision among the countries of the Kingdom? And can the allure and illusion of Antillean autonomy be deconstructed to real life proportions? Maybe, maybe not.

Turning the mirror around does raise the question of how good is governance in the Netherlands itself? Easily a long list of scandals in various corners of the Netherlands' government can be drawn up, including fraud in infrastructure projects, drug smuggling by the Netherlands Royal Police on Curaçao, corruption in the civil service, misappropriation of funds from Brussels, conditions in detention centers for illegal immigrants and drug smugglers, and so on. Moreover, Dutch civil society is now torn between the trusted images of the past and yet uncharted stark realities. First Pim Fortuyn was murdered, and in 2004 Theo van Gogh, a well-known journalist and filmmaker, was killed in Amsterdam by a Muslim fundamentalist. These incidents, criminal vendettas and settling scores, discrimination and violent attacks on mosques, schools and churches have shocked Dutch civil society. The assumption of seemingly never-ending advancement since the 2nd World War has been put to test, causing disarray in the Netherlands. However grim and upsetting for the Netherlands nation, these adverse developments may contribute to creating a more practical rather than a *know-it-all* relationship among the authorities within the Kingdom. Still, these unsettling events have not made it easier to repair a not so united Kingdom.

The alternative of not repairing the Kingdom is to continue muddling through in day-to-day operations, just as in the last 15 years the Kingdom has been getting by. This option will most likely have a price in terms of a further degradation of Netherlands' citizenship for Antillean *rijksgenoten*. Maybe not enacted in legal provisos but most likely so in real life, a second-class citizenship will become increasingly manifest in terms of safety, health, education and social security. And

it may become especially tangible when crossing the borders within the Kingdom.

Notes

- i.** Het Statuut, the official title of the constitution of the Kingdom, translates to Charter, both concepts are used indiscriminately in the chapter.
- ii.** A Committee 2004 comprising people of all walks of life who are or have been involved in one or other way in the Kingdom relationships was set up by an old-Governor of the Netherlands Antilles and a brother in-law of the Queen. The committee's aim is to present the governments of the Netherlands, the Netherlands Antilles and Aruba a document containing a vision on the future of the Kingdom on the occasion of the anniversary of Het Statuut. Thereto it launched in October 2003 a website and discussion paper, *Investeren in gezamenlijkheid* (Investing in communality).
- iii.** *de Volkskrant*, Kabinet Antillen wankelt door ziekenhuisklucht, 2 April 2004.
- iv.** The Governor of the Netherlands Antilles specified in the assignment of a political representative (informatuur) to gauge the options of a new Antillean cabinet to be formed, the crisis the country is experiencing in these terms. *Amigoe, Gouverneur benoemt Atacho tot informatuur*. Curaçao, 21 April 2004.
- v.** This paragraph draws on the work of Inge Klinkers, *De weg naar het Statuut. Het Nederlandse dekolonisatiebeleid in de Caraïben (1940-1945) in vergelijkend perspectief*. (Utrecht, University of Utrecht, 1999).
- vi.** Pitou van Dijck, *Opportunities in the region*, Conference report. The economic development of the Caribbean overseas countries and territories: the role of the European partners (The Hague, 20 - 21 June 2001): table 1.
- vii.** According to a report of the IMF (4 June 2003), GDP per capita is US\$ 15.624 in the Netherlands Antilles. In Aruba GDP per capita is US\$ 20.310 according to the report 2002 of the Central Statistics Bureau. In: *Verdieping of geleidelijk uiteengaan. De relaties binnen het Koninkrijk en met de Europese Unie*, p. 26. Raad van State, The Hague, 9 September 2003.
- viii.** E.M.H. Hirsch Ballin, *Herdenken van 1648 in een veranderde wereld*, pp.17-20. In: *Breekbare banden. Feiten en visies over Aruba, Bonaire en Curaçao na de Vrede van Munster. 1648-1998*. Maritza Coomans-Eustatia e.a. (eds.). Stichting Libri Antilliani, 1998.
- ix.** Ernst M.H. Hirsch Ballin, *The constitutional relationship between the Caribbean Overseas Countries and Territories and their mother countries*, Conference Report. The economic development of the Caribbean overseas countries and territories: the role of their European partners (The Hague, 20-21

