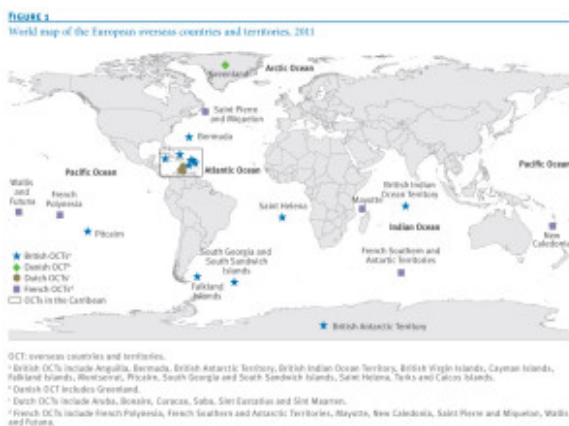


Extended Statehood In The Caribbean ~ The UK Caribbean Overseas Territories: Extended Statehood And The Process Of Policy Convergence



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Introduction

The chapter analyses the complex and ever-evolving relationship between the United Kingdom and its Overseas Territories (formerly known as Dependent Territories) in the Caribbean. The Territories are Anguilla, British Virgin Islands, Cayman Islands, Montserrat, and Turks and Caicos Islands. The chapter employs the term extended statehood, which is the focus of this study, in order to illustrate the nature of the relationship between the UK and its Caribbean Overseas Territories (COTs). In particular, there is an evaluation of the effectiveness of the arrangements in place, and a consideration of the extent to which the Territories are actually integrated into the world at large. The links between the UK and its COTs have been shaped and determined by particular historical, constitutional, political and economic trends. For many years the relationship between the COTs and the UK was rather ad hoc - a situation that can be traced back to the compromises, fudges and deals characteristic of pragmatic British colonial administration. The chapter traces the relationship between the UK and its COTs,

and the efforts on the part of the current Labour government to overcome the legacy of only sporadic UK government interest, through the imposition of greater coherence across the five Territories via a new partnership based on mutual obligations and responsibilities. It can be argued that the recent reforms have led to a greater convergence of policy across the COTs and a strengthening of Britain's role in overseeing the activities of the Territories. Nevertheless, problems of governance remain, which have implications for the operation of extended statehood in the COTs, and the balance of power between the UK and the Island administrations. In order to understand the nature of the relationship, it is first necessary to consider the constitutional provisions that underpin it.

The Constitutional Basis of the UK-Caribbean Overseas Territory Relationship

The collapse of the Federation of the West Indies precipitated a period of decolonisation in the English-speaking Caribbean, which began with Jamaica and Trinidad and Tobago gaining their independence in 1962, followed by Barbados and Guyana four years later. Despite the trend towards self-rule across the region a number of smaller British Territories, lacking the natural resources of their larger neighbours, were reluctant to follow suit. As a consequence the UK authorities had to establish a new governing framework for them. This was required as the West Indies Federation had been the UK's preferred method of supervising its Dependent Territories in the region. In its place the UK established constitutions for each of those Territories that retained formal ties with London. The West Indies Act of 1962 (WIA 1962) was approved for this purpose. As Davies states the Act (...) conferred power upon Her Majesty The Queen to provide for the government of those colonies that at the time of the passing of the Act were included in the Federation, and also for the British Virgin Islands. **[i]** The WIA 1962 remains today the foremost provision for four of the five COTs. The fifth, Anguilla, was dealt with separately owing to its long-standing association with St Kitts and Nevis. **[ii]** When Anguilla came under direct British rule in the 1970s and eventually became a separate British Dependent Territory in 1980, the Anguilla Act 1980 (AA 1980) became the principal source of authority.

The constitutions of the Territories framed by WIA 1962 and AA 1980 detail the complex set of arrangements that exist between the UK and its COTs. Because, with the exception of Anguilla, the relationship between the Caribbean Territories and the UK is framed by the same piece of legislation, there are many

organisational and administrative similarities. However, there are also a number of crucial differences. Each constitution allocates government responsibilities to the Crown, the Governor and the Overseas Territory, according to the nature of the responsibility. In terms of executive power, authority is vested in Her Majesty the Queen. In reality, however, the office of Secretary of State for Foreign and Commonwealth affairs and the Territory Governors undertake decisions in the Monarch's name, with the Governors having a large measure of autonomy of action. Despite this, Governors must seek guidance from London when serious issues are involved, and at the level of the Territory they are obliged to consult the local government in respect of matters falling within the scope of their reserved powers. Those powers generally reserved for the Crown include defence and external affairs, as well as responsibility for internal security and the police, international and offshore financial relations, and the public service. ^[iii] However, some COT constitutions provide Governors with a greater scope for departure when it comes to local consultation. In the British Virgin Islands the Governor is required to consult with the Chief Minister on all matters relating to his reserved powers. While in the Turks and Caicos Islands and the Cayman Islands the Governor is obliged merely to keep the Executive Council informed. With such a balance of authority it has been argued that the Governor is halfway to being a constitutional monarch (...) taking his own decisions in those areas reserved for him. ^[iv] But as Drower has argued '[The Governor] has to have the authority to impose his will, but ability to do so in such a manner, which takes the people with him. ^[v]

Although the British Monarch retains a number of important reserved powers, there is significant autonomy for individual COTs. In theory individual Territory governments have control over all aspects of policy that are not overseen by the Crown, including the economy, education, health, social security and immigration. In addition, each Territory has a government set out in their respective constitutions, which allows the local populations to choose their legislative and executive representatives. However, the level of accountability is limited by the inclusion of non-elected members in the legislatures and executive councils, and the subordination of these authorities to the UK executive ^[vi]. The extent of the first of these two limitations is different amongst the five Territories. For example, in the British Virgin Islands the Legislative Council contains 13 elected members, a speaker and an ex-officio member, while the Turks and Caicos Islands legislature consists of 13 elected members, three appointed members and three

ex-officio members, as well as the governor and the speaker. The second limitation gives the Crown the right to introduce laws into the Territory or to override legislation that has been passed locally. In relation to the former aspect of legislative power, the primacy of Crown authority is laid down in the respective COT constitutions and framed by WIA 1962 and AA 1980. Both Acts provide Her Majesty with the power to 'declare that any legislative authority conferred upon a colony is not exclusive to the local legislature, but is subject to an ultimate legislative authority retained by the Crown'.**[vii]** This power has been used, albeit only occasionally, in 1990 to abolish the death penalty for murder, and in 2000 to decriminalise consensual private homosexual acts between adults.

In regard to the disallowance of legislation, a key provision comes in Section 2 of the Colonial Laws (Validity) Act 1865, which privileges an Act of Parliament over local Territory legislation. This has the effect of limiting the authority of overseas Territories in cases of legislative conflict between a Territory and the UK. As Davies argues, this is consistent with that logic that requires of a system of overseas-Territory government. Were the balance of power to lie the other way, the requisite UK control would be lost'.**[viii]**

Under such circumstances it is suggested that 'the formal use of this power is avoided by communications in the preparatory stages of legislation'.**[ix]** In a situation where a Territory proposes to introduce legislation that the UK government finds unacceptable, perhaps when it relates to one of Britain's treaty obligations, London would make plain its displeasure to the local government. On such occasions it is more than likely that the provision would be amended or withdrawn, and as Davies contends 'From the British government's point of view, this practice appears to have worked, in that confrontation by formal disallowance has been avoided'.**[x]** So even though it is true that the Crown has not formally disallowed any legislation from the COTs for many years, 'the existence of such power imposes an important potential restraint upon the powers of local authorities in these Territories'.**[xi]** The fact that the UK authorities can override local sensibilities and enact or disallow legislation (often out of public view) raises questions as to the rights of COT citizenry and the real autonomy of local legislatures. These issues are considered in more depth later in the chapter.

Although it seems that there is a clear privileging of UK executive and legislative authority with regard to the COTs the picture is not so clear-cut. The UK government has been reluctant to use the nuclear option of forcing change

through executive or legislative dictat, and as a consequence there can be uncertainty over who has responsibility for specific areas of policy. On occasion there may be a dispute as to whether a matter falls within the Governor's remit of reserved powers, or whether a Territory minister should oversee the issue. For example, in the Turks and Caicos Islands there is some concern locally over the number of illegal Haitians living in the Territory. Under normal circumstances the relevant minister deals with issues of immigration. However, if the Governor believes that a particular case has implications for external affairs or internal security he can assume the responsibility for decision-making.

Nevertheless, such decisions are controversial and can be contested. As Taylor argues in relation to Montserrat .(...) the Constitution provides continuous opportunities for turf wars between the [Governor and Ministers]. In my time in Montserrat Ministerial attempts to encroach on the Governor's areas of responsibility and to challenge his powers were the normal stuff of day-to-day administration as they are to a greater or lesser extent in all the Territories. **[xii]** In order to deal with this problem, alterations were made to most of the COT constitutions in an attempt to clarify the position when a case relates to business that has been assigned to a minister, but also impinges upon an area of the Governor's special responsibility. The requisite changes were made to the constitutions of Anguilla, the British Virgin Islands, Montserrat and the Turks and Caicos Islands in the late 1980s and early 1990s. **[xiii]** Despite these constitutional revisions, differences over administrative competences remain. The ramifications of which are considered a little later in the chapter.

The section has so far considered some of the more important aspects of the constitutional settlement between the UK and its Overseas Territories in the Caribbean. Many commonalities have been highlighted, and one or two of the differences. However, the distinctive aspects of the constitutions need to be considered further, as they help to define the attitudes of the five Territories towards the UK and its moves towards consolidating extended statehood. The constitutions of Montserrat and the British Virgin Islands overall afford greater executive and legislative autonomy than those of Anguilla, the Cayman Islands, and the Turks and Caicos Islands. To a large extent this is due to the fact that the former two Territories were never dependencies of other colonies. Montserrat and the British Virgin Islands have been administered either as colonies in their own right, or as a part of wider groupings such as the Federation of the Leeward

Islands, or (for Montserrat) as a part of the Federation of the West Indies.

The fact that Montserrat was part of the West Indies Federation meant that it benefited from relatively advanced constitutional provisions, which were designed to smooth the country's path towards becoming a single independent federal state after a period of five years. However, this of course never happened. Nevertheless, the 1959 constitution remained in place, and formed the basis of a new constitution in 1989.

However Montserrat's relatively advanced constitutional position was undermined by two developments. Firstly, the 1989 constitution, added oversight of international finance to the Governor's reserved powers. This was done in response to a series of banking scandals that were uncovered.**[xiv]** Secondly, and certainly more importantly was the eruption of the Mount Soufrière volcano in July 1995, and the subsequent destruction that it caused.**[xv]** The outcome was a reliance on the UK government for budgetary support, and an associated decline in local political and economic autonomy. Despite these curbs Montserrat has, at least in principle, the most freedom of action when compared to the other COTs. This is true even for the British Virgin Islands, which was a separate colony like Montserrat, but did not join the West Indies Federation. And as Davies argues 'This may explain some differences found in the BVI constitution, which place it lower on the constitutional advancement scale than (...) Montserrat'.**[xvi]**

In contrast Anguilla, the Cayman Islands, and the Turks and Caicos Islands have, for much of their history, been dependencies of some other British colonies. To varying degrees this has limited their constitutional development. For much of the last 150 years the Cayman Islands and the Turks and Caicos Islands shared a constitutional link with Jamaica, as its dependencies. The link was broken when Jamaica gained its independence in 1962, while the two dependencies preferred to maintain a strong relationship with the UK. After its separation from Jamaica, the Cayman Islands gained its own constitution under WIA 1962 and then followed a period of economic growth, with few constitutional problems, and little constitutional change. Conversely, the Turks and Caicos Islands went through a period of great economic, political and constitutional upheaval in the mid to late 1980s. The Territory's problems reached their height in 1986, when ministerial government was suspended and direct rule was imposed from London.**[xvii]** A new constitution was subsequently implemented in 1988, which extended the Governor's reserved powers and gave him greater influence over membership of

the legislature.

These measures guaranteed a substantial level of Crown control over the Territory. Anguilla, as with the Cayman Islands and the Turks and Caicos Islands, acquired a separate identity much later than either the British Virgin Islands or Montserrat. Anguilla did not fully become a separate entity until 1980, and as a consequence its constitutional development was restricted. In addition, a degree of the Territory's autonomy was lost in 1990 when the UK government imposed constitutional safeguards to secure the proper functioning of its offshore financial sector. It can be argued that for Anguilla, the Cayman Islands and the Turks and Caicos Islands, who gained their separate Dependent-Territory status at a relatively late stage, the UK government provided '(...) these Territories with constitutions (...) with more potential constraints than is the case in the more mature Territory of Montserrat, and to a lesser extent, the BVI'.**[xviii]**

The balance of power and influence between the UK government, the Governors, and the Island administrations is complex and sometimes confusing. What is most apparent, however, is that the UK government, through the reserved powers of the Governor has the upper hand when it comes to overseeing policy-making in the Territories. Nevertheless, it is clear that the UK government does attempt to consult with the COTs on matters of importance, and is reluctant to openly overrule local governments and legislatures. Furthermore, the UK relationship with the Territories is made more difficult by the different degrees of autonomy for each of the COTs, which can cause problems both for the Crown and the local Territory administration.

Despite the difficulties, the constitutional link with the UK retains its popularity, in particular because it helps to preserve a degree of political stability for the Territories. As Taylor argues 'The people (...) regard continuing dependence as a safeguard against weak or corrupt government (...)'.**[xix]** The political ties are also important for the economies of the COTs, as they provide a measure of sovereign protection, which helps to reassure potential investors. The influence of English law and language, and the UK's responsibility for defence and external affairs has been valuable. In addition, even the 'pomp and pageantry of the colonial government, with its venerable yet quaint British customs, are used to sell the islands as changeless (and hence stable) to both tourists and financiers'.**[xx]** Such political support provided by the UK has meant that many of the Territories have become highly successful economies. A related area of

advantage is the Territories sometimes-uncertain constitutional relationship with the UK. As has been noted the constitutional arrangements that link the Territories with the metropolis are rather ill defined with the Territories having autonomy in some areas, but maintaining close ties with the UK in others. The quasi-independent status that exists provides room for manoeuvre in political and economic matters, and creates an ambiguity, which attracts international financial capital. In short, the Territories recognise the advantages of retaining their present status.

Two Steps Forward, One Step Back [xxi]

The implementation of the West Indies Act of 1962 precipitated a period of significant decolonisation across the Caribbean. By the end of 1983 British colonial responsibilities in the Caribbean extended to only five very small Territories - in fact the five Territories that remain under UK authority today. Anthony Payne argued at the time that 'these Territories scarcely constitute compelling reasons for Britain to maintain a close interest in Caribbean affairs'. [xxii] Rather the UK recognised and accepted the United States' hegemonial role in the region, while Britain felt embarrassed about its colonial possessions in such fora as the United Nations (in part via its Special Committee on Decolonisation). [xxiii] Further, the growing geo-political importance of the European Community was recognised by UK governments of all political hues, which in turn led to a downgrading in Commonwealth ties. Under such circumstances Payne suggested that the UK's presence in the region would diminish further. The Foreign Affairs Select Committee of the House of Commons, which held an inquiry into Central America and the Caribbean during 1981-82, concurred. [xxiv] Writing later in the decade, Thorndike stated that the period from the late 1970s to the early 1980s had been one of benign neglect on the part of the UK. [xxv]

However, it can be argued that as far back as the late 1960s there was a clear attitude of detachment on the part of the UK in relation to its Caribbean dependencies. For example, in January 1969 the Daily Telegraph inquired at the Foreign and Commonwealth Office (FCO) about the number of remaining Territories. Although the paper was given the correct figure, it took the FCO another two and half hours to discover the Territories names. [xxvi] There were indications that civil servants in the FCO, realising that colonialism was coming to an end, felt there was 'no personal kudos, or career advantage, to be had from

being associated with the Dependent Territories'.**[xxvii]** The effect of this growing civil service disinterest in the dependencies was exacerbated by the fact the FCO's Dependent Territories Division (DTD) was lightly staffed. On an institutional level there were also problems. One particularly ill-conceived change was the disbursement of responsibility for the Territories after the closure of the DTD in 1980.

Rather than a single bureaucracy overseeing all the Territories, FCO responsibility was dispersed between six geographical departments: West Indian and Atlantic, South Atlantic and Antarctic, Hong Kong, Southern European, East Africa, and South Pacific. Further, the fact that the majority of Governorships were awarded to FCO staff as preretirement postings meant that the necessary dynamic representation at the Territory level was not present. Therefore at all levels of UK authority, the interest in, and concern for the Dependent Territories was not present. As a consequence a rather laissez-faire attitude existed, but this was not too last.