June 2001): 25-6.

x. Harry Hoetink, Flarden van een geschiedenis. In: Dromen en littekens. Dertig jaar na de Curaçaose revolutie, 30 mei 1969. Gert Oostindie (ed.), pag. 330. Amsterdam University Press, 1999.

xi. Website Ministry of the Interior and Kingdom Relations, Answering questions about the effects of the industrial waste (SHELL) on Curaçao, 2nd April 2004. The question referred to an article, The Hell of Shell.

xii. Ministry of the Interior and Kingdom Relations, Toekomst in samenwerking, p. 6. The Hague, 1999.

xiii. State Secretary for the Interior and Kingdom Relations, Opening speech. Conference Report. The economic development of the Caribbean overseas countries and territories: the role of the European partners, p. 19, The Hague, 20-21 June 2001.

xiv. Among others Aart. G. Broek, Ik vraag geen gunst maar wat ik eisen mag, p. 10. Willemstad 15-16 June 2003. Also: Ontwikkeling en armoede op de Nederlandse Antillen, p. 81-83. Thela Publishers. Amsterdam, September 1997.

xv. According to Eurostat, the statistical office of the European Union, the Netherlands scored in 1992 in the top of the European social welfare nations, right after Sweden. In 2001 the Netherlands's position has fallen to the middle range. Nederland niet langer in top verzorgingsstaten EU, de Volkskrant, 23 April 2004.

xvi. Also in the Netherlands the number of people who live in poverty is increasing, especially among the older and the even more the older immigrants who have not been long enough in the Netherlands to qualify for a full AOW (state old age pension). See: de Volkskrant, Grote groep ouderen inde schulden, 30 March 2004.

xvii. Before 1998 the portfolio was called Nederlands-Antilliaanse en Arubaanse Zaken and the minister was accordingly titled Minister van Nederlands-Antilliaanse en Arubaanse Zaken. Throughout this chapter we apply the term Kingdom Relations.

xviii. Lammert de Jong, De werkvloer van het Koninkrijk. Over de samenwerking van Nederland met de Nederlandse Antillen en Aruba, p. 27. Amsterdam, Rozenberg Publishers, 2002.

xix. Het Statuut voor het Koninkrijk der Nederlanden, art. 12. In: Nederlandse Staatswetten, Editie Schuurman & Jordens 1-III. Tweede Druk. E.E.J. Tjeenk-Willink - Zwolle 1995.

xx. For instance, in 1997 the Netherlands Antilles and Aruba objected to

European regulation which would restrict their rice and sugar export to the European Union. The Netherlands' attempts to reach a Brussels compromise that was in the interests of the Netherlands Antilles and Aruba had failed. Eventually the Netherlands chose not to block a compromise that was supported by all members of the Union. Aruba and the Netherlands Antilles made objections and opted for an intern appeal. After the matter had been reconsidered, the Council of Ministers agreed with the European regulation. Source: Behartiging van de Buitenlandse Belangen van de Nederlandse Antillen en Aruba. Een evaluatie van de rol van het Ministerie van Buitenlandse Zaken, p. 129-154. Inspectie Ontwikkelingssamenwerking en Beleidsevaluatie. The Hague, July 2003.

xxi. The debt of the Netherlands Antilles to the Netherlands includes development aid loans, budgetary assistance and arrears in payment of the Antillean share for the Coast Guard and technical assistance. Amigoe, 31 August 2004. The total debt (external and internal) of the Netherlands Antilles amounts to Euro 2.4 milliard. (2004).

xxii. Edo Haan, Antilliaanse Instituties. De economische ontwikkeling van de Nederlandse Antillen en Aruba, 1969-1995, p. 204, 211. Capelle a/d IJssel, Labyrinth Publication 1995. And for 2004: Rijksbegroting Koninkrijksrelaties Begroting IV 2004, p. 7.

xxiii. Statuut van het Koninkrijk der Nederlanden, art. 36.

xxiv. An exception was the aid of the Netherlands Antilles to the Netherlands in 1953, when after heavy storms dikes broke and part of the Netherlands was inundated.

xxv. Gemengde Commissie van Deskundigen. Aanzet tot een integraal beleidskader voor de Nederlandse Antillen in de jaren 80. Willemstad, 1979.

xxvi. Richard Gibson, minister of Constitutional Affairs of the Netherlands Antilles, during a Panel Conference, organized by the Island Government of Sint Maarten and the University of Sint Maarten, 22 October 2004.

xxvii. A striking example was an attempt of the Curaçao Port Authority to have a second (or third) crane financed out of the Dutch development budget. As Curaçao's port is commercial enterprise, it should be able to raise capital for maintenance, renewal or extension. This request was discussed accordingly with representatives of CPA and a few months later and without much ado, a commercial loan had been obtained from a local bank to finance the new crane. Another, rather different proposal required the intervention of the Minister for Kingdom Affairs himself. Sint Eustatius authorities insisted that a group of youngsters should make a camping trip to a lake in Sweden, Europe, on invitation

of some Swedish tourists who had visited the island the previous year. This trip was captioned as a cultural project and should be paid out of the Cultural fund. Only after the Dutch minister had made it clear that he could not agree to use the fund for this activity, the commotion subsided.

xxviii. Lammert de Jong 2002: p. 101.

xxix. See Human Development Report 2004. Cultural liberty in today's diverse world: The overarching message of this Report is to highlight the vast potential of building a more peaceful, prosperous world by bringing issues of culture to the mainstream of development thinking and practice. Not to substitute for more traditional priorities that will remain our bread and butter –but to complement and strengthen them. p. vi.

xxx. Toekomst conferentie 1993.

xxxi. Gert Oostindie & Peter Verton, *Ki sorto di Reino. Visies en verwachtingen van Antillianen en Arubanen omtrent het Koninkrijk*, p. 49, Sdu Uitgevers, The Hague 1998.

xxxii. Protocol van Afspraken tussen de Minister voor Nederlands-Antilliaanse en Arubaanse Zaken en de Minister voor Ontwikkelingssamenwerking van de Nederlandse Antillen betreffende de ontwikkelingssamenwerking tussen Nederland en de Nederlandse Antillen. The Hague, 2 October 1987.

xxxiii. Pourier, Ik wil investeren in jongeren, NRC Handelsblad, 28 January 1998.

xxxiv. In 1997 some 30 twinnings were listed in a report on technical assistance to the Netherlands Antilles and Aruba. In: *De personele samenwerking tussen Nederland, de Nederlandse Antillen en Aruba*. KABNA, September 1997.

xxxv. Rijksbegroting. Begroting IV Koninkrijksrelaties 2003.

xxxvi. Rijksbegroting. Koninkrijksrelaties. Begroting IV 2004, p. 5

xxxvii. This program includes the financing of overseas posting of Dutch judges and public prosecutors in addition to the Caribbean format. On average 22 judges and 10 public prosecutors were posted (2004).

xxxviii. Alfons van Marrewijk, *Internationalisation, Co-operation and Ethnicity in the Telecom Sector. An Ethnographic study of the Cross-Cultural Co-operation of PTT Telecom in Unisource, the Netherlands Antilles and Indonesia* (Delft: Eburon, 1999), p. 190. Eburon Delft, 1999.

xxxix. An exception is the Solidarity Fund for the needy islands.

xl. Han Lammers, during his tenure as Reconstruction Coordinator (after hurricanes Luiz and Marilyn), Sint Maarten, 1998.

xli. Advies Werkgroep Bestuurlijke en Financiële Verhoudingen Nederlandse Antillen, *Nu kan het... nu moet het!* In English: *The Time is now, let's do it!*

(Jesurun report) 8 October 2004.

xl.ii. In the Quaterly Bulletin, 2004-II, the Report of the President of the Central Bank of the Netherlands Antilles, expressed similar worries: To move forward, progress must be made on the constitutional issue. The report of the Jesurun Commission on the future constitutional relations within the Kingdom has been issued without a clear claim of ownership. This has led to a laxity of the parties involved and only made progress on this front less likely. It is evident that this stalemate must be broken swiftly because clarity on our constitutional future is crucial for addressing our macroeconomic imbalances in a lasting way. Quaterly Bulletin, 2004 - II.