The re-engagement on the part of the UK in the overseas dependencies, and indeed the Caribbean more generally was prompted by two particular considerations. Firstly, British policy towards the Caribbean reversed itself after the US-led invasion of Grenada, which highlighted the extent of Britain's disengagement in the region.**[xxviii]** A report on Grenada by the House of Commons Foreign Affairs Committee supported a change in policy, and the government agreed noting that 'an increased American involvement in the Caribbean need not inhibit Britain from maintaining a distinctive policy to the area'.**[xxix]** Secondly, Britain's neglect had allowed serious problems to fester in the Dependent Territories, which subsequently required attention. As Thorndike argues British policy allowed 'in one instance, a scandalous degree of drug related activity and corruption to flourish (...) almost to the point of subversion'.**[xxx]** The case referred to occurred in the Turks and Caicos Islands when the chief minister and other senior political figures were arrested for drug trafficking in Miami. These arrests represented the tip of far broader problems of corruption and drug trafficking.**[xxxi]** The allegations were not solely against local officials. The British Attorney-General was exposed over improper land sales, while British Governor John Strong regarded his post as a pre-retirement haven and avoided taking action to address the growing problems. However, as Thorndike contends 'One cannot blame the Governor over much as the British

Government was anxious to withdraw from the Caribbean and looked to the day when its decolonisation programme could be completed'.**[xxxii]**

Despite Britain's reluctance to intervene, the authorities were finally forced to act by the worsening situation in the Turks and Caicos Islands, and the growing criticism from the US government about the lack of law and order on the Territory and its growing reputation as a drug transit centre. The UK began to cooperate with the US Federal Bureau of Investigation and the Drug Enforcement Agency, and took the decision to dismiss the entire government in July 1986 following a damning report by Louis Blom-Cooper, QC.**[xxxiii]** In its place the FCO imposed direct rule on the Territory, while in September it established a Constitutional Commission to review possible changes, chaired by Sir Roy Marshall, former Vice-Chancellor of the University of the West Indies.**[xxxiv]** The Commission submitted its report in 1987 and a new constitution followed, which laid down a number of reforms including provisions to increase British reserve powers.**[xxxv]**

The crisis in the Turks and Caicos Islands starkly highlighted the risks of UK disengagement from its Dependent Territories. The UK government realised that a halfhearted approach to the Territories was not sufficient to secure acceptable standards of political and economic conduct in the local administrations. The strong criticisms by the US also brought home to the UK that it had to make sure that its Dependent Territories in the Caribbean maintained acceptable international standards of governance. Indeed, for the first time since the West Indies Act of 1962 became law, the UK recognised that it needed to use its power to enforce good practice when required. Once the UK began to recognise its responsibilities, a broader review of policy towards the Dependent Territories was undertaken.

The review examined factors for and against independence, the costs and benefits of the Dependent Territories, a range of future statuses, and the requirements underlying further moves towards independence.**[xxxvi]** The general conclusion was the Territories would remain dependencies for the foreseeable future. In announcing the review's findings to the House of Commons in December 1987, the minister responsible, Tim Eggar stated: 'The review concluded that we should not seek in any way to influence opinion in the Territories on the question of independence. We would not urge them to consider moving to independence, but we remain ready to respond positively when this is the clearly and constitutionally

expressed wish of the people'.**[xxxvii]** This statement was important, as it made clear the UK government would not put pressure on the Dependent Territories to move towards independence.**[xxxviii]** However, with the Territories retaining their links to the Crown, there was an implicit recognition that the UK would intervene in local affairs when there was a need to do so.

The first real test of the more pro-active British policy came in 1989 when a banking scandal was uncovered in Montserrat. However, the subsequent response of the British government was criticised by some on the island, and highlighted the contentious nature of extended statehood when British concerns override local interests. The origins of the dispute came in February 1989 when having received reports of widespread failure in licensing and supervision of banks across the Caribbean Territories, the FCO appointed Rodney Gallagher, of the consultants Coopers and Lybrand Deloitte, to carry out a review of their offshore financial sectors.**[xxxix]** For Montserrat, the review found most of the islands. banks were involved in money laundering, while the island's police uncovered a conspiracy involving twenty banks. Subsequently, over 90 percent of the banks on Montserrat had their licences revoked.**[xl]** The Gallagher report criticised the Montserrat government for its 'flawed administration of offshore banking including its failure to apply extant laws of scrutiny and discipline'.**[xli]** Gallagher recommended that most of the banking and insurance legislation should be replaced, and paved the way for the UK government to re-write Montserrat's constitution to ensure the Governor would in future have supervisory power over the island's international financial affairs.**[xlii]** Fergus argues that the UK government instituted such reform in order 'to rid themselves of international embarrassment which is connected with offshore banking corruption scandals, and which inevitably attaches to them as the administering power'.**[xliii]**

Prior to the passing of the Constitution Order in the British Parliament, there were strong protests from Montserrat's Chief Minister John Osborne**[xliv]**, and others that the plans for constitutional change had been designed without any local consultation, and highlighted a lack of sensitivity on the British government's part. They also questioned the professionalism of the Gallagher enquiry. The local opposition did have some effect on the British government in that it withdrew a number of controversial provisions, such as the one giving the Governor the power to legislate. Nevertheless, Fergus suggests that the ' British

came over as being excessively and unnecessarily authoritarian' and 'that the new constitution was pressure-cooked by the Motherland without local ingredients'.**[xlv]** Perhaps it is not surprising that the UK government over-played its hand in regard to Montserrat. Having followed a policy of benign neglect for so many years it was always going to take some time for the UK authorities to readjust to the subtleties of extended statehood. Yes, the UK government recognised its responsibilities to reform Montserrat's malfunctioning offshore financial sector, but was less sensitive to the importance of local consultation. Nevertheless, the UK was the sovereign power, and ultimate authority rested with the Crown.

After the serious disagreements over the constitutional reform process in Montserrat there was an expectation that the UK would become more receptive to local sensitivities, but in 1991 the government implemented the Caribbean (Abolition of Death Penalty for Murder) Order, again without consulting the Territories. Until the Order was implemented in 1991 the death penalty was the mandatory sentence for murder in each of the UK's COTs. However, there had not been an execution in any of the Territories for many years. Nevertheless, in May 1991 the British government abolished the death penalty in the Dependent Territories, doing so without the involvement of the UK Parliament, other than to lay a Statutory Instrument before it - the Caribbean (Abolition of Death Penalty for Murder) Order. Statutory Instruments allow ministers or the Queen in Council to pass legislative measures without formal parliamentary oversight. The UK government announced its intention to implement the change on 28 March 1991, leaving little opportunity for the Territories to debate the matter. The Secretary of State for Foreign and Commonwealth affairs, Douglas Hurd, said 'In order to be consistent with the position in the UK where Parliament has expressed a clear view [against restoring the death penalty], the British Government consider that the death penalty for murder should be abolished in those Dependent Territories which elect to remain under the Crown'.**[xlvi]** In addition, the FCO suggested that the Order was necessary to meet Britain's international obligations, emanating from the UN's International Covenant on Civil and Political Rights and the European Convention on Human Rights.**[xlvii]**

The immediate reaction of many in the Dependent Territories was outrage and to call for the reinstatement of the death penalty, but as Davies argued 'in view of the Colonial Laws (Validity) Act 1865, no DT legislature could override the

provision by Order in Council...'.**[xlvi]** A legislator in the Cayman Islands argued 'Nowhere and at no time were we told that the UK was thinking of passing legislation to abolish the death penalty ... This really came to me as a shock ... because it is probably the first time that the UK has used UK legislation, a statutory instrument, to deal with amending a normal law'.**[xlvii]** The implementation of the Caribbean (Abolition of Death Penalty for Murder) Order highlighted again the UK's desire to meet its obligations, and it can be argued there was growing international political and legal consensus against the death penalty and the UK government was correct to hold the Dependent Territories to this standard. The principles of extended statehood would suggest that the Dependent Territories should recognise and adopt international norms for human rights in order to play a full role in the international sphere. However, the fact that the death penalty was abolished via an Order in Council meant that the measure was effectively imposed without any input from the House of Commons or the Territories themselves. Such conduct generated tremendous ill feeling among many in the Territories, because they felt that the Order encroached upon an area of responsibility formerly overseen at the local level. The tensions inherent in the operation of extended statehood are well highlighted in the death penalty example, because there was a clear difference between British and Dependent Territory attitudes over the issue.

From the preceding examples of offshore finance and the death penalty it is evident that the UK government was prepared to play a more hands on role in relation to its Dependent Territories. However, appearances were deceptive and question marks remained about how all-embracing UK policy was. It was true that the British authorities had acted to resolve a number of high profile issues, which had concerned them in relation to the Dependent Territories. But to a large extent British interventions were reactive and piecemeal in nature. There was no strong, identifiable set of priorities that defined and guided UK policy. A number of observations have been made, which illustrate the concern. There were accusations that the FCO had not improved the quality of officials working with Dependent Territory governments. In November 1991, for example, Lavity Stoutt, Chief Minister of the BVI, complained that 'green officials with little or no experience - or for that matter, interest - in the problems of administering the needs of Dependent Territories, are left to make decisions that have far reaching effects'.**[I]** While, in Anguilla there was a perception that British policy towards the Territory was 'aggressively non-interventionist', leading to widespread

corruption in political life.**[li]** It was reported that the Anguillan government was asking Britain, via the Governor, to intervene more actively in local affairs. While illustrative of Britain's still rather ad hoc policy towards the Dependent Territories, it is interesting to note that whereas Anguilla wanted the UK to play a more hands-on role in the Territory, Montserrat was criticising London for its authoritarianism. It is clear from this that the UK was in a very difficult position trying to balance particular Territory interests. However, the British realised that such conflicting demands could perhaps be mitigated by a more structured and coherent relationship with its Territories.

In late 1991 and early 1992, the British government undertook a second review of policy on the subject of the Dependent Territories, considering issues such as drug trafficking, money laundering, good government, economic development, and the liabilities which the UK might have to finance resulting from the Territories' actions.**[lii]** The results of the review were announced in October 1992, and the British government enacted a number of measures to develop a more integrated approach with regard to the Dependent Territories. In particular, the FCO sought to strengthen the links between Governor, the local elected government and UK ministers 'to enable more timely attention to be given to Dependent Territory matters'.**[liii]** A Dependent Territories Regional Secretariat in Barbados was established in April 1993 to coordinate the implementation of UK policies, and to manage local bilateral aid programmes. In addition, an interdepartmental ministerial group was created for the Dependent Territories, chaired by the FCO minister responsible for the Caribbean. Further, the number of officials responsible for British Dependent Territories located in the Territories and in the FCO in London, was doubled.**[liiv]** In response to these change the Territories established the Dependent Territories Association to promote their interests and to further cooperation between them.**[lv]**

With these new structures in place the UK government undertook a number of policy initiatives. In January 1993 ministers proposed the introduction of jointly agreed Country Policy Plans for each of the Caribbean Territories aimed at identifying policy priorities to which both governments would be committed. The UK also attempted to bring the regulation of the Territories' offshore financial sectors into line with internationally accepted standards.**[lvi]** Similarly the UK tried to ensure that the Territories implemented legislation that observed

international norms. For example, in 1994 all of the Caribbean Territories introduced legislation to facilitate international cooperation against drug trafficking and to comply with the requirements of the 1988 UN Drugs Convention. Other measures included improving the administration of justice and streamlining the methods of budgetary and financial accountability. After the policy review of 1991/92 and the subsequent raft of policy initiatives there was an expectation on the part of both the UK and the Territories that the process of UK re-engagement was secure, the application of extended statehood would become less inconsistent and that the rather unsatisfactory 'Two steps Forward, One Step Back' approach would be a thing of the past.

It is true there was a clear re-engagement with the Caribbean on the part of the UK government from the mid-1980s, but there was no comprehensive plan of action. To a large extent the UK was forced to respond to crises and scandals in the Territories, rather than putting forward a positive agenda. There seemed to be a great deal of reluctance on the UK's part to engage pro-actively with the Caribbean dependencies, even though they had the constitutional and institutional mechanisms to do so. As a consequence, extended statehood was rather ill defined and uneven, with some of the Territories themselves wanting, or indeed needing, a stronger lead from London. It was not until the early 1990s, when the issue of the UK's contingent liabilities was highlighted, that a more integrated approach was instituted. And even then, the situation remained problematic.

Taking Stock: Volcanic Eruptions and Contingent Liabilities

There was an expectation, certainly on the part of the UK government, that the reforms instituted in the early 1990s would lead to a more effective and responsive relationship with its Dependent Territories in the Caribbean. However, one crisis in Montserrat and one UK National Audit Office (NAO) report highlighted the still inadequate organisational and regulatory framework instituted by Britain in regard to the Dependent Territories. The crisis in Montserrat began in July 1995 when the Soufrière Hills Volcano erupted, precipitating a period of great uncertainty and insecurity for the island. While the NAO report, published in May 1997, investigated the action taken by the FCO to minimise the risk of potential contingent liabilities falling on the UK. These two developments highlighted significant deficiencies in the operation of extended

statehood, and would precipitate a wholesale review of the constitutional, political, economic and social settlement between the Dependent Territories and the UK.

The eruption of the Soufrière Hills Volcano in Montserrat began on 18 July 1995 and subsequently devastated the country. As was reported by 26 December 1997 when the most extreme explosive event took place (...) approximately 90 percent of the resident population of over 10,000 had had to relocate at least once and over two-thirds had left the island. Virtually all the important infrastructure of the island was destroyed or put out of use for the short to medium term. The private sector collapsed and the economy became largely dependent on British aid.**[lvii]** The worst single day came on 25 June 1997 when nineteen people died in the volcano's pyroclastic flows. Under such circumstances the UK government was forced to act and assist the island's people to overcome this natural and human disaster. Although a report commissioned by the Department for International Development (DFID) argued the 'disaster response by HMG (...) has been a success in comparison with many other recent natural disasters elsewhere in the developing world', it went on to highlight the less satisfactory aspects of the UK's performance.**[lviii]** Indeed the Montserrat crisis placed into stark relief the responsibilities Britain should have had towards the inhabitants of the Dependent Territories.**[lix]**

The failures of the British government, both Conservative and Labour, were highlighted in a series of reports produced by the House of Commons International Development Committee and the Overseas Development Institute for DFID in the late 1990s.**[lx]** The investigations were extremely important in highlighting a number of deficiencies in the extended statehood provisions at that time. One of the most important observations made concerned the confused division of responsibility for Montserrat between the FCO and DFID. The FCO was responsible for overall policy towards the Territory, while DFID oversaw the disbursement of aid. In his memorandum of evidence to the International Development Committee, David Taylor, Governor of Montserrat from 1990-93 stated, The Constitutional and Administrative arrangements in normal times were unsatisfactory enough without having to cope with an open-ended emergency.**[lxi]** The point was taken further in the DFID report, which noted. Many of the delays, omissions and shortcomings in HMG's response are linked to the complexity of HMG management and the

administrative system for Montserrat as a self-governing Overseas Territory (...) there was poor internal communication, separating information from points of decision and a lack of clarity about the point of final responsibility for action.**[lxii]** Tasks such as organising emergency evacuation plans, dealing with the health needs of the Montserratians and providing new housing in safe zones were all compromised by differences between the various UK and Montserratian actors.