xl.iii. Aruba's status aparte was agreed upon during a round-table conference in 1983.

xl.iv. To support its claim to separate from the Netherlands Antilles, Sint Maarten's leading political party argued in a council meeting that of the total of its tax receipts of NAF 261 mln (maybe 287 mln), over NAF 80 mln (maybe even 105 mln) went to the treasury of the central government in Curaçao. Amigoe, 25 March 2004.

xl.v. The formation of a new Antillean government in 2004 was reported in a local newspaper under the rubric of Curaçao, not under the Antillean rubric.

xl.vi. The results of the referendum on Sint Maarten (23 June 2004): 68,9% for separate status as autonomous country within the Kingdom, 14,2% for independence, 11,6% for a restructuring of the Netherlands Antilles and 3,7% preferred direct a relationship with the Netherlands. The turn-out was 55,7 %.

xl.vii. The results of Bonaire's referendum (10 September 2004): 15,9% for continuing being part of the Netherlands Antilles, 59,5% for a direct relationship with the Netherlands, 24.1% for a separate status as autonomous country within the Kingdom, and 0,5% for independence. The turn-out was 57%.

xl.viii. < www.Curaçao-gov.an >

xl.ix. Schets van een Gemenebestconstitutie voor het Koninkrijk der Nederlanden. Tweede Kamer, 1989-1990, 21 300 IV nr. 9. l. J.A.B. Janus, Het Statuut van het Koninkrijk der Nederlanden: terugblik en perspectief. In: Naar een nieuwe structuur voor het Koninkrijk. Staatsrechtconferentie 1993, p. 7/58. W.E.J. Tjeenk Willink, Zwolle 1993.

li. Make it work. Model voor een geherstructureerd Nederlands-Antilliaans staatsverband. Landelijke commissie Herstructurering. Nederlandse Antillen, July 1995.

lii. Underage minors need formal approval of the Antillean Custody Council. This

restriction aims to prevent migration of underage minors without guardianship. Prior to their travel, the Custody Council has to confirm the legal custody of these minors. Proof of legal custody has to be checked at the moment of departure. Without this approval they cannot be registered in the Netherlands. Civil Registry and subsequently they are denied access to accommodation and welfare provision. Registration is also important because it provided a contact address for entering a civics course, job- training or further education. The custody regulation remained for years embedded in a piece of paper only as the Antillean government did not put the departure check into effect. Per 1 November 2004 this check will be enforced by a group of custody-check-out officials at HATO, Curaçao's airport. Pressure from the Netherlands during the regular rounds of contact between the ministers of Justice of the three countries, activated the custody regulation.

liii. Hans van Hulst, *Morgen bloeit het diabaas. De Antilliaanse volksklasse in de Nederlandse samenleving* (Het Spinhuis, 1997), p.11.

liv. *Bruggen bouwen. Eindrapport van de Tijdelijke Commissie Onderzoek Integratiebeleid*, p. 61-63. Tweede Kamer, vergaderjaar 2003-2204, 28 689, nrs. 8-9.

lv. Van Aartsen kaart Antillenroute aan. *Amigoe*, 2 September 2004

lvi. Theo Dol, Curaçao bezorgt zichzelf een vreemdelingen probleem. In: *Amigoe*, 10 April 2004.

lvii. Besluit van de directeur-generaal van de Nederlandse mededingingsautoriteit tot afwijzing van een verzoek tot toepassing van art. 56 van de Mededingingswet. Betreft zaak: Zaaknr. 273 en 906; Vrije Vogel/KLM en Swart/KLM, November, 2000.

lviii. It is interesting to note that during a lecture at the Caribbean Institute, Leiden, the Netherlands, almost everyone there disagreed with the thesis that the Antilles would eventually become an institutional part of the Netherlands in the form of a province or municipality. Only very few of the predominantly Caribbean audience half-heartedly accepted this premise. While many of this audience had chosen to live in the Netherlands, they still could not envisage a future development where the autonomy of the Antilles would be exchanged for a stronger integration of their Caribbean island into European Holland. (plus: data on opinion of Antilleans in Curaçao: *Ki sortu di Reino*).