A number of areas of particular concern were highlighted. The DFID report criticised the triangular relationship between Montserrat, Barbados (via the Dependent Territories Regional Secretariat) and London for creating unnecessary confusion and prolonging the process of decision-making. Further the attempt by UK government departments to work within existing managerial arrangements was criticised for impeding an effective response. Comment was also made that there was apparently no contingency planning on how the FCO and the Overseas Development Agency/DFID**[lxiii]** would manage an emergency in a Dependent Territory. Ad hoc arrangements had to be put in place, and this was done reactively as the eruption progressed.**[lxiv]** Under these conditions, even Claire Short, Secretary of State for International Development admitted, 'there are so many players in this thing that it is very difficult to have authority over people who make the decisions or know the answers'.**[lxv]**

Unfortunately collective failures were exacerbated by specific departmental failures. For example, the FCO failed for many months to appreciate the seriousness of the situation in Montserrat and adopted a 'wait and see' approach.**[lxvi]** As Taylor noted, 'My heart goes out to the Governor of the time (...) who sent 400 telegrams to the Foreign Office and did not feel sufficient weight was given to his views'.**[lxvii]** In terms of DFID, the department was unsure as to whether the disaster should be treated as an urgent development problem or as a true emergency. Further, there was no clear budgetary ceiling or jointly accepted standards on what level of spending was appropriate, which resulted in delaying the disbursement of funds. As a consequence, 'There was a growing perception on the Montserratian side that DFID (...) was acting ungenerously, preferring cost-minimising solutions to immediate needs that jeopardised long-term development'.**[lxviii]**

All these problems reinforced the impression that no one had full control over the situation in Montserrat, and that many of the difficulties were caused by the operation of extended statehood that existed at the time, which was rather ill

defined and ad hoc. Beyond the bureaucratic issues raised as a consequence of the Montserrat crisis, the volcano also focused attention on the issue of citizenship rights. With much of the island under ash, many Montserratians had to make the judgement about whether to leave or stay. The UK government reacted, albeit with some delay, to enable islanders to travel to the UK, be housed, settled and educated. **[lxix]** However, it was at this time that many Montserratians began to realise that although they were British dependents they did not have British citizenship. As Skelton states, '[Montserratians] could travel to the UK but had no legal right to enter and had repeatedly to apply for special leave to Remain'. **[lxx]** Up until 1962 citizens from the Dependent Territories were able to stay in the UK. However, the Commonwealth Immigrants Acts of 1962 and 1968 introduced controls that greatly restricted the ability of Territory citizens to settle. While all rights to remain were ended by the Immigration Act of 1971. The Montserrat crisis highlighted the lack of legal status for Dependent Territory citizens, and reminded the British government of this anomaly. Indeed citizenship was a glaring omission in the UK government's previous attempts to construct an effective form of extended statehood for its Dependent Territories. However, no action would be taken until Hong Kong, Britain's most populous dependency, returned to Chinese rule in 1997.

At about the same time as the Montserrat crisis was at its height and the first official reports on the situation were being published, the National Audit Office investigated the action taken by the FCO to minimise the risk of potential contingent liabilities falling on the UK resulting from the actions of the Territories. As the report stated, 'Given the Foreign Office's responsibilities, there exists a continuing exposure to potential liabilities (...) Under English and Dependent Territory law, the governments of the Territories are answerable for their own actions. However, if the Territories' resources are insufficient, the UK government may come under pressure to provide assistance. Legal liability may fall on the UK if Territories fail to comply with international law, especially treaty obligations'. **[lxxi]** The report centred on three broad areas: governance, law and order, and financial issues. More specifically, the investigation considered issues such as disaster preparedness, offshore financial services and budgetary control in the Territories.

The report found that despite the FCO having undertaken a number of initiatives since 1991 to identify and minimise the risk of contingent liabilities in the

Dependent Territories, the UK remained exposed. In particular the NAO noted that the UK was vulnerable from 'financial sector failures, corruption, drug trafficking, money laundering, migrant pressure and natural disasters'.^[lxxii] The NAO worryingly described the UK government as having 'extensive responsibilities but limited power'.^[lxxiii] In a follow up report by the House of Commons Committee of Public Accounts its concern over the situation was starkly highlighted. The Committee wrote 'We are worried by the mismatch between the extent of these responsibilities [for the Dependent Territories] and the inadequacy of the FCO's powers, strong in theory but limited in practice, to manage them. The Committee further stated, 'As a result of this mismatch, the UK taxpayer continues to be exposed to very significant liabilities in the Territories and, from time to time, these materialise. More generally, we are concerned at the Foreign Office's admission that everything is not wholly under control and that all risks are not weighed and properly covered'.^[lxxiv] Both the NAO and the Committee of Public Accounts recommended a number of reforms to reduce Britain's potential contingent liabilities, and encouraged the UK government to strengthen its control over the Territories. It is clear that both the NAO and the Committee of Public Accounts felt that the attempts to re-engage with the Dependent Territories in the late 1980s and early 1990s had not been that successful. There was still the impression that the FCO and the British government more generally retained a rather detached relationship with the dependencies with resultant risks for both sides.

The combination of the Montserrat volcano disaster and the UK government's response to it, as well as the examination of Britain's contingent liabilities in the Dependent Territories opened up a Pandora's box, and led to a wide-ranging debate about good governance and the political, constitutional and economic future of the British Dependent Territories in a way that nothing had before. Indeed, the UK government had been forced to cover the contingent liabilities caused by the volcano in Montserrat, which amounted to £59 million from the start of the crisis to March 1998.^[lxxv] The timing of events was also congruent with the election of a Labour government in May 1997 that had modernisation and reform at its heart. The government made clear from the outset that Britain's relationship with the Dependent Territories would come under the microscope. As early as August 1997 the new government established an interdepartmental Montserrat Action Group to co-ordinate relief activity, while in September the Crisis Investment Programme was created as part of a new coherent response to

all aspects of the emergency. In October, meanwhile, FCO minister Baroness Symons suggested that the entire relationship between Britain and the Dependent Territories was 'a piece of machinery that we have inherited which I think is not working in the way that a reasonable person would expect it to work'.**[lxxvi]** These examples of the Labour government's approach and attitude were only the beginning of a much more extensive review of Britain's relationship with its Dependent Territories. In short, the Labour government was aiming to strengthen and deepen the application of extended statehood to its dependencies in the Caribbean.

'Partnership for Progress and Prosperity': Extended Statehood Refined The arrival of a new government following the British general election result of May 1997, the ongoing crisis in Montserrat, the recent National Audit Office and Committee of Public Accounts reports, and the transfer of Hong Kong's sovereignty to China on 30 June 1997, led to the initiation of a further review of the UK's relationship with its COTs in August 1997. The purpose of this review was 'to ensure that the relationship reflected the needs of the Territories and Britain alike, and to give the Territories confidence in our commitment to their future'.**[lxxvii]** It was based on the principle that 'Britain's links to the Dependent Territories should be based on a partnership, with obligations and responsibilities for both sides'.**[lxxviii]** In particular, it was noted that 'the relationship (...) needs to be effective and efficient, free and fair. It needs to be based on decency and democracy'.**[lxxix]** During the review the UK government consulted with a range of interested parties, however it was clearly a British led initiative and this led to some uncertainty amongst the Dependent Territories. In a memorandum of evidence provided by the Dependent Territories Association (DTA) to the House of Commons Foreign Affairs Committee it was claimed that 'It has never been clear to the DTA what the precise terms of reference of the review are and to what extent departments other than the FCO are involved'.**[lxxx]**

Despite such uncertainty the review process was undertaken relatively quickly and by February 1998 interim findings of the investigation were announced. The process of review was supported by an enquiry conducted by the Foreign Affairs Committee of the House of Commons in late 1997 and an earlier debate in the House of Lords.**[lxxxii]** Then in March 1999 the completed review was published as a White Paper entitled 'Partnership for Progress and Prosperity'.**[lxxxii]** The White Paper set out a number of recommendations on issues, such as the

constitutional link, citizenship, the environment, financial standards, good governance and human rights. On the constitutional issue, the White Paper reported that there was a clear wish on the part of the Territories to retain their connection with Britain, and not move towards independence. Other constitutional arrangements were considered, including integration into the UK and Crown Dependency status similar to the Channel Islands, but were rejected in favour of maintaining existing practice. However, it was agreed that a process of constitutional review would be carried out in an attempt to update existing provisions, and that if any Territory wanted independence in the future Britain would not stand in its way.

The White Paper also reaffirmed the British government's commitment to provide assistance for the Territories where needed via DFID's development programme, and that money was available from the FCO's 'Good Government Fund' to support the maintenance of security and stability, and the promotion of transparent, accountable government. The UK also promised to earmark limited resources for environmental protection through the FCO's 'Environmental Fund', and re-asserted its commitment to guarantee the Territories' security and defence. In return, as part of the White Paper's emphasis on a 'modern and effective partnership', the Territories were expected to meet standards set by the UK government and international treaty obligations. These included effective regulation of their offshore financial sectors, observance of human rights (such as, legalising homosexuality among consenting adults), and good governance.

Further, the White Paper documented the changes that had been introduced to improve the administrative links between the UK and the Territories. The Montserrat crisis and the associated parliamentary reports had highlighted the inadequacies of existing mechanisms, and precipitated action on the part of the British government to reconfigure its bureaucratic ties with the Dependent Territories. For example, the UK for the first time appointed a dedicated minister for the Territories and established a new department within the FCO (the Overseas Territories Department) to replace the previously fragmented structure across six separate departments. It was also decided that parallel departments for the Territories in both the FCO and DFID should be created, together with a ministerial joint liaison committee to coordinate their activities.**[lxxxiii]** Further, the FCO/DFID Dependent Territories Regional Secretariat in Barbados was closed in 1998, and its responsibilities transferred to London. This change was instituted

to streamline and simplify the organisational arrangements between the UK and the Territories. While a new political forum, the Overseas Territories Consultative Council was established to bring together British ministers and Territory representatives to discuss matters of concern. This was the first time that a formal body had been established to bring together politicians from both sides. Previously, Ministers and officials in London used the Governors to convey information. The first meeting of the Council took place in October 1999, and gatherings have since been held annually. Finally, a senior British civil servant was appointed in Brussels to liaise with the Territories on matters related to the work of the European Union, in order to improve their knowledge of, and representation in, the organisation. A dedicated EU-Overseas Countries and Territories co-ordinator within the FCO supports the work of the official in Brussels. **[lxxxiv]**

The changes made to the organisational structure of the relationship between Britain and its Territories, and the wide-ranging policy commitments laid out in the White Paper were a clear indication that the new UK government was prepared to engage more fully with the Territories and to correct the perceived deficiencies in the application of extended statehood. Most of these reforms were undertaken out of public view, but two gained widespread publicity and perhaps best represented the Labour government's approach to the Territories. One decision related to the Territories change in nomenclature, and the other extended British citizenship to those living in the Territories that met certain conditions. In terms of the former, Foreign Secretary Robin Cook announced the nomenclature change from *UK Dependent Territory* to *UK Overseas Territory* **[lxxxv]**. in February 1998 at the Dependent Territory Association conference, and this decision was confirmed in the UK government White Paper. **[lxxxvi]** Although the term *Overseas Territory* was widely used from 1998 it was not until the British Overseas Territories Bill was passed in February 2002 that the amendment was formally made. A number of Territory representatives had asked for the name change believing that it better reflected the nature of a post-colonial partnership at the end of the twentieth century. A majority of the Territories at this point were not receiving any budgetary assistance from the UK and consequently felt that they were not really dependent on the British government. **[lxxxvii]** The House of Commons Foreign Affairs Committee agreed arguing that the term dependency was pejorative. **[lxxxviii]** Further it was suggested that the change to 'Overseas Territory' would bring Britain into line

with France and the Netherlands that used the term to describe their Territories; it would be in keeping with the Labour government's efforts to rebrand Britain with a fresh, informal image; and it highlighted the desire of many in the Territories to retain the maximum possible autonomy from London, at least symbolically, in their management of policy.**[lxxxix]**

The second high profile change to the relationship between Britain and its Overseas Territories came with the announcement that British citizenship, and so the right of abode, would be offered to citizens of the Overseas Territories**[xc]**. UK citizenship rights for Territory residents were gradually restricted under a series of Immigration Acts in the 1960s and early 1970s. The final change came with the British Nationality Act 1981, which created a British Dependent Territories citizenship, a status separate from those with British citizenship. Only the latter group had the right of abode in the UK. However, with the transfer of Hong Kong's sovereignty to China on 30 June 1997, the population of Britain's Dependencies amounted to only 186,000 and therefore posed no conceivable threat to a country of well over 50 million people.**[xci]** In addition, not all of the resident population of the Dependent Territories were citizens, and these were not included in the change.**[xcii]** For example only about 19,000 of the Cayman Islands' resident population of 33,600 was Caymanian.**[xciii]** Further, approximately 70 percent of the total population of the Territories had a higher income per head than Britain, and as was suggested 'residents [of the Territories] might well be more likely to want to stay where they are'.**[xciv]** In the FCO review process of the UK Territories a number of representations were made stressing the problems that a lack of citizenship created and the obligations on the part of the British government to correct the anomaly. Issues raised included the fact that citizens of Dependent Territories were required to obtain leave to enter the UK at ports of entry, which involved queuing with all other non-UK and non-European citizens**[xcv]**; that student tuition fees were charged at the higher *overseas* rate; and there was no right to work in the UK.**[xcvi]** In the White Paper the British government recognised its responsibilities stating 'There is a strong desire for these [entry] controls to be relaxed and rights restored. We sympathise with those in the Overseas Territories who this feel this sense of grievance, and intend to address it'.**[xcvii]** On announcing the outcome of the review in the House of Commons, Foreign Secretary Robin Cook stated 'The offer of British citizenship that I have made today applies to residents of our territories to whom no other national citizenship is available', and therefore implicitly recognised that

past UK legislation had made a group of British nationals stateless.**[xcviii]**

Although the commitment to return British citizenship to the nationals of Overseas Territories was made, legislation needed to be implemented. The British Overseas Territories Bill was published in June 2001, which set out the provisions required to amend the existing legislation. The subsequent Act received its Royal Assent on 26 February 2002, and the citizenship provisions took effect on 21 May 2002. The Act confers British citizenship on those citizens in the Territories who qualify and who wish to have it, and allows the right of abode in the UK and the right of free movement and residency in EU and European Economic Area member states.**[xcix]** However, the right to health and social security benefits, preferential rates for higher education, and the vote in UK parliamentary elections, as well as the requirement to pay income tax all depend on residence in the UK, not citizenship. For these rights and obligations to be attained individuals in the Overseas Territories have to apply for a British passport to show documentary evidence of their new status and to facilitate travel. The provisions of the Act were also non-reciprocal, which prevented British and other EU citizens from travelling to, and establishing residency in, the Territories. By the end of 2002, some 6,500 citizens from the Overseas Territories had applied for British Citizen passports.**[c]**

The review of the COTs undertaken by the British Labour government was certainly the most wide-ranging since the West Indies Act of 1962. The desire of a new administration to assert its influence over problematic policy areas, as the Overseas Territories were deemed to be, was an important factor underpinning the FCO led examination. In addition, the fact that the Labour Party had been out of power for eighteen years heightened the expectations of new thinking and new approaches. In many ways the outcome of the 'Partnership for Progress and Prosperity' White Paper did indicate that the Labour government was serious in attempting to overcome longstanding problems in the UK-Overseas Territories relationship. The recommendations of the White Paper focused on issues such as the constitutional settlement, citizenship, financial standards, good governance and human rights, which all had been areas of contention through the late 1980s and into the 1990s. In its general language, the Labour government also made plain its desire for a relationship that secured the interests of both parties based on sound political, economic and social principles. In many ways the White Paper laid down an ideal framework for the successful operation of extended statehood.

The extension of UK citizenship rights to the Overseas Territories, the emphasis placed on meeting international standards of good practice, the importance given to the promotion of transparent, accountable government, and a concern for environmental protection all seemed to indicate that the Overseas Territories were now better placed to play a full and active role in an increasingly globalised world. However, the more proactive attitude of the UK government created new tensions, which highlight the limitations of extended statehood notwithstanding the attempts to improve its operation.

Beyond the White Paper: Extended Statehood in Practice

In theory at least the 'Partnership for Progress and Prosperity' White Paper appeared to address a number of long-standing problems, which had been associated with the UK Overseas Territories relationship for a number of years. However, in order to consider the nature of the relationship since 1999, an analysis of the practical effects of the White Paper must be undertaken. For this to be done a number of specific policy areas are considered, and an evaluation made of the record of extended statehood since the British government's review. Areas highlighted include the human rights legislation needed to bring Overseas Territories more into line with the international obligations to which the UK is subject, the new approach with regard to the crisis in Montserrat, and perhaps most controversially the attempt to tighten regulation in the COTs offshore financial industries.

In regard to the issue of human rights, the UK government made clear in the White Paper that 'high standards of observance' were required on the part of the Overseas Territories in order to 'comply with the same international obligations to which Britain is Subject'.**[ci]** The White Paper indicated three particular issues on which the UK government wanted reform: judicial corporal punishment, legislation outlawing homosexual acts between consenting adults in private, and capital punishment. The British hoped that the Overseas Territories would enact the necessary reforms themselves, but made clear that 'in the absence of local action, legislation could be imposed on the Caribbean territories by Orders in Council'.**[cii]** Progress was made with the British Virgin Islands abolishing judicial corporal punishment, and later the Turks and Caicos Islands became the last Territory to pass legislation for the abolition of the death penalty for piracy and treason. However, the issue of decriminalising consensual private homosexual acts between adults was more problematic. Despite lengthy

consultation with the Caribbean Territories, involving governments, religious and social leaders, the media and the general public, there remained strong resistance to the decriminalisation of homosexual acts. Many in the Territories believed the issue was a local one, and local views and predispositions should take precedence over British demands. However, in early 2001, in spite of widespread controversy the UK government passed an Order in Council to force the change in legislation. The British action highlighted their determination to enforce basic standards of human rights, but it is interesting to observe that although the law was changed the view of many in the Overseas Territories has not.

The issue of homosexuality remains a very contentious issue in the Territories, and is sustained to an extent by the conservative attitudes of the Anglican Church in the region. For example, Anglican Archbishop Drexel Gomez, the most senior priest in the West Indies, stated recently that all the churches over which he presides (including those in the Overseas Territories) stand totally opposed to homosexuality on biblical and historical grounds.**[ciii]** The discrepancy between the law and people's beliefs on the issue of homosexual acts illustrates the limits of extended statehood. Although the UK forced the Territories to change the law, the fact that local views remain unaltered indicates that the application of extended statehood cannot always overcome deeply held local values.

Therefore no matter what improvements are made to the functioning of the extended statehood model, limits and constraints will always be present. Under such circumstances legislation is not enough, and a more sophisticated approach is perhaps required.

Indeed, in 2003 the FCO and DFID began funding a project to raise awareness of human rights in the Overseas Territories, and to encourage a change in public attitudes towards the issue.**[civ]** While the FCO's Good Government Fund, which in part focuses resources on raising awareness of human rights and building local capacity to deal with problems, provides several million pounds of support each year.**[cv]** These monies have assisted the Overseas Territories to ratify several international human rights conventions, including: the Convention on the Rights of the Child, the UN Convention on the Elimination of Racial Discrimination, and the UN Convention on the Elimination of all Form of Discrimination Against Women. It can be argued, therefore, that the 1999 White Paper has accelerated the adoption by the Overseas Territories of internationally recognised human

rights standards. However, the suspicion remains that some of these changes are more symbolic than real.

The volcanic eruptions in Montserrat that began in July 1995, and which continued into the new century, was one of the main reasons for the UK government's review of its Overseas Territories. A number of reforms were instituted early on in the crisis to better co-ordinate the relief effort, but many of these were ad hoc in nature, and therefore one of the objectives of the British government review was to consolidate the changes already made and to plan for the longer-term. In January 1999 a Country Policy Plan was agreed, which set the framework for Montserrat's economic and social recovery and the UK's role in the process. **[cvi]** Importantly, the UK maintained its commitment that the reasonable assistance needs of Montserrat would be funded from the DFID budget. **[cvii]**

The latest Country Policy Plan for Montserrat was published in December 2004, and covers the period until 2007. The document details the reforms necessary to support Montserrat's own sustainable development plan for 2004 - 2007. Priorities include the completion of a new airport, a three-year tourism development project, a scheme to promote private sector investment, and funds to improve the country's infrastructure and public administration. **[cviii]** One of these priorities is all but fulfilled - the completion of the new airport - which received six million pounds in DFID funds. **[cix]** Britain's Princess Anne opened the new terminal building in February 2005, with the expectation that air services would commence in early summer. Chief Minister John Osborne described the airport as 'one of the single most important ingredients for reviving Montserrat's stricken economy' and 'marks the rejuvenation and the rebirth of the hospitality and comfort associated with air travel to and from Montserrat'. **[cx]**

It is expected that an operating airport together with the completion of other initiatives referred to in the Country Policy Plan will bring long-term and self-sustaining improvement to Montserrat. However, the underlying conditions in the country remain difficult. In early March 2004 a further major eruption occurred at the Soufriere Hills volcano, and although no injuries or damage were reported, the incident highlighted the fragile nature of any recovery. The uncertainty of the situation was compounded when the Royal Society argued that the DFID was wrong to ignore a long-term research project undertaken by the Natural Environment Research Council to analyse the underlying nature and behaviour of the volcano. **[cxi]** Further, Montserrat still remains highly dependent on external

sources for budgetary assistance and development support. For example, in 2004, 64 percent of government recurrent expenditure was directly financed by DFID, while Montserrat's development programme was entirely funded by external assistance.**[cxii]** Such levels of support are likely to continue for the foreseeable future, and risk perpetuating Montserrat's dependency while crowding out indigenous economic development and revenue raising activity. Overall, however, the UK and Montserrat governments have plainly improved their handling of the crisis, and instituted a more effective collaborative framework. Nevertheless, the ultimate success of the changes will not be known for some time to come.

A further issue that came to the fore with the onset of the Montserrat crisis was that of disaster preparedness. There were criticisms that the procedures in place in 1995 when the first eruptions took place were inadequate both in terms of anticipating and then monitoring the disaster.**[cxiii]** As a consequence a number of reforms were undertaken. In 2000 the FCO took the lead in establishing the Network of Emergency Managers in the Overseas Territories (NEMOT) and the London-based Disaster Coordination Group for the Overseas Territories. NEMOT brings together for the first time disaster managers and coordinators from all the Territories. Its members are responsible for preparing and maintaining national disaster plans, for conducting regular rehearsals, and for monitoring and forecasting, for example seismic activity in Montserrat and tropical storm movements in the British Virgin Islands.**[cxiv]** In 2002, meanwhile, the FCO organised a day of disaster awareness-raising and training in London, and a conference was held in Montserrat of NEMOT.**[cxv]** Since then, other initiatives and discussions have taken place in an attempt to further improve disaster preparedness.**[cxvi]**

As with the procedures and policies now in place to assist Montserrat's recovery, the provisions for disaster preparedness have been enhanced since the mid-1990s, and the Overseas Territories now have at their disposal international best practice to assist them in monitoring and preparing for natural disasters. However, the extent to which improved procedures can mitigate the effect of natural disasters was called into question when Hurricane Ivan hit the Cayman Islands on 12 September 2004. Ivan caused extensive damage to housing and infrastructure, killing two islanders and leaving thousands homeless. Further, there were accusations that the Cayman government was 'covering up' the scale of the disaster in order to protect confidence in the island's offshore financial

industry.**[cxvii]** While the Cayman Islands Leader of Government Business, McKeeva Bush, strongly criticised the British government for not doing enough to help the territory. Mr Bush was particularly frustrated about the controls imposed on his government by the UK in respect of arranging financial assistance to mitigate the effects of the disaster.**[cxviii]** Although not directly related to the issue of disaster preparedness the latter criticism does highlight the expectations placed on the British government to act when the Overseas Territories suffer from natural disasters, and the unhappiness when these are not met. The case of the Cayman Islands and Hurricane Ivan raised question marks over the adequacy of disaster preparedness and the way in which the crisis was subsequently handled by the authorities. This was despite the fact that reforms had been undertaken to improve both disaster preparedness and the functioning of the UK Overseas Territories relationship.

A third issue that was prioritised in the UK government review was to improve the regulation of the offshore financial service industries in the Overseas Territories. The offshore financial sector is extremely important to their economies**[cxix]**, but concerns have been raised about the probity of the industry. For example the 1997 National Audit Office Report on Contingent Liabilities in the Dependent Territories considered the state of play vis-à-vis regulatory oversight in the offshore financial services sector in the COTs. The report concluded that despite some progress improving regulatory oversight, the offshore sector remained vulnerable to abuses by money launders and drug traffickers, and the Territories faced possible financial sector failure as a consequence.**[cxx]** In response to the mixed assessment given by the NAO, the UK government commissioned consultants KPMG in 1999 to undertake a report reviewing COTs. compliance with international standards and best practice in financial regulation. The report recommended a number of proposals that the Overseas Territories agreed subsequently to implement. The key measures were the establishment of independent regulatory authorities, the introduction of investigative powers to assist enquiries by overseas regulators, and the creation of comprehensive anti-money laundering frameworks.**[cxxi]**

It is important to recognise, however, that bi-lateral efforts involving the UK and the COTs to improve regulatory oversight of the offshore financial sector were not carried out in a vacuum. International demands for greater control over offshore finance has also been very important, with organisations such as the Financial

Stability Forum, the International Monetary Fund and the Organisation for Economic Cooperation and Development (OECD) overseeing offshore financial good practice.**[cxxii]** The attempts to tighten regulation of offshore financial jurisdictions by the international community, and via unilateral action on the part of the UK have highlighted the vulnerability of the Territories' position. They have been caught in the crossfire, which has led to growing resentment about being forced to introduce measures that even exceed what the 'core developed' countries are sometimes willing to accept. One such example was the UK's attempts to enforce the EU's 'Directive on the Taxation of Savings' in the Overseas Territories.

The EU had been discussing the possibility of coordinating measures to tackle harmful tax competition by individuals across Member States for over 30 years.**[cxxiii]** EU Economics and Finance Ministers finally reached an agreement on the directive in January 2003.**[cxxiv]** Under the proposal 'each member state would ultimately be expected to provide information to other Member States on interest paid from that Member State to individual savers resident in other Member States'.**[cxxv]** Member States would then have the necessary information to apply the level of taxation that they see fit to their own residents. However, under the agreement Belgium, Luxembourg and Austria were allowed to apply a withholding tax for a transitional period, rather than committing to information exchange. One further proviso was that cooperation of relevant third countries was needed before the directive was enacted, in order to avoid a shift of business to paying agents outside the EU. At the June 2000 Santa Maria de Feira European Council meeting it was agreed that Switzerland, Liechtenstein, Monaco, Andorra and San Marino should adopt measures equivalent to those found in the directive. In addition, the UK and the Netherlands agreed that the directive would be applicable to their COTs.**[cxxvi]** On 19 July 2004, EU Ministers adopted a Decision establishing the application date of 1 July 2005.**[cxxvii]**

The decision on the part of the UK government to get its COTs to adopt the EU directive was highly controversial. The Territories were aggrieved, as neither the Treasury nor the FCO had consulted them before the UK made the commitment to co-opt them into the directive. The Territories were also concerned about the possible impact of the directive upon their financial services sector, in part caused by the UK government's lack of explanation as to the detail and likely coverage of the measure. The Territories were fearful that the directive would

cover not only individual holdings, but also their more important corporate sector. The poor communication on the part of the UK government was unfortunate, as the EU directive made it clear that interest payments made to companies would be excluded. It was not surprising therefore that the Overseas Territories were concerned about the likely impact of the directive and unhappy at the UK government's attitude towards them. It was of course hoped that the reforms associated with the 'Partnership for Progress and Prosperity' White Paper would have eased communication between London and each of its Territories in the Caribbean. However, controversy over the EU directive seemed to indicate that past mistakes were being repeated.

The Cayman Islands was most vociferous in opposing the directive, primarily because it has the largest retail-banking sector of all the COTs. However, a number of other issues exacerbated the disquiet on the part of the Caymans. The most important being the collapse of a six-month long trial of four defendants accused of laundering US\$25 million through the Cayman Islands-based Euro Bank Corporation. The collapse of the trial in January 2003 provoked a serious split between the Cayman and UK governments. It was reported that the trial was stopped after it emerged that British intelligence had ordered the territory's lead investigator to destroy evidence in an unsuccessful attempt to keep secret the security services involvement in the case. The activities of British intelligence had been withheld from the locally elected government ministers. **[cxxviii]**

The collapse of the Eurobank trial, together with disagreements over the EU's saving tax directive, led the Cayman Islands to undertake a legal challenge against the applicability of the directive at the European Court of First Instance in Luxembourg. When the case was heard in March 2003, the Court argued that the EU could not impose an obligation on the territory to implement the proposed directive. In addition, the Court ruled that the UK was not legally required as a full member of the EU to impose the directive on the Cayman Islands. However, the judges said that the question of whether the UK could compel the Cayman Islands to accept the directive was something that depended on the exact arrangements between the UK and the Territory, and was outside of the Court's remit. **[cxxix]** The ruling was important as it left the UK government to decide for itself whether the directive could be imposed on the COTs. So although the European Court of First Instance ruled that the EU directly, or indirectly via the UK, could not force the COTs to implement the savings tax directive, the Court

allowed the UK government to act as it saw fit.

In response to the ruling UK Chancellor Gordon Brown threatened to issue an Order in Council against the Cayman Islands that would force the Territory to adopt the provisions of the directive.**[cxxx]** This threat led McKeeva Bush, the Cayman Islands. Leader of Government Business to accuse the UK government of behaving like the colonial power of old, ruling by dictat and treating the island's citizens like slaves.**[cxxxii]** The UK government, meanwhile, was unhappy about the aggressive tone emanating from the Cayman Islands government. However, it was expected that some form of compromise over the directive would eventually be found because both sides wanted to prevent the disagreement damaging more fundamental aspects of the relationship.

Indeed in February 2004, the Cayman Islands government reached agreement with the UK over the application of the EU directive. Agreement was possible because of the growing realisation on the part of the Cayman Islands that the directive was going to be imposed one way or another. In addition, the four other Caribbean Territories had by this time signed up to the provisions of the directive, and therefore the Cayman Islands was isolated in its opposition to the measure. The Turks and Caicos, for example, had agreed to sign up in January 2004.**[cxxxii]** Another factor was the findings of a UK government commissioned report by Maxwell Stamp, which argued that the actual effect of the directive on the COTs would be small.**[cxxxiii]** Further, the UK government provided the Cayman Islands with a number of compensatory measures to offset any possible negative effects of the directive. The deep unhappiness on the part of the Caribbean Territories over the issue of the EU directive highlighted the problems caused by poor communication and the UK government acknowledged that it need to undertake greater consultation with the Territories in order to avoid the anger and misunderstanding that came with the directive's implementation. The UK authorities recognised that a better balance was needed between the implementation of measures and the process of consultation, although ultimate responsibility for carrying out policy would remain with them.

Although the Overseas Territories have complied with global standards of financial regulation there are still concerns that small jurisdictions such as those in the Caribbean lack the necessary resources for proper supervision. The Cayman Islands and the British Virgin Islands are small countries with large financial sectors in proportion to their size, and this remains problematic in terms

of proper oversight of the industry. The British Virgin Islands for example, has a local population of 20,000 but has more than 350,000 offshore companies – about a quarter the number registered at Companies House in the UK, which has a population 3,000 times as large. In addition, the British Virgin Islands employ only 20 regulators for the entire financial sector.**[cxxxiv]** As is argued, ‘Whatever the quality of the BVI.s regulators, the scope of their work is large and arguably too great’.**[cxxxv]**

Therefore, although the majority of total offshore financial activity is located in OECD countries, where concerns have been raised about money laundering and tax evasion, the regulatory imbalance is not so great as in the COTs. As a consequence there is disquiet that while legislation has been improved the lack of capacity on the part of Caribbean Territories to properly oversee the financial sector compromises its probity. For example, the collapse of the US energy company Enron in 2002 was linked to a number of questionable business practices in the COTs. One such practice that is legal but which raised public concern was the use of offshore subsidiaries to move money in and out of the United States. Enron used 692 companies in the Cayman Islands and 54 in the Turks and Caicos to save itself hundreds of millions of dollars in taxes.**[cxxxvi]** The collapse of the Parmalat food group in 2003 highlighted again the Cayman Islands’ role in helping to conceal the true state of a company’s losses. Although the financial authorities in the COTs have subsequently offered their assistance to US and European agencies investigating the collapse of the two companies, there is unease that such examples of blatant creative accounting and tax avoidance have damaged the reputation of the Territories’ offshore holdings.

The case of financial services in the Overseas Territories highlights a number of points in relation to the operation of extended statehood after the UK government’s 1999 White Paper reforms. It is clear that the UK government is now much more engaged in improving the COTs financial service industries than in the past. A number of bilateral and multilateral initiatives have been undertaken, which have tightened oversight of the sector. An indication of the importance that the UK government places on this issue can be seen with its threat to impose the EU savings tax directive by Order in Council. Conversely, however, the issue illustrated the still uncertain lines of communication between the UK and Overseas Territories authorities. Despite the White Paper and the associated reforms, much of the controversy over the EU directive was caused by

misunderstanding and confusion. UK government departments, in particular, must be more aware of their responsibilities to inform and to discuss. Finally, the nature of the offshore financial sector highlights the continued deficiencies of the present model of extended statehood. It is true that many Overseas Territories have dynamic and now better regulated offshore financial industries, but questions remain over the adequacy of resources provided for proper supervision. This issue is largely out of the UK's hands as budget decisions are in large measure the responsibility of the local governments and legislatures. Therefore there can be a gap between UK preferences and actual policy outcomes because the British government does not always have at their disposal the necessary decision-making tools.