lix. Data obtained in e-mail correspondence from William (Freddy) Curiel, 9 June 2004.

lx. The Foundation for Study Scholarships Curaçao reneged in 2004 its contract

with the Antillean Foundation for Study in the Netherlands. As more than $\frac{3}{4}$ of the students in the care of the Foundation for study in the Netherlands are from Curaçao, this Foundation will now be dissolved. Each and every island of the Netherlands Antilles will now have to take care of its own student population in the Netherlands.

lxi. Figures provided by dr. Goretti Narain, Rector of the University of the Netherlands Antilles. 15 June 2004.

lxii. William (Freddy) Curiel, Structurele braindrain op de Antillen remt effect van ontwikkelingshulp. Antillenmonitor-39, 24 May, 2004.

lxiii. Jonathan I. Israel indicates on several occasions the immigrant character of Dutch society in the Golden Age. Israel quotes Pieter de la Court (1661): It is certain (...) that our manufacturers, fisheries, commerce and navigation, with those who live from them, cannot be preserved here without a continual immigration of foreign inhabitants-much less increased or improved. (p. 624). Elsewhere Israel states: Despite the rising level of immigration from the inland provinces, most immigrants in Amsterdam continued to be foreign born. In the 1650s, 6.677 foreign-born men married in Amsterdam as against 4.252 newcomers born in the Republic outside Amsterdam. (p. 626). In the Golden Age student enrolments at the universities was for a substantial part foreign born, especially at Leiden. During the quarter 1626-1650 more students at Leiden's university were foreign

born than Dutch (p. 901). In: The Dutch Republic. Its Rise, Greatness, and Fall 1477 - 1806. Oxford University Press, Paperback 1998.

lxiv. Also Russell Shorto maintains that in the seventeenth century (...) it's something of a misnomer to think of Dutch in this era as an ethnic signifier. The Dutch provinces in the seventeenth century were a melting pot of Europe. As English, French, German, Swedish, and Jewish immigrants came and settled, they adopted the language, Batavianized their names (....) and, in time, adopted a basic framework for looking at the world one of the main features of which was the need to accommodate others. In: The Island at the Center of the World. The Epic story of Dutch Manhattan and the forgotten Colony that shaped America, p. 125. New York, Doubleday 2004.

lxv. Bruggen Bouwen, p. 62.

lxvi. Bruggen Bouwen, p. 63

lxvii. Job Cohen, Vreemden (Foreigners), Cleveringa-lezing, 26 November 2002.

lxviii. Centraal Bureau voor de Statistiek, Bevolking grote steden verandert in hoog tempo, Publikaties Webmagazine, 7 June 2004.