Indeed, there remains a problem with issues that are in the middle of the spectrum of UK-Overseas Territories relations. Of course, the British government can use the nuclear-type option of an Order in Council, but this is done reluctantly because of the controversy it causes.**[cxxxvii]** As a consequence issues that are serious, but not so serious as to provoke an Order in Council can be difficult to address. As Taylor argues 'the Governor (...) has a difficult task, relying on the authority of his office and his power of persuasion in Executive Council and its margins to carry out the burden laid on him. Nor is there always a clear division between matters, which are his responsibility, and those, which are Ministers'.**[cxxxviii]** Two examples are highlighted: the recent cases of corruption in the British Virgin Islands and the problem of Haitian immigration to the Turks and Caicos Islands.

In regard to the former case, an official enquiry led to three senior officials, and a local businessman being convicted of attempting to defraud the government in connection with telecommunications contracts for a new airport. Each received jail sentences.**[cxxxix]** A report by the UK Centre for Management and Policy Studies commissioned by the Governor's office and published in July 2002 described an 'almost total breakdown' in the relationship between ministers and permanent secretaries.**[cxl]** Despite the emphasis on good government in the Overseas Territories, the aspirations of the 1999 White Paper floundered on an issue that was not serious enough to allow the UK government to act.**[cxli]** Rather the UK government was forced to respond after the corruption had come to light.

In the Turks and Caicos Islands, the issue of illegal Haitian immigration is a

sensitive domestic political issue. In 2004 there was an estimated 5,000 Haitians living in the Turks and Caicos Islands, making up 25 percent of the entire population.**[cxlii]** Many are attracted by the opportunities in tourism and construction. However, there are concerns on the part of many locals over the number entering the Territory, and the resultant effects on society. However, the issue of immigration is one that touches both the responsibilities of the Governor and the local government, with the result being sometimes unsatisfactory policy-making. The Turks and Caicos government oversees immigration policy, while the Governor has authority over external affairs and internal security. Because there is doubt over whether the issue of Haitian arrivals is an immigration issue, an external affairs issue or an internal security issue there is uncertainty over who should have final authority. The picture is confused further by the fact the Governor does not have a budget, and therefore depends on the local government for resources. The issue of Haitian immigration to the Turks and Caicos Islands, and the recent cases of corruption in the British Virgin Islands illustrate the inadequacy of certain aspects of the relationship between the UK and its Overseas Territories. There remains a grey area in policy-making between the Governor and Island governments, in particular, which highlights a number of still outstanding deficiencies in the UK's application of extended statehood in the Territories.

Constitutional Review and the Centrality of Extended Statehood

At the time of the 'Partnership for Progress and Prosperity' White Paper the UK government maintained that reform should be evolutionary, and set in motion during 2001 a constitutional review process for the Overseas Territories. For the first time the process was supposedly 'locally owned rather than directed from London'.**[cxliii]** As a consequence, the Territories hoped that quite fundamental reform would be undertaken. This impression was reinforced when the FCO failed to make its own position clear, including the extent to which it would accept changes to the existing constitutions. Until late 2003 the Territories were given no guidance by the FCO as to what limits would be placed on the review, and therefore the expectations for change on the part of the Territories were high.

The COTs have all but completed their reviews and various constitutional amendments have been suggested. For example, recommendations have been made to reduce the power of the Governor and to increase the role of the elected government, to make the Attorney General a political appointee, and to redefine

the various forms of residency status. Other proposals include greater autonomy for the Territories over the public service and judicial appointments, the introduction of local consultation before the UK appoints a governor, and changes to Territories' electoral systems. In addition, because of the deep unhappiness on the part of the COTs, and particularly the Cayman Islands, over the issue of financial regulation the reviews have also considered the possibility of increasing local control over offshore finance.**[cxliv]** Despite long-standing differences in the levels of autonomy between the Territories the requests for change have been along similar lines, and the even the Cayman Islands, with its relatively underdeveloped political system, has called for a reduction in the powers of the Governor and the Attorney General.**[cxlv]**

A reason for this uniformity of opinion can be placed at the door of the UN Committee of Decolonisation (the C24 Committee), which sponsored a seminar in Anguilla in May 2003 that focused on progress towards de-colonising (granting independence to) the COTs.**[cxlvi]** For many years the C24 Committee was excluded from discussions over the future of the Territories. The British government felt that the views of the Committee were unrepresentative of the UN General Assembly as a whole, whilst the COTs wanted to retain their link with the UK and did not welcome the Committee's advances. However, in recent years the UN Committee has tempered its decolonisation zeal becoming more prepared to suggest alternatives to full independence. In particular, the Committee now suggest free association as an option, which would allow the Territories to determine the nature of their constitutional relationship with the UK without reference to UK interests or responsibilities.**[cxlvii]** The idea of greater constitutional self-determination was subsequently taken up by a number of politicians in the COTs.**[cxlviii]** With the UK government faced with growing expectation on the part of the Overseas Territories for significant reform, it finally set out its 'red lines' beyond which change was not possible. In a memorandum submitted on 27 October 2003 by the FCO Minister Bill Rammell to the House of Commons Foreign Affairs Committee strict limits were placed on Territories' constitutional room for manoeuvre. The Minister argued that the idea of free association 'does not sit easily with our over-riding responsibility to ensure the good governance of the territories and compliance with applicable international obligations'. He went onto suggest:

The complexity of Government business, particularly following the terrorist

*attacks of 11 September, is in fact tending increasingly to blur the distinction between domestic and foreign policy, requiring greater UK involvement in some areas which hitherto Territory governments may have considered to be their own preserve. Moreover, whilst standards in governance in some Territories are high, in others there is room for improvement – and some of the smaller Territories lack the institutional capacity and experience to cope well with the increasing demands on Government. Equally, the lack of a developed civil society, strong legislature, and vibrant media in some Territories also means that many of the usual checks on the Executive can be weaker than normal.***[cxlix]**

The memorandum suggested therefore that .Governors may need to play a more proactive role (...). in areas such as contingency planning, aviation and maritime safety/security, financial regulation, management of the economy, the environment and human rights.**[cl]** Also it described the British ‘as acting as the transmission mechanism by which an ever-growing corpus of global regulation is applied to the Territories’.**[cli]** The memorandum claimed that such extensive UK involvement was not a change in policy and that Governors would not be given more powers, but it was clear that the British government was sending a strong and clear message in regard to the limits of any constitutional reform. The final sentence of the Memorandum emphasised again the attitude of the UK government: ‘COT governments should not expect that in the Constitutional Reviews (...) the UK will agree to changes in the UK Government’s reserved powers, or which would have implications for the independence of the judiciary and the impartiality of the civil service’.**[clii]** The importance the UK gives to the Overseas Territories was illustrated in December 2003, when the FCO published a comprehensive strategy setting out the UK’s international priorities over the next ten years and the ways in which it intended to deliver its objectives. The eighth priority was ‘Security and good governance of the UK’s Overseas Territories’.**[cliii]** This commitment was important because it clearly prioritised the Territories in UK foreign policy, committed the Government as a whole to safeguarding them, and re-stated for all to see the specific aims of the FCO in regards the Territories, focusing on such issues as good governance, law and order, and observing international commitments. Overall therefore, the constitutional reviews will most likely bring about only the most modest of changes, and reaffirm the UK government’s privileged and necessary role in overseeing its Overseas Territories. The clear message from the UK is that it will not grant further autonomy unless the Territories embark upon a process of

independence. All indications are that the COTs will not follow the independence path despite the expected lack of progress towards greater constitutional autonomy. The leaders and populations of all five Territories prefer the status quo believing that despite its problems, in particular the overly intrusive role of London, the form of extended statehood now in operation is the best option of governance presently available.

The constitutional review process dramatically underlines the importance that the UK government attaches to the model of extended statehood now operating in its COTs. Even though the review process was meant to be 'locally owned rather than directed from London', the reality was somewhat different. Towards the end of 2003 the UK government set out its stall very clearly arguing that while remaining under the authority of the Crown, Overseas Territories must comply with certain political, economic and social standards of behaviour. Indeed, in many ways the review process provided the UK with an opportunity to demand even more from the Territories, while at the same time highlighting the continued deficiencies in the relationship. The COTs were perhaps given a false impression of what would be possible in the constitutional review, because of the British government's delay in laying out its case. This certainly caused some confusion and anger but the reality is that no Territory desires independence. As the UK does not countenance a 'third way' between extended statehood and independence, the government in London has the authority and legitimacy to maintain and if necessary reinforce the present system of supervision.

Conclusion

The UK's relationship with its COTs has been defined by a concern over the nature of governance and the balance between their respective interests. On many occasions their interests have been similar, while on others clear differences have emerged. The period since the West Indies Act of 1962, which established constitutions for the Territories, has witnessed an evolutionary process of constitutional and administrative reform. The process has not always run smoothly, and on occasion the British government has followed a policy of benign neglect towards the Territories. However, the rather laissez faire and complacent attitude on the part of the British during the 1970s and early 1980s was placed into sharp relief when a number of crises damaged the reputation of the COTs. Cases such as the widespread corruption in the Turks and Caicos Islands highlighted the problems of a light supervisory touch. From this point on

the British Conservative government began to play a more hands on role. However, question marks remained over how all-embracing UK policy was. Principally, interventions were still reactive and piecemeal in nature.

However, the approach of the British government began to change from the mid-1990s onwards, provoked in large measure by the Montserrat volcano eruptions and the National Audit Office Report on the UK's contingent liabilities. The crisis in Montserrat highlighted a number of weaknesses in the administrative framework connecting London, the Governors and the local governments, while the Report drew attention to the UK's 'extensive responsibilities but limited power' and the resultant exposure of UK taxpayers if the British government failed to act judiciously. The consequence was the publication, by the new Labour government in 1999, of a White Paper entitled 'Partnership for Progress and Prosperity', which provided a comprehensive plan of action to improve the governing arrangements between the UK and its Territories. The White Paper set out a number of recommendations on issues, such as the constitutional link, citizenship, the environment, financial standards, good governance and human rights.

The document emphasised that the reforms were to encourage a 'modern and effective partnership', which included an expectation that the Territories would agree to meet a range of international treaty obligations. These included effective regulation of offshore financial sectors, observance of human rights and good governance. The Labour government has since reaffirmed its commitment to the provisions contained in the White Paper, and has even suggested that the level of oversight should be increased in certain areas. The discussions over reforming the Territories. constitutions illustrate well the UK government's position. The UK has made clear that it will retain and even strengthen the existing model of extended statehood, and will certainly not grant further autonomy unless the Territories commit themselves to full independence. Despite strains in the relationship the Caribbean Territories wish to remain constitutionally linked to Britain at the present time, because the benefits still outweigh the negative aspects of the association.

The gradual application of a more pro-active and coherent level of oversight on the part of both Conservative and Labour governments in relation to the Overseas Territories highlights how the principle of extended statehood has taken hold, and how attempts have been made to address past deficiencies in the system. The

Territories are now much more heavily integrated into the international system, having adopted either willingly or unwillingly a number of changes to their political, economic and social structures. In addition, citizens of the Overseas Territories are now able, for the first time since the 1960s, to live and travel freely in the UK and other EU and European Economic Area member countries. The effect has been a convergence of policy and approach across the COTs, even though they retain distinctive constitutional arrangements. These changes have been undertaken by the British authorities in order to improve the UK's oversight and control of the Territories. Weaknesses remain, but the UK is now in a much stronger position than ever before to defend its interests and minimise its liabilities. The Overseas Territories might not always appreciate the measure of control exacted by the UK government, but as they wish to remain under the authority of the Crown for the foreseeable future, they have no choice but to accept the system of extended statehood now in operation.

NOTES

- i.** E. Davies 1995: p. 118. Unlike the other Territories, the BVI did not become a member of the West Indies Federation. As a consequence the Governor of the Leeward Islands continued to run BVI until 1960 when an appointed Administrator (later a Governor) assumed direct responsibility.
- ii.** Anguilla was administered as a single federation with St Kitts and Nevis from the early nineteenth century.
- iii.** See for example, Turks and Caicos Islands Constitution, Article 13, point 1, p. 14. Consolidation date: 15 May 1998.
- iv.** D. Taylor 2000: p. 339.
- v.** G. Drower 1992: p. 78.
- vi.** Davies.
- vii.** Ibid: p. 119.
- viii.** Ibid: p. 158.
- ix.** Ibid: pp. 156-57.
- x.** Ibid: p. 157.
- xi.** Ibid: p. 342.
- xii.** Taylor: p. 339.
- xiii.** Davies: p. 182.
- xiv.** H. Fergus 1990.
- xv.** T. Skelton 2000.
- xvi.** Davies: p. 228.

- xvii.** T. Thorndike 1987.
- xviii.** Davies: p. 338.
- xix.** Taylor: p: 338.
- xx.** S. Roberts, in *R. Aldrich and J. Connell* 1998: p. 88.
- xxi.** After P. Sutton, *Two Steps Forward, One Step Back: Britain and the Commonwealth Caribbean*, *Itinerario*, 25, 2, 2001, pp. 42-58.
- xxii.** A. Payne 1984: p. 90.
- xxiii.** The committee was established in November 1961 with the intention of encouraging the completion of the decolonisation process.
- xxiv.** Foreign Affairs Committee, *.Caribbean and Central America.*, Fifth Report, House of Commons, 1982.
- xxv.** T. Thorndike 1989: p. 118.
- xxvi.** Drower 1992: p. 75.
- xxvii.** *Ibid*: p. 76.
- xxviii.** Thorndike 1989; Sutton 2001.
- xxix.** Observations by the Secretary of State for Foreign and Commonwealth Affairs on the Second Report: Grenada. (1984) cited in Anthony Payne, *Britain and the Caribbean*. In: Sutton, *Europe and the Caribbean*, 1991: p. 23.
- xxx.** Thorndike 1989: p. 121.
- xxxi.** Thorndike 1987.
- xxxii.** *Ibid*: p. 261.
- xxxiii.** Turks and Caicos Islands, Commission of Inquiry, report of the Commissioner, Mr. Louis Blom-Cooper QC, into allegations of arson, Cm 21, December 1986, London: HMSO.
- xxxiv.** *Caribbean Insight*, An editorially independent publication of the Caribbean Council, October 1986.
- xxxv.** Turks and Caicos Islands, Report of the Constitutional Commissioner 1986, Sir Roy Marshall, April 1987, Cm 111.
- xxxvi.** Sutton 2001.
- xxxvii.** Hansard: Statement by Tim Eggar in the House of Commons, 16 December 1987, Column 574.
- xxxviii.** In 1980 the Turks and Caicos government with encouragement from the British sought an electoral mandate to introduce independence but was soundly defeated at the polls.
- xxxix.** Drower 1992; National Audit Office, Foreign and Commonwealth Office: *Contingent Liabilities in the Dependent Territories*, Report by the Comptroller and Auditor General, HC 13 1997/98, 30 May 1997, London: HMSO.

xl. NAO.

xli. Fergus 1990: p. 57.

xlii. Montserrat Constitution Order (1989) S.I. 1989 No. 2401.

xliii. Fergus 1990: p. 58.

xliv. The British blamed the need for constitutional change on Osborne's maladministration of the offshore banking sector (Fergus 1990).

xlv. Fergus 1990: pp. 66 and 67.

xlvi. Hansard: House of Commons Debate, in reply to a parliamentary question, 28 March 1991, Column 502.

xlvii. Davies.

xlviii. Ibid: p. 331.

xliv. Cayman Island Hansard, 20 June 1991: p. 24.

i. Drower 1992: p. 80.

ii. H. Hintjens 1995.

iii. Sutton 2001; NAO 1997.

liii. NAO.

liv. P. Sutton and A. Payne 1994: p. 94.

lv. G. Drower 1998.

lvi. The impetus for change came with the collapse of the Bank of Credit and Commerce International (BCCI) in 1991 after a complex money laundering fraud was exposed. Billions of dollars were stolen by BCCI management, which was in part facilitated by a number of dummy companies based in the Cayman Islands. After the collapse of the bank and the prosecution of a number of high-ranking officials, the UK government decided to improve the regulatory framework of the financial sector in the COTs. One of the UK government's first actions was to link up with US drug enforcement and tax authorities and conduct a sting operation in 1993 dubbed *Operation Dinero*. The undertaking involved the creation of a fake Anguillan bank and the routing of all its mail and email to the Atlanta base of the UK/US operation. The sting yielded nine tonnes of South American cocaine, a shipment of arms bound for Croatia, and US\$50 million in assets, US\$382,000 of which went to the Anguillan authorities for their cooperation (T. Klak, 'How Much Does the Caribbean Gain from Offshore Services?' in Blacklock, M. (ed.) *The Association of Caribbean States (ACS) Yearbook 2002 (5th Edition)*, London: ACS and International Systems and Communications Limited.

lvii. Department for International Development (1999) *An Evaluation of HMG's Response to the Montserrat Volcanic Emergency.*, Volume 1, EV635, December 1999: p. 1.

lviii. Ibid.

lix. Skelton.

lx. See for example International Development Committee, Montserrat, First Report, House of Commons, 18 November 1997; International Development Committee, Montserrat - Further Developments, Sixth Report, House of Commons, 28 July 1998; DFID, An Evaluation of HMG's Response to the Montserrat Volcanic Emergency.

lxi. International Development Committee 1997: p. 185.

lxii. DFID 1999: p. 6; see also International Development Committee 1997.

lxiii. The Overseas Development Agency was part of the FCO, albeit with a degree of autonomy. In May 1997 it was detached to form a new ministry - DFID.

lxiv. DFID 1999.

lxv. International Development Committee 1997: p. 15.

lxvi. Taylor; International Development Committee 1997.

lxvii. Taylor: p. 340.

lxviii. DFID, 1999: p. 4.

lxix. DFID 1999.

lxx. Skelton: p. 109.

lxxi. NAO: p. 1.

lxxii. Ibid: p. 7.

lxxiii. Ibid: p. 17.

lxxiv. Committee of Public Accounts, 'Foreign and Commonwealth Office: Contingent Liabilities in the Dependent Territories', Thirty-Seventh Report, House of Commons, 11 May 1998: p. v.

lxxv. DFID 1999.

lxxvi. International Development Committee 1997: p. 162.

lxxvii. Foreign and Commonwealth Office, Partnership for Progress and Prosperity: Britain and the Overseas Territories, Cm 4264, March 1999: p. 8.

lxxviii. Ibid.

lxxix. Ibid: p. 7.

lxxx. Foreign Affairs Committee, Interim Report on the Dependent Territories, House of Commons, February 1998: p. 8.

lxxxi. House of Lords debate on the Dependent Territories, 11 June 1997.

lxxxii. FCO, Partnership for Progress and Prosperity: Britain and the Overseas Territories.

lxxxiii. The House of Commons International Development in its report on Montserrat suggested that the responsibility and resources for the Dependent

Territories should be in the same department (1997: p. xxx). However, the British government declined to take the Committee's advice See International Development Committee Report (1998).

lxxxiv. Overseas Countries and Territories. (OCTs) is an official term to describe countries that have a special relationship with one of the Member States of the EU. The UK Overseas Territories have been associated with the EU since 1973 and receive development and programme assistance from Brussels. Under the 8th European Development Fund (1995-2000) the Territories were given 13.1 million euros in aid.

lxxxv. Interestingly the Cabinet rejected the term *Overseas Territories* in 1946 as 'cumbrous and colourless' (Drower 1992: p. xvii).

lxxxvi. FCO, *Partnership for Progress and Prosperity: Britain and the Overseas Territories*.

lxxxvii. At the time of the FCO review only Montserrat was receiving budgetary aid from Britain. However, Anguilla and the Turks and Caicos Islands (as well as Montserrat) were benefiting from UK bi-lateral project aid. Today only Montserrat receives bilateral aid from the UK government. However, the other COTs do have access to regional funds, such as for economic diversification (£295,000) and good government (£2 million). (Figures for the total amount spent on COTs and Bermuda in the 2004/05 financial year.)

lxxxviii. Foreign Affairs Committee 1998.

lxxxix. Drower, 1998; H. Hintjens and D. Hodges 2004.

xc. FCO, *Partnership for Progress and Prosperity: Britain and the Overseas Territories*.

xc. In 1997 Hong Kong had a population of 3.5 million.

xcii. Newcomers to the Overseas Territories were (and are still) subject in the first instance to regulations on rights of residence in the Overseas Territory in which they wish to live. These regulations differ from Territory to Territory.

xciii. Foreign Affairs Committee 1998.

xciv. FCO, *Partnership for Progress and Prosperity: Britain and the Overseas Territories*: p. 18.

xcv. See for example, Letter to the Clerk of the Committee from the Rt Hon The Lord Waddington, former Governor of Bermuda. (Foreign Affairs Committee 1998: p. 49).

xcvi. Foreign Affairs Committee 1998.

xcvii. FCO, *Partnership for Progress and Prosperity: Britain and the Overseas Territories*: p. 17.

- xcviii.** Hansard: House of Commons Debate, 17 March 1999 (part 21), Column 1131.
- xcix.** European Economic Area members are Norway, Iceland and Liechtenstein. These countries are able to participate in the European Internal Market while not assuming full responsibilities of EU membership.
- c.** House of Lords, The British Overseas Territories Bill, Bill 40 of 2001-2002, 30 October 2001; FCO Annual Report 2003, available at www.fco.gov.uk.
- ci.** FCO, Partnership for Progress and Prosperity: Britain and the Overseas Territories: p. 20.
- cii.** Ibid.
- ciii.** Turks and Caicos Free Press: 16-30 July 2004.
- civ.** FCO Annual Report 2003, available at www.fco.gov.uk.
- cv.** FCO Annual Report, 2002, available at www.fco.gov.uk.
- cvi.** Anguilla and the Turks and Caicos Islands also have such plans, tailored to their particular policy requirements.
- cvii.** This commitment was made to all of the Overseas Territories in the 1997 White Paper on International Development entitled *Eliminating World Poverty: A Challenge for the 21st Century*.
- cviii.** DFID, Montserrat: Country Policy Plan 2004/05 - 2006/07, December 2004.
- cvix.** Ibid.
- cx.** Caribbean Media Corporation News Agency, Britain's Princess Anne opens new airport terminal building, 23 February 2005.
- cxii.** Caribbean Insight, 23 January 2004.
- cxiii.** DFID, Montserrat: Country Policy Plan 2004/05 - 2006/07, December 2004. Since the crisis began Montserrat has received a total of £206 million from DFID.
- cxiiii.** International Development Committee 1997; International Development Committee 1998; DFID 1999).
- cxv.** FCO Annual Report 2001, available at www.fco.gov.uk.
- cxvi.** FCO Annual Report 2003, available at www.fco.gov.uk.
- cxvii.** See for example the Sixth Overseas Territories Consultative Council, 21-22 September 2004.
- cxviii.** Caribbean Insight, 17 September 2004.
- cxviiii.** BBC Caribbean News, Cayman must have a say, 28 April 2005. In the aftermath of the 1999 White Paper, the UK government negotiated agreements with the Overseas Territories to regulate their levels of borrowing.
- cxix.** In terms of average GDP per capita levels, it seems that the development of

OFCs has proved to be a successful economic development strategy for the COTs. In the British Virgin Islands and the Cayman Islands, for example, GDP per capita is close to US\$30,000 although this does hide quite significant disparities of income within their societies. Nevertheless, GDP per capita levels in the COTs compare favourably with that of the independent Commonwealth Caribbean, where the offshore sector is of marginal importance. The most substantial offshore sector is in the Cayman Islands, which is the base for 600 banks and trust companies, including 47 of the world's largest 50 banks. In addition, there are 45,000 registered companies, while the banking sector has liabilities denominated in foreign currency worth approximately one trillion US dollars. A further US\$150 billion are invested in hedge funds. The majority of offshore business comes from US corporations and the rich elite who have deposits worth some US\$800 billion. The sector contributes around one third of the Cayman Islands. GDP (Financial Times, Global crackdown on tax evasion begins to stall, 30 November 2003). The British Virgin Islands, meanwhile, has become one of the world's leading offshore financial centres, specialising in the registration of international business companies, and the captive insurance market. The income raised from financial services contributes close to 50 percent of government revenue (Economist Intelligence Unit, Country Profile: Barbados, British Virgin Islands, Cayman Islands, Netherlands Antilles and Aruba, 2004: p. 45). In Turks and Caicos offshore finance is the country's largest source of external revenue after tourism. While Anguilla's offshore sector is small but growing, assisted by a recently developed computerised online registration network, and now worth approximately US\$4 million in revenue annually (FCO, Partnership for Progress and Prosperity, Appendix One).

cxix. NAO.

cxxi. KPMG, Review of the financial regulation in the COTs and Bermuda, Cm 4855, 2000. London: Foreign and Commonwealth Office.

cxxii. See for example OECD's Harmful Tax Competition Initiative, which attempts to bring countries together to encourage them to eliminate harmful tax practices. Four of the UK's COTs were identified as tax havens in an OECD report in 2000 - Anguilla, British Virgin Islands, Montserrat and Turks and Caicos. The Territories then set about meeting the commitments necessary for compliance, and when the revised List of Uncooperative Tax Havens was issued on 18 April 2002, the four Territories had been removed. See OECD, Towards global tax co-operation: report to the 2000 ministerial council meeting and recommendations

by the committee on fiscal affairs. Progress in identifying and eliminating harmful tax practices, 2000, Paris; OECD, The OECD Issues the List of Un-cooperative Tax Havens, 18 April 2002, available at <http://www.oecd.org>.

cxxiii. K. Holzinger 2003.

cxxiv. Economic and Financial Affairs Council, Results of Council of Economics and Finance Ministers, Luxembourg, 2 June 2004 - Taxation, MEMO/04/134, Brussels, 3 June 2004.

cxxv. European Commission, Commission adopts new proposal on taxation of cross-border savings income, IP/01/1026, Brussels, 18 July 2001.

cxxvi. European Commission, Savings tax proposal: frequently asked questions, Memo 01/266, Brussels, 18 July 2001.

cxxvii. 2004/587/EC: Council Decision of 19 July 2004 on the date of application of Directive 2003/48/EC on taxation of savings income in the form of interest payments, Official Journal L 25, 4 August 2004.

cxxviii. The Guardian, Bungled MI6 plot led to Cayman trial collapse, 18 January 2003; Offshore Alert, Collapse and aftermath of Eurobank trial, 31 January 2003.

cxxix. European Court of First Instance, Order of the President of the Court of First Instance, Government of the Cayman Islands vs. Commission of the European Communities, Case T-85/03 R, 26 March 2003.

cxxx. Caribbean Insight, 19 September 2003.

cxxxi. Financial Times, Global crackdown on tax evasion begins to stall, 30 November 2003.

cxxxii. Economist Intelligence Unit, Country Report: Puerto Rico, Bahamas, Bermuda, and Turks and Caicos Islands, March 2004: p. 42.

cxxxiii. Hansard, House of Commons, Oral Answers to Questions (British Virgin Islands), The Parliamentary Under-Secretary for Foreign and Commonwealth Affairs (Mr. Bill Rammell), Tuesday 13 July 2004, Column 1237.

cxxxiv. Financial Times, Sunset in the tax haven, 28 February 2002; E. Pantojas-García and T. Klak 2004: p. 184.

cxxxv. Financial Times, 28 February 2002.

cxxxvi. Financial Times, Caribbean tax haven offers assistance, 13 February 2002.

cxxxvii. See for example, the decriminalisation of homosexual acts in 2001.

cxxxviii. International Development Committee 1997: pp. 186-87.

cxxxix. Separate trials took place: one in June 2003, and the other in December.

cxl. Economist Intelligence Unit, Country Profile: Barbados, British Virgin Islands, Cayman Islands, Netherlands Antilles and Aruba, 2004: p. 42.

cxli. The corruption in the Turks and Caicos Islands during the mid-1980s was so serious

that the UK government felt it was necessary to take action.

cxlii. Turks and Caicos Free Press, 5-12 March 2004.

cxliii. Foreign Affairs Committee, Overseas Territories: Written Evidence, HC 114, House of Commons, 9 March 2004.

cxliv. The UK government has recognised that where possible, and within constitutional limits, the COTs should have fuller participation in international fora that directly impinge upon their welfare, for example the EU, the OECD and the Caribbean Community (CARICOM). In regard to CARICOM, Montserrat is a full member, while the other COTs are associate members. The UK government increasingly realises that it is good for the Territories to represent their own interests in such circumstances, where their particular knowledge and expertise can be utilised.

cxlv. Fergus 2004. A strong voice for change within the Cayman Islands came from Leader of Government Business, McKeeva Bush and his United Democratic Party (UDP). However, the UDP lost power to the People's Progressive Movement (PPM) in the May 2005 elections. The PPM and its leader Kurt Tibbets have been more circumspect about constitutional change.

cxlvi. FCO Department Report 2004, available at www.fco.gov.uk.

cxlvii. Foreign Affairs Committee 2004.

cxlviii. For example the Chief Minister of the Turks and Caicos Islands, Michael Misick, has talked about the Territory gaining full internal self-government.

cxlix. Foreign Affairs Committee 2004: p. 7.

cl. Foreign Affairs Committee 2004.

cli. Ibid: p. 9.

clii. Ibid.

cliii. Foreign and Commonwealth Office, UK International Priorities: A Strategy for the FCO, Cm 6052, December 2003: pp. 42-43.

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Extended Statehood In The Caribbean ~ Introducing An Anti-National Pragmatist On Saint Martin & Sint Maarten



...the disaster of sovereignty is sufficiently spread out, and sufficiently common, to steal anyone's innocence. Jean-Luc Nancy (2000: 142)

Much has been written about extraordinary West Indian intellectuals living in the West who see no contradiction in being Caribbean and European, Caribbean and North American. Their strategies of hybridism have become enormously popular in postcolonial studies. Long live the hybrids and blessed are those who follow in their footsteps. They are jettisoned into the position of role models for those who still reside on the islands. If only the islanders would not be so local minded.

What occurs with the best of intentions is that West Indian intellectuals espousing hybridism are presented as cosmopolitans while those who remain on the islands are presented as slaves to localism. Many West Indians myself included prefer that we be seen as pragmatic anti-nationals, and our expressions of being Caribbean and European should be read as such. **[i]** Our hybridism is not an endorsement for nationalism. It is a manifestation of our disagreement with these and all other imagined communities that harden themselves into natural categories. Categories that seek to assert irreconcilable differences between insiders and outsiders. We complicate notions of exclusive national belonging -

asserting our West Indianness, Europeanness, and blackness - in order to awaken others from the nightmare of exclusive nationalism and bio-cultural racism. We are not however blind radicals for we take into account that without the defence of nation-states, at this historical juncture, the vast majority of West Indians would be ravaged by capitalism in WTO ordered world. We temper our principles and seek to listen to those who are reduced to statistics, numbers, and 'the masses' by dependency theorists as well as IMF technocrats. This is the stance of pragmatic antinationals, a stance that is a blossoming of a seed planted in us by our West Indian experience.

If there is one general rule among West Indians it is that most of those who stay at 'home' and those who go 'abroad' are both glocal, and are not totally drunken by nationalism (c.f. Mintz 1996). When and if necessary they can 'forget' their national belonging without scaring their souls. It is thus a small step for them to achieve an antinational state of mind. This may be truer on those islands that have never achieved formal independence: the alternative post-colonies in the Caribbean. Wielding Dutch, French, British, and American passports, many visit 'the mother countries' frequently and some have spent a few years living in the metropolitan mainland. They are a people who make ample use of the privilege of an extended statehood, and construct a way of being that accords with their situation. On these alternative post-colonies one encounters persons who also have no difficulty being West Indian and European as their counterparts do in 'the mother countries'. Hybrids, pragmatic anti-nationals, can be found on both sides of the Atlantic. We need a more dynamic understanding of the peoples of the alternative post-colonies of the Caribbean.

The little posed question that this task helps us to answer is why independence activists in the alternative postcolonies have been unsuccessful in amassing huge support for their cause. The pragmatism of these populations who are said to opt out of independence because of a fear of poverty should not be presupposed. It should be proven. *Homo economicus* and *homo 'pragmaticus'*. need to be produced and stimulated. It is not inborn. We have to understand the mechanisms and human brokers in the cultural realms that continuously promote the pragmatic message countering the anti-Western messages of those championing political independence. In doing so it is of pivotal importance to appreciate the role of media and media personalities. In our mediatic world, media messages determine what we view as reality.

This essay seeks to do exactly this by presenting the philosophy of life of DJ Shadow, a pragmatic anti-national and one of the most popular radio disc jockeys on Saint Martin & Sint Maarten (a bi-national French and Dutch West Indian island), who uses his talents to encourage both newcomers and locals not to believe in nationalism. **[ii]** On Saint Martin & Sint Maarten (SXM) newcomers have a demographic, economic, and political advantage. 70 to 80% of the 70.000 SXMers are immigrants. Without these newcomers the island cannot cater to the 1 million tourists that visit the island annually. The upper class newcomers hail primarily from the US, Canada, Western Europe, India, and China. They are the major investors and brokers of overseas financiers. The working classes on the other hand - those who ensure Western tourists have an unforgettable vacation - are for the most part West Indians, Latin Americans, and Asians. The autochthons, known as the 'locals' have a virtual monopoly in the civil service and occupy the middle management positions. To be considered a local one needs to have ancestral ties that go back at least three generations. Nonetheless while this categorization excludes newcomers, most locals do not express this privilege. They are welcoming to newcomers and do not practice endogamy.