- lxi.** Immigrants of Japan are categorized as western.
- lxx.** de Volkskrant, Grote steden verkleuren in rap tempo, 8 June 2004.
- lxxi.** Sociëteit De Witte's Koninkrijkstafel, 17 May, 2002.
- lxxii.** Het opmerkelijke nieuws uit Papiamentstalige kranten. August 23-28, 2004. Summary by the office of the Resident Representative of the Netherlands in the Netherlands Antilles.
- lxxiii.** Bruggen bouwen, p. 455.
- lxxiv.** De Volkskrant, Vrijblijvendheid fnuikend voor integratie, de Volkskrant, p. 3, 6 October 2003.
- lxxv.** Contourennota Herziening van het inburgeringsstelsel, presented to Parliament, 23 April 2004.
- lxxvi.** Michiel Kruijt, Pim Fortuyn had kunnen juichen, de Volkskrant, 23 February 2004.
- lxxvii.** Dubbelnationaliteit niet meer mogelijk. De Volkskrant, 21 May 2004.
- lxxviii.** CBS, Bevolkingstrends 2e kwartaal 2004, p. 5
- lxxix.** The Antillean Parliament unanimously opposed the Netherlands civics-course policy and made this well known, in the media and formal communication, prior to the debate on this policy in the Netherlands Parliament. Amigoe, 2 September 2004.
- lxxx.** Ruzie in kabinet over Antillianen. De Volkskrant, 23 September 2004.
- lxxxi.** In Dutch Parliament were in 2004 explicitly mentioned: Haitians, Columbians and Dominicans. Amigoe, 2 September 2004
- lxxxii.** Blair promises Middle Road on European Immigration, The New York Times, 28 April, 2004.
- lxxxiii.** Copenhagen Journal, Wedding vows can lock Danes out of their homeland. The New York Times, 10 September 2004.
- lxxxiv.** Rechter Bob Wit over toelatingsregeling:.Verdonk speelt in op vreemdelingenhaat.. Amigoe, 18 June 2005.
- lxxxv.** Minister Chance during a meeting of the Council of Ministers of the Netherlands Antilles with the minister for Kingdom Relations, Jan de Koning, and his delegation, which included the author.
- lxxxvi.** Nederlandse Antillen, Landsverordening Toelating en Uitzetting, amended 26 July 2000.
- lxxxvii.** Nederlandse Antillen, Landsverordening Arbeid Vreemdelingen, 3 August 2001.
- lxxxviii.** Aruba, Ministry of Justice, Press bulletin, October 2003.
- lxxxix.** And even Orange does not always win over hearts in the Dutch Caribbean,

at least not during the world cup soccer match in 1998 between Olanda and Brasil when viewers overwhelmingly cheered Brasil rather than Olanda in one of Curaçao's pubs.

xc. Some of these scratches still hurt. In 2004, the New York times reported that an Indonesian editor of a leading news magazine Tempo, was sentenced to one year in prison in a libel case that critics said was a setback for press freedom in Indonesia. He was charged 'under sections of Indonesia.s criminal code that date back to the Country's

Dutch colonial era'. p. A6. The New York Times, 17 September 2004.

xc. Hans van Hulst, Geen snelle recepten. Gezichtspunten en bouwstenen voor een andere aanpak van Antilliaanse jongeren, p. 24 Amsterdam, Aksant 2003. Also: Gert Oostindie, Het paradijs overzee. De Nederlandse Caraïben en Nederland, pp. 235-236. Amsterdam. Bert Bakker 1997.

xcii. Hans van Hulst 2003: p. 24.

xciii. A parallel can be drawn with the last stages of British colonization of North America: Looking at their North American colonies from London, the British saw them as a whole before the colonists did. (...) The British worried about the whole (...) because they did not understand the parts, and they reified their concerns into a totality they called America. (...) In a word, America was Britain's idea.. In: Samuel P. Huntington, Who are we? The Challenges to America.s National Identity, p. 111. New York, Simon and Schuster 2004.

xciv. Cultural references are at play here. Japanese immigrants are not categorized in Netherlands' statistics as non-western, because of cultural affinities while Antillean rijksgenoten are tabled in a foreign, non-western category.

xcv. Peter Verton, enquête 2001.

xcvi. Ouders Römerschool bozer na voorlichting, Amigoe, 25 October 2005.

xcvii. Carel de Haseth, Nordholt geeft tendentiek beeld. Amigoe 15 June 2004.

xcviii. Ramón Grosfuegel suggests that the Dutch Antilles is (sic) a living example of how national identity has nothing to do with language. However, one wonders how Grosfuegel arrived at his statement: In Aruba and Curaçao nearly everybody speaks four languages perfectly (Papiamentu, Spanish, English and Dutch), and no one questions their identity as Arubans or Curaçaons. Grosfuegel 2003, p. 63.

xcix. Hans van Hulst 2003: p. 12.

c. Hans van Hulst 2003: pp. 11-12.

ci. Hans van Hulst 2003: p. 12. These data refer to the mid 1980th but it is assumed that not much has changed.

cii. Hans van Hulst 2004: p. 8.

ciii. H. Hoetink, De gespleten samenleving in het Caribisch gebied. Bijdrage tot de sociologie der relaties in gesegmenteerde maatschappijen. Assen, Van Gorcum 1962 (5e druk 1987).