Due to this open stance 'locals' have managed to remain in political power. All elected officials are 'locals' and most newcomers I spoke to felt that they did not discriminate. The newcomers refuse however to vote for the *independistas*, fringe politicians who seek laws that will privilege 'locals' and champion independence from France and the Netherlands. Especially the working class newcomers are fervently against these measures. They claim that independence in their countries have only made the rich richer and has secured the middle classes as rising bourgeoisie. On SXM they do not live in abject poverty and can remit to love ones in their 'home countries'. The 'locals' and wealthy newcomers also do not vote for *independistas* for fear of losing their investments and comfortable life.

DJ Shadow feeds this sentiment. Without mentioning their names, he presents the small but vocal group of independence activists as rabble-rousers that wish to create divisions among the various ethnic groups that inhabit the island. Everyday they are bashed for their alleged hypocrisy and ridiculed for being non-pragmatic thinkers. The public who tunes into DJ Shadow's program, a considerable cross section of the population, are harkened not to believe in the exclusive nationalism forwarded by fringe politicians.

There is an ideological reason behind DJ Shadow's dislike for nationalism. Being

an avid traveller and having resided in Curaçao, the Dominican Republic, the US, Spain, Germany, and the Netherlands, has taught him that all forms of nationalism exclude outsiders. Moreover discrimination of ethnic minorities and ethnic strife are structural. Nationalism for him is anti-humanist. Nonetheless he champions that in order to secure their livelihood, SXMers should opt to remain part of the French Republic and the Dutch Kingdom. In doing so they should not however believe in national exclusivity. It should be a pragmatic decision.

DJ Shadow dismisses protestations of *independistas* concerning SXMers selling their soul for a few loaves of bread and thereby losing their dignity. Besides the pragmatic reasons he puts forth as to why SXMers should not opt out of the French Republic and the Dutch Kingdom, he also promotes his own version of a planetary humanism which he labels Rastafari individuality. Five days a week from 13.00 to 17.00 hours, the Shadow claims that all human beings consist of a relatively autonomous Self and a personal God and Devil, which seek to direct their lives. Our task in life is to balance our personal God and Devil, since none of us will ever be able to rid ourselves from the influences of either. DJ Shadow averred that one needed to use the precepts of both to survive in everyday life. According to him this Rastafari individuality offered SXMers a way of being that transcended ethnic differences, and encouraged them to see the underlying unity of human beings. He had learnt to view himself as such by combining Rastafari with the wisdom of his deceased grandmother.

My grandmother was a woman who could do things, you know what I mean? She was into her Higher Science [this is the name given to spiritual philosophies such as Santeria and Montamentu]. I can remember sitting in her lap and she telling me that I should never forget that the Devil used to be an angel too, so he ain't all that bad. She used to tell me that when you read your Bible and they say that Lucifer was cast down to earth for disobeying God you must remember that it was about power. God had all the power and Lucifer wanted some of it. So they fight and God's general, Michael, defeat Lucifer and banish him to earth. She would say just like how the big men does fight for power over the heads of the small man, the same thing took place in Heaven. In the same way we too have a God and a Devil inside fighting to have power over we. Both of them want we soul. Now what is important for me is this life, and not so much the other life. Nobody ever come back to tell me how it was. So what I believe we must do is respect both of them and use them to get ahead. But we must always remember that we

will never be able to fully control them. So when I say 'I and I' sometimes it means me and my God but if you're fucking around it means me and my Devil ain't going take your shit. This is my version of 'I and I', my Rastafarian individuality, you overs?

While heavily infused with Catholic, Rastafari, and Afro-Caribbean spiritual tenets, the Shadow claimed that his philosophy of life was ecumenical. He phrased the matter thus emphasizing the radical egalitarianism he stood for,

Remember this Star, this what my grandmother, rest her soul, used to say there is no religion in righteousness, religion is a way towards righteousness. You overs? 'I and I' want to burn the fear out of the people. A man who afraid to choose for himself is a man who fear life. People have to realize that life is good and Jah give us a compass so we can decide for ourselves. You don't need anybody telling you what to do and which way to follow. You see for me the pastor and the politician are twins. Pastors I relate to the past. That was when Man used to follow prophets. Old Testament style, seen? Now Man knows better so automatically I and I blocking it out. And politicians is just pollution Star [my cosmic friend], polluting the people brains. We can't deal with pollution or with the past. They both should have no meaning in this present time here.

I had the opportunity to conduct an in-depth interview with him in 2002 concerning his life experiences and how he became a pragmatic anti-nationalist. **[iii]** What follows is a thick description of this encounter. Herein I will discuss relevant theories on nationalism and anti-nationalism that substantiate the philosophies of this pragmatic anti-nationalist.

Talking about Nationalism

As I sat in his uncle radio station, PJD2, the station most SXMers tune into, ready to interview him, I couldn't help thinking that fate deals some people better cards than others. DJ Shadow was a popular radio disc jockey, MC, and singer. His fan base consisted of teenagers and SXMers in their middle years. Moreover he belonged to one of the wealthiest and respected families on the island. His family owed several businesses on the island as well as on neighbouring tourist paradises such as Saint Christopher and Nevis. Besides disc jockeying he dabbled in the family's business and organized largescale concerts and festivals on the island.

Having been successful in most of his endeavours, the Shadow had a new mission in life and that was encouraging his fellow SXMers not to delude themselves into believing that they naturally belonged to any imagined national community. An excessive belief in nationalism was according to him a symptom of being out of balance, a manifestation of the 'screwed' idea of feeling superior to another.

That nation business is just hate business, Devil works. Whenever you have a nation, you have an enemy, you have war. It is like that because you going to believe you better than the other man. I mean Bob Marley spoke about this. Listen to 'War', there the man is basically telling you that that is nonsense. Madness B [B is a shortened version of brother]. Jah create us all, that nation business is just tribalism. The illusions of the politricksians [a combination of politician and trickster].

What both DJ Shadow and Marley's song 'War' critique is 'the imagined community of the nation' a social construct born in the Americas (c.f. Anderson 1991). According to Anderson the social discrimination directed at the Euro-Creole elites by their metropolitan counterparts combined with travel and the proliferation of printed journals dedicated to primarily local topics led them as a public to imagine themselves as members of a 'community' separate from the colonial powers (*ibid*). As they fought successful wars of independence against their respective 'mother countries', they established the first nation-states in the world. **[iv]** These became the universal models. Several Caribbeanists have challenged Anderson, suggesting that nationalism was not solely fathomed by Euro Creole elites (e.g. Sanchez 2004, Hallward 2004, Trouillot 1990, and James 1969). Nationalism was instead the product of masters and slaves, as well as those belonging to every other social category in between these two extremes. The case of Haiti, which was the wealthiest colony in the New World, when it began its struggle for independence and which became the second nation-state in the world, stands as irrefutable proof. Nationalism and nation-states should also be seen as being related to the rise of liberal egalitarianism, the ideology of Unity and Equality of Man. A circumvention of that noble ideal.

In order to stay competitive in the world markets, however, the leaders of these new nation-states, who were mostly wealthy Euro Creoles, but also sometimes Black planters retained institutions such as slavery, *encomienda*, and indentured labor, even while proclaiming the Unity of Man. There was also the necessary racism and ethnic discrimination. The latter two ingredients in the construction of

nationalism were not an aberration, as several studies have shown that despite the passing of time, and its many incarnations, racism and ethnic discrimination remain integral in most, if not all, official expressions of nationalism and nation-state projects (Mulhern 2002, Brown 2000, Baumann 1999, Gilroy 2000, Kristeva 1991).**[v]** Black Dutchmen are still an oddity in the minds of many despite the fact that the majority of the Dutch West Indians are brown skinned. The same goes for African countries such as Zimbabwe whereby Whites are still considered 'honorary insiders'. All nations are characterized by their ethnic and racist views concerning the character of the chosen and the excluded (*ibid*).

This insider versus outsider logic also plays itself out among dominant and subordinate groups within a nation. In discussions concerning the issue of national belonging, the ethnic and racial basis of official nationalism is usually camouflaged in the form of civic nationalism - which is ideally based upon voluntarism and ethnical neutrality - and multicultural nationalism - which claims that one should respect the rights of all 'ethno-racial' groups or nations within the larger Nation. Under the guise of neutrality (civic) or respect for difference (multicultural), elites among the dominant 'ethno-racial' group still decide what constitutes difference and how this should be classified, accepted, and judged.**[vi]** The latter is what DJ Shadow accused the 'local' politicians of doing. As DJ Shadow put it,

I am not for more political autonomy from Holland. That to me is just more nationalism. I think the world has had enough of that. I and I am not endorsing that tribalism.

Relying on his own experiences, DJ Shadow arrived at similar conclusions as scholars who have critiqued the concept of nationalism.

I don't have to go to school to see that that is nonsense. All I have to do is look at the next man and I know that he ain't so different from me. He too got to shit, eat, and sleep (followed by a laughter). Any man who can't see that have to get his head checked.

While print and travel might have encouraged his elite Euro Creole predecessors to imagine nationalism and nation-states as natural communities, Conscious Reggae and travel had led him to realize the inverse. Like them he held grudges against the 'mother countries' in Western Europe, but unlike them he was not

championing equality and independence while legitimating the subjugation of the poor and the disenfranchised. In a world in which the masses in the politically independent Global South were suffering from the adverse effects of capitalism, he felt nationalist projects and independence movements promised little or no material benefits. **[vii]**

Traveling as an Awakening: Discoveries in the Americas

DJ Shadow was well traveled, having resided on various Caribbean islands, in the US, and several countries in Western Europe. All these places had been spaces of awakening for him, spaces that led him to understand that nationalism and related hierarchical ideas of belonging engendered violent divisions among human beings. Instead of employing the mutually exclusive categories 'local' and newcomer to designate differential and hierarchical belonging, DJ Shadow felt all SXMers should better understand themselves as 'Rastafari individuals', and be aware of the violence committed by those who saw themselves as belonging to distinct nations.

DJ Shadow had lived in Curaçao, the Dominican Republic, Saint Christopher, Jamaica, and Trinidad. His stay on these islands strengthened his understanding that SXMers shared many similarities with other West Indians, especially in regard to everyday practices. The islanders borrowed each other's Creolized cultural products and on each island made something unique of their mutual borrowings. This was especially true in the realm of music. For instance with Calypso music he observed a changing repetition on every island of this genre, which had first emerged in Trinidad. He asserted that in this borrowing there was not only the intention of mimicking but also about proclaiming difference.

Calypso comes from Trinidad but everybody plays it differently. If you give each Caribbean island the same song to play, each one will intentionally play it different. So SXM Calypso is from SXM.

He also pointed out Calypso musicians in Trinidad borrowing from other islands, making the whole origin story problematic.

I mean when you look at it, Trinidadian Calypso get influence by the Jam band style from Dominica, so what is what?

According to him, one could make the same point as far as Conscious Reggae was concerned. What was important as well was that Conscious Reggae composers

wrote songs that promoted transnational alliances among the structurally oppressed, primarily dark skinned West Indians, to keep struggling for social justice. While Marley and other Reggae artists had championed national independence in songs such as 'Zimbabwe', DJ Shadow consciously omitted this to make his point of transnational solidarity. **[viii]**

Consciousness don't cater for that national thing. Marley, Tosh, Burning Spear, Buju, them man is not national them man is international. It is about the black man redemption, about the small man struggles, you overs? The small man in the Caribbean, and let me be frank, most of them black, struggling ever-since with Babylon. But still they ain't give up yet, they still smiling, and that is their strength. So when Bob say 'lively up yourself and don't be no dread' he telling them remain happy don't let Babylon enslave you brain. A sad man is a man who lose the battle before it even started.

According to DJ Shadow nationalism sought to obfuscate this and other commonalities among the inhabitants of the Caribbean basin. Caribbean people were as he put it 'children of the sun' . 'Caribbeaness is defined by the sun'. He used the term sun in a metaphorical sense. For DJ Shadow the term signified a stance in life that radically asserted joy coupled with an uncompromising sense of somebody-ness and an unrelenting ambition to get ahead.

Caribbean people have an aura about them. They love to party. Bacchanal is their thing. They have a strong sense of pride and don't accept injustice. They don't want to sit in the back of the bus [this is an allusion to the Rosa Parks incident that hailed Martin Luther King's involvement in the Civil Rights movement]. They want front seat, you overs? We SXMers are no exception.

When I asked him where these attributes came from he replied matter-of-factly that they stemmed from the African, Asian, and European ancestors of Caribbean people. However, as with his metaphor of the bus, he explicitly highlighted the experience of Blacks in the New World.

Listen star we don't have to travel to really know Africa, Europe, or Asia because they are here. We born from them. All of us have to acknowledge our black grandmothers even the whitest of us. If it wasn't for her titty's, Star think about it, you overs? [titty's is a Creole word for tits. DJ Shadow was alluding to the role played by many African women in breastfeeding blacks and whites]. If she didn't

survive none of us would have survived.

DJ Shadow was doing two things in the context of our conversation. He was employing the stereotypes of the eternally joyful and the ambitious West Indians to show me the self-resilience of most Caribbean people who constructed themselves in the midst of unspeakable horrors. By claiming that Africa, Asia, and Europe were in the Caribbean and that all had to acknowledge their black grandmothers, he was referring to the legacy left by the fore-parents and the importance of those who survived slavery. He was voicing that he realized what Caribbeanists have termed 'the shipwreck experience' that bind the West Indies and 'the presences' that roam about in the region (Walcott 1993, Hall 1992).

The shipwreck experience is a metaphor used to convey the well-documented facts of the horrors of colonialization in the Caribbean. Millions of people from Africa, Asia, and to a lesser extent Europe were forced to leave their prior living environments. Millions were transported to the Caribbean basin on ships chained together by their ankles, strangled by indentured labor contracts, or escaping religious prosecution (Mintz 1996, Walcott 1993). They became the inhabitants of islands whose indigenous population had been all but wiped out. Most of the identifications and practices that they were accustomed to performing were unsustainable in their new homelands, because most of the institutions and contexts upon which they were based were non-existent.

The transplanted peoples of the Caribbean had to be homogenized in some ways to meet the economic demands imposed upon them, at the same time that they were being individualized by the erasure of the institutional underpinnings of their pasts. These were the achievements - if we choose to call them that - of Caribbean colonialism. The movements of people by which such sweeping changes were facilitated were massive, mostly coerced, and extended over centuries. I do not think that there is much with which they can be compared, in previous and subsequent world history. Those who came in chains could bring little with them. The conditions under which they had then to create and recreate institutions for their own use was unimaginably taxing. This was, of course, particularly the situation of those who came as slaves. It was different, and somewhat better, for impressed or contracted Europeans. But the Irish deported by Cromwell, the convicts and the engages, the debt and the indentured servants from Britain and France, cannot be said to have been truly better off, so far as the transfer of kin groups, community norms or material culture are concerned. Nor

for that matter, were the Chinese who would be shipped to Cuba, the Indians who went to the Guianas and Trinidad, or the Javanese who went to Suriname in the subsequent centuries.(Mintz 1996: 297-298)

This has led to the situation that in the Caribbean, Africa, Asia, Europe, and the Arawak and the Carib world are 'presences', traces of the old, transformed though nevertheless discernible and lingering in all cultural expressions. Particularly the African presence, though often repressed, remains an important structuring element. During our conversation, DJ Shadow was highlighting its importance. Scholars such as Stuart Hall (1992) and Derek Walcott (1974) have also averred that this structuring element has to be recognized throughout the Caribbean.

'Presence Africaine' is the site of the repressed. Apparently silenced beyond memory by the power of the new cultures of slavery, it was, in fact, present everywhere: in the everyday life and customs of the slave quarters, in the languages and patois of the plantations, in the names and words, often disconnected from their taxonomies, in the secret syntactical structures through which other languages were spoken, in the stories and tales told to children, in religious practices and beliefs, in the spiritual life, in the arts, crafts, musics, and rhythms of slave and post-emancipation society. Africa, the signified which could not be represented, remained the unspoken, unspeakable 'presence' in Caribbean culture. It is in 'hiding' behind every verbal inflection, every narrative twist of Caribbean cultural life. It is the secret code with which every Western text was 're-read'. This was-is-the 'Africa' that is still alive and well in the diaspora.... Everyone in the Caribbean, of whatever ethnic background, must sooner or later come to terms with this African Presence. Black, brown, mulatto, white-all must look 'Presence Africaine' in the face, speak its name'. (Hall 1992: 229-230)

While 'African traces' are of utmost importance, and despite the progress made due to the growing black consciousness in the region they are still not sufficiently recognized, contemporary Caribbean people and their cultural expressions are an embodiment of all the 'presences' in constant reconfiguration. All 'traces' play a constitutive role and 'racial' taxonomies offer no privileged indication of the different Caribbean groups or their

cultural expressions. In telling fashion Édouard Glissant forecloses any possibility of arguing that although Caribbean people and their expressions are in the making, in a state of becoming as Stuart Hall would phrase it, one could

nevertheless claim to discern groups based on 'racial' criteria's or singular roots.