civ. 104 Atakando Pobreza. Combating Poverty through Integrated Neighbourhood Development, p. 24-28. Commissioned by the Fund for Social Development and Economic Activities (Reda Social). Willemstad-Amsterdam, Reda Social-Rozenberg Publishers, 2004.

cv. Amigo, Nordholt spaart Curaçao niet. 14 June 2004.

cvi. Amigoe, Nordholt geeft tendentiek beeld. 15 June 2004

cvi. Among others, Ontwikkeling en armoede op de Nederlandse Antillen. Een beleidsevaluatie van Sede Antia (1987-1996) Thela Publishers, Amsterdam, September 1997. And: E.M.H. Hirsch Ballin, Herdenken van 1648 in een veranderde wereld, pp. 17-20. In: Breekbare banden. Feiten en visies over Aruba, Bonaire en Curaçao na de Vrede van Munster. 1648 - 1998. Maritza Coomans-Eustatitia a.o. (eds.). Stichting Libri Antilliani, 1998.

cvi. Most recently, Committee 2004, comprising people of all walks of life who are, or have been involved in one or other way in the Kingdom relationships, has presented the governments of the Netherlands, the Netherlands Antilles and Aruba a document containing a vision on the future of the Kingdom. Among other things, Committee 2004 proposes to expand the list of Kingdom affairs with: education, public health and combating poverty. In: Investeren in gezamenlijkheid (Investing in communality). Website, edition October 2004.

cix. Hans van Hulst 2003: p. 7.

cx. In 2004 (until 22 November) 1010 attacks were registered. In previous years this was 431 in 2001, 526 in 2002 and 730 in 2003. Most attacks in 2004 were armed attacks: 805. And in 70% of the armed attacks, firearms are being used. So in more than 50% of the attacks on Curaçao, firearms are brought into play. About 25% of the attacks take place in or around homes; almost 50% are street attacks. In previous years, attacks with firearms counted for 41% (2001) and 61% (2002) of all attacks. On a total of 1010 attacks in 2004, only 178 arrest were made (up to 22 November 2004) of which a number of 147 were classified as solved cases, this is only 14 % of all attacks. Source: Resume 2004 and Projectteam Atrako, aanhoudingen en opgeloste zaken 2004.(hag. RIJNSCHOT. E.L.)

cx. The number of homicides in the Netherlands has been rather steady. From 1996 to 2003, the highest number was 1,4 per 100.000 (in 1996). In 2003 this

number had fallen to 1,2 per 100.000. Centraal Bureau voor de Statistiek, Niet-natuurlijke dood naar diverse kenmerken. Website, statline. Cbs.nl/Stat/Web/.

cxii. Jane Perlez and Evelyn Rusli, Spurred by illness, Indonesians lash out at U.S. mining giant. The New York Times, p. A1 and A 11. September 8, 2004. In the case of the Newmont Mining Corporation, the world biggest gold producer, based in Denver USA, the health hazards were contested. Robert Humberson, the general manager for external relations in Indonesia exclaimed: We find the water is in excellent condition, I dive there myself. It's fabulous. A few days later, The New York Times reported that six officials of the Newmont Mining Corporation were detained and held for questioning about the accusations of pollution. Jane Perlez, Indonesia detains six from US Mining Business over Pollution. The New York Times, 24 September 2004. An environmental scientist in Canada who worked with the Indonesian environmental group Friends of the Earth, believed that arsenic in the mine waste was the cause of the illnesses. In August 2005, the government of Indonesia brought charges of pollution against Newmont. The New York Times reported: .For foreign investors, the case has raised fresh concerns about Indonesia's legal system and its history of corruption. This appears to be another attempt to use the law to force further payment from a foreign investor, said Peter Fanning, chairman of the International Business Chamber of foreign business groups in Indonesia. Jane Perlez, American Mining Company Denies Polluting Indonesian Bay, The New York Times, 6 August 2005.

cxiii. Frits Bolkestein, Zachte heelmeeesters, NRC Handelsblad, 7 February 2004.

cxiv. Lammert de Jong 2002: p. 224.

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