'...whatever the value of the explanations or the publicity Alex Haley afforded us with Roots, we have a strong sense that the overly certain affiliation invoked there does not really suit the vivid genius of our countries'. (Glissant 2000: 72).

Several other studies have shown that these reconfigurations were done and continue to be done in a milieu characterized by colonial, neocolonial, and internally based structural inequalities. Phrased differently, in a world dominated by Western powers that still have difficulties admitting that racism and capitalist exploitation are the foundation of their polities (e.g. Palmié 2002, Besson 2002, Sheller 2000).**[ix]** Especially for the working classes, recreating themselves positively and struggling against these structural inequalities went hand in hand.

The 'presences', reconfigured into Caribbean cultural expressions and enmeshed in projects dedicated to social justice, also gave birth to xenophobic nationalist projects and hierarchical ideas of belonging. DJ Shadow personally experienced xenophobia and at the hands of 'autochthon' elite and working class Curaçaoleans when he attended secondary school on Curaçao.

When you left here as a young man and you go to school in Curaçao, MAVO and HAVO (high school), back in the day they would call you an Ingles Stinki (uncouth Englishmen), tell you ain't got no culture. And I am an Antillean just like you B. I carrying the same passport you carrying. I don't have anything against them personally but that mentality has got to go. They feel that Curaçao is the head, Curaçao is number one, like they would say Yu di Korsow (literally: son of the Curaçao), and consider themselves better than everyone. No one is better than another. Jah ain't create nations, seen. Too much of them under the spell of they politricksians who robbing them while the eyes open.

This experience of DJ Shadow and other Dutch Windward island students who spoke primarily English being called 'Ingles Stinki', uncouth Englishmen, is a telling example of the adverse effects of the presences reconfigured in the ethnic biases of Curaçaolean nationalism. It is an example in which the 'presence Européenne' is clearly discernible, or in DJ Shadow's terms, *'the Western sensibility driving them mad'*. Let me clarify this. If one unclogs one's mind from 'race', one realizes that what these predominantly dark skinned Curaçaoleans were doing in calling their Windward island counterparts uncouth Englishmen

was a trace of the historical opposition that Western European thinkers, in the late 19th and early 20th century, posited between Roman speaking Europeans and those who spoke Germanic languages. These linguistic differences sometimes combined with assertions of Catholicism versus Protestantism and distinct 'cultures' were used to make and substantiate ethnic and racist claims (c.f. Skurski, 1997, Rojas & Matta 1997, Rock, 1987). French and Spanish thinkers posited that Latin Europeans were more high cultured and Catholicism a more spiritual religion than the Protestantism of Northern Europeans (*ibid*). German and English intellectuals averred on the other hand that Northern Europeans were bearers of Protestantism and a work ethic that made them the natural leaders of the world. Historically this opposition was also played out between Latin American and North American intellectuals (*ibid*). In their nationalist scheme, political leaders on Curaçao translated these ideas to claim that the island's 'autochthons' were bearers of a superior Latin Caribbean culture and the inhabitants of the Dutch Windward islands were part of a less refined English Caribbean. **[x]** This was one of the ways they sought to legitimize the fact that in the Dutch Antillean parliament, Curaçaoan parliamentary officials have the ultimate say with regards to the matters of the other Dutch Antillean islands. **[xi]**

In DJ Shadow's opinion, the United States of America was made up of the similar presences as the Caribbean. For him the only differences were that of size and the fact that the US had surpassed Europe as far as political and economic might is concerned. This was according to him the main reason why many Europeans disliked and ridiculed these North Americans.

Europe build America, so basically America is the baby brother of Europe. Yet they clash because baby brother don't want to listen to big brother and want to take over. But I ain't in that with them Boo (instead of Bro for brother, SXMers say Boo). I love New York and they treat me nice over there. And when they come here most of them does behave well proper. Yes is Babylon capital (the US) and yes Bush is a war man, but you got give Jack his Jacket.

As with the West Indies, however, the US also remained a victim of nationalism camouflaged in multicultural rhetorics of belonging. As is the case elsewhere, here too one found politicians seeking to delude the ordinary folk.

They too living the scenario of their politricksians. Clinton was bad too but Bush is a dirty motherfucker.

While living and studying in Miami and New York DJ Shadow lived in a country where 'race' combined with ethnicity seeped through all areas of life. The first time he was pulled over by a police officer and thoroughly searched, he knew it was because of the color of his skin and his accent. One of the cops who pulled him over was dark skinned showing, according to him, how many black and white Americans had '*the racial thing in them*'.

While ideas of 'race' combined with ethnicity are not exclusive to the US it was there that DJ Shadow became fully aware of their impact in structuring and legitimating power relations. This is an argument that has been put forward by several African-Americanists (West 1998, Higginbottam 1996).**[xii]** In Western Europe he came face to face with the continent he identified as having bred this evil.

DJ Shadow's European Experiences

In 1993, DJ Shadow traveled to Europe, one of the places that played a major role in the Americas. He stayed there for 6 years, residing in Amsterdam, Berlin, London, and Madrid. What made the most impact on DJ Shadow was the bureaucratic efficiency in these Western European countries. He chided the government officials on SXM for their inefficiency and explicit clientelistic attitude.

I live in Holland, I realize that if SXM would run the way Holland is run, everything would be on the straight and narrow. But here [SXM] they take so much different corners and forget the main road, so they end up on a side street and can't get back out.

Nonetheless, while he admired Western European societies for their bureaucratic efficiency, he criticized them for not using their power to right the historical and contemporary wrongs they caused. He claimed that while these countries are well off, they do not do enough to alleviate the disparate conditions faced by most in the Global South. For him this state of affairs was also internally visible in the racism that immigrants hailing from the Global South face. Many Western Europeans still wished to consider persons that were 'taxonomically identified' as being 'non-European' as intruders that have stormed their shores without any historical precedent. There too the Shadow averred one found a hierarchical if not exclusionary politics of belonging.

You see it there every day the way they stigmatize Morroicans, Turks, Surinamers, Africans, basically the Third World massive. They want to forget that they went to those countries first and loot them. They want to forget that they went to Africa and took people from anywhere they could get them. They sold them. Families that were together were scattered. They needed big strong bucks to do the work that they needed to do. They who started this thing. Now they want to forget. When they see these people in Europe and see the poverty in the world, they should know it is not only about them.

What DJ Shadow was articulating was that ‘the involuntary association’, as Wilson Harris termed it, between lighter skinned Westerners and the darker skinned peoples of the Global South, during the colonial era was constitutive of what both of them became.

‘In the selection of a thread upon which to string likenesses that are consolidated into the status of a privileged ruling family, clearly cultures reject others who remain nevertheless the hidden unacknowledged kith and kin, let us say, of the chosen ones. The rejection constitutes both a chasm or a divide in humanity and a context of involuntary association between the chosen ones and the outcast ones. The relationship is involuntary in that, though, on the one hand, it is plain and obvious, privileged status within that relationship endorses by degrees, on the other hand, a callous upon humanity. And that callous becomes so apparently normal that a blindness develops, a blindness that negates relationship between the privileged caste and the outcast’ (Harris 1998: 28)

The discrimination inflicted upon immigrants from the Global South was for DJ Shadow an indication that this historical entanglement was not being properly acknowledged. He used the horrors of slavery as a trope to bring home the point that colonialism entailed the dehumanization of ‘Third World peoples’ in general, and persons of African descent in particular, and that this needed to be acknowledged as a crime against humanity, a wound that should also bother lighter skinned Europeans although their ancestors did not undergo this humiliation. Europe’s wealth is partly based upon the blood, sweat, and tears, of the many faceless and nameless colonized peoples who threaded the proverbial winepress. Europe was born out of these heinous crimes. **[xiii]**

DJ Shadow felt that the Othering of non-Western immigrants in racial and ethnic terms was also at play in the manner in which many ‘autochthonous’ Dutch treated

their Dutch West Indian counterparts. While Dutch West Indians are legally speaking equal to those in the Netherlands many 'autochthons' still consider them foreigners. He felt that if the Dutch Kingdom was to function effectively and justly the same standards, politics of belonging, should apply in all Dutch territories. The parliament in The Hague should act on behalf of its citizens in the West Indies when the politicians failed to do their jobs correctly. While he was also critical of the French, he felt at least the citizens of these overseas territories enjoyed the same social benefits as those in Paris.

The French have the racial thing too, but when you go any French island, drive around on the French side and, you can see that they helping out, that they keeping things crisp. On the French side the politricksians can thief but they still have to be fair cause them boys in France watching them and will intervene if they have too. On the French side they have to thief and rule the same way they does thief and rule in France: never too openly so they don't get catch. But the Dutch does sit down and don't put all their effort into regulating the problems that they have here. I don't think they put effort into making sure that the SXM government is just and that they do the just and right thing. They just let them do what they want and when they realize things getting out of hand then they clamp down on them. Regulate it before they fuck up. That is what irritates me about the Dutch.

For DJ Shadow talk about neo-colonialism by elected officials on SXM was just a disguise of the fact that they too had embraced the tenets of nationalism. The metropolitan Dutch were seen as belonging to a different nation than themselves.

The Dutch should not worry when they hear we 'politricksians' say SXM should be left alone, that they have rights as a nation. No, that would give them more leeway to fuck up the country even more. All of we are Dutch. The Dutch Antillean is Dutch. So if they aren't doing it right somebody has to show them, whether they call it neo-colonialism, colonialism or whatever. If they ain't doing it right Holland should step in.

The Shadow's Option

To me there was a paradox in DJ Shadow's last comments on Dutch SXMers being Dutch. Wasn't this rejecting nationalism at the front door and welcoming it through the back? He noted my concerns, but smilingly admitted that the confusion in my mind was because I was not being 'real', meaning realistic. I was

not being an anti-national pragmatist. For all his critique of France and the Netherlands, he felt that under the present global conditions SXM should never dream of severing its constitutional ties with these Western European countries. And he saw more political autonomy as the beginning of that process

Once you start that thing about autonomy, there is no way back. The only the way is forward, independence. And I don't want to go there. I like it here. This is just fine with me.

He then reiterated his fundamental dislike of nationalism and he claimed that more political autonomy followed inevitably by constitutionally breaking with France and the Netherlands did not entail leaving nationalism behind.

Like I tell you already that nation business is just tribalism. I following Jah and not the scenarios of 'the politricksians'. I and I for unity, seen. When them politricksians say SXM must rule itself, and people believe them, then they falling into the same trap of the nation business. That there is a dead end.

According to DJ Shadow the trap of 'the nation business', nationalist projects, was dangerous. Those that had embarked on projects of more political autonomy and eventually political independence had not done well. In fact he argued it had worsened the life changes of the poor in these countries. In his explanation he did not allude to the trade embargoes and unequal trade relations between the US and Western Europe and independent Caribbean countries such as Jamaica, Haiti, and the Dominican Republic. He was explaining how it is in those countries and not the external reasons that led to this.

Personally I have seen what has happened to independent countries. I don't want my child growing up in it even though my family ain.t hand to mouth [are not poor]. It is a matter of the principle cause live is a funny thing. Today you up tomorrow you down, you overs? In the Dominican Republic I saw factories among factories and there is no middle class. There is just rich and poor. And the poor is constantly living off of credit. The poor have to go and credit a food, some rice, corn, sugar, and salt. That's poverty, that's some hard ass living. I drive some places on the island where as far as your eyes can see is zinc roof alone, no tile floor, outhouse [bath room in the yard]. You understand that is poverty. And this is an independent island with all these resources, and nobody want to touch them. Take Jamaica, this country produces everything: clothes, shoes, aluminum, but

nobody want to touch them. They have no value internationally speaking, their money ain't worth shit. Why would you want to do that to your people? You see where I coming from.

Many SXMers I spoke to expressed similar views. They too felt that embarking upon the road of nationalism, in the form of more political autonomy from France and the Netherlands was unwise. Especially the working class newcomers furnished me with example after example about the abject poverty that they faced living in independent countries. Others told me about being victimized partially because they belonged to the internal enemies of the nation.

DJ Shadow was now on a roll, philosophizing with conviction, and all I had to do was sit down and listen. He continued that even if SXMers influenced by fringe politicians wanted to take the risk of more political autonomy and eventually full political independence their island had its size against it.

This island is 37 square miles. The Dutch side is the smaller part: 17 square miles. Let's say the Dutch side wants to go independent. Out of that 17 square miles there is a pond. Let's say about 5 square miles out of that 17 is taken up by water. Your down to 12 square miles of land. How are you going to go independent with just 12 square miles of land? Where are you going? You can't travel to the French side as you feel anymore. I don't see the logic in it. To me it is ludicrous, it is ridiculous, it is foolish. If they ever think about something like that, if SXM go independent, I leaving. For real, it don't make sense staying, I don't see how you going to survive.

DJ Shadow then touched upon SXM's precarious dependence on tourism. He said that this was a public secret, as was the fact that the reason why most SXMers were residing on the island was due to the money tie system. They would, therefore, not think twice of leaving if they got wind that fringe 'politricksians' had convinced the parliament in France and the Netherlands to grant the island more political autonomy or full independence. **[xiv]** He admitted that he, too, would leave without hesitation.

What do we have tourism, nah man. I don't believe in that, because there is nothing generating but tourism. After 911 SXM feel it cause Americans didn't want to take the plane no more. The next thing you know you get another lunatic like Bin Laden say he going to sink a cruise ship this time, he don't want any

planes no more. Where you think they coming? Cruise ships stop float, they ain't coming here no more, so what we going to eat. What we going survive on? That is our only means of survival. We don't have any factories. That is why I telling you I leaving if any politricksian even think about doing something like that. But not me alone, I telling you almost everybody going to leave. We SXMers, all of us, 'local' and newcomer alike, have a nationalism for the good times, we don't believe on staying on a sinking ship, we all know that deep down it is all about the money tie system. Even though we love this country, even though I love this country, it is my home and I don't want to leave it, but I will if I have to. First and foremost I have to take care of myself and my family.

DJ Shadow then argued that under the present constitution there were concrete benefits in being part of France and the Netherlands. It meant an ability to travel the world unperturbed by immigration officers and to settle in greener pastures when and if SXM's tourist economy declined. Under the present conditions he did not feel as though he was living under an oppressive French and Dutch regime.

Things good right now so I don't see why we should change it. You know the saying you must never bite the hand that feeds you. Well that is what I am about. Curse the hand, yes. Tell it when it fuck up, it fuck up. Tell it when it being unfair. But don't bite it. This is not a colonial thing or a slavery thing like in Kunta Kente days. Them days long gone. This is one country run by two entities but living on the Dutch side I can drive to the French side all day everyday without a problem. Nobody can't tell me nothing. And if the gendarmerie tell me I can't go over there something is wrong. Something got to be seriously wrong, because there is no border, no checkpoint. Ask a French man [French SXMer] and he'll tell you he love that French passport. I telling you I don't believe in giving up my Dutch passport, my right to be a European citizen. If SXM go independent you are no longer a European citizen, you're a SXMer. I need to travel B. Ask anybody and they'll tell you they love that European passport cause when things go bad they can leave and go somewhere else to feed their children.

Was it all a question of being against the delusion of national belonging, but making the best of present condition and thus accepting being part of France and the Netherlands? Yes. DJ Shadow had a solution to nationalism though, which was his version of the unity of Man. If each and every person recognized their divinity within, their Rastafari individuality, nationalism would be overcome. Nevertheless he believed that nationalism and the issue of belonging it induced would be

replaced with other exclusive categorizations through which men and women would once again be lured to discriminate each other.

Fi real Star. The solution is simple if every man see himself truly. See that he have a Devil and the God inside a lot of this tribal business would done. All Man have to see that. They have to be overs that. Then Babylon going fall down. But it ain't going to be over then. Life is struggle and that is a never-ending story. Mystically it is a continuing struggle between good and evil, between God and the Devil inside of us. You got the Devil over here and his troops and God over there with his. Like I say it's a never-ending story so something else will come up.

I understood him immediately, for as an anthropologist I knew that the track record of humanity since we emerged 100.000 years ago has been bad one. In the name of Reason, Race, and Religion we have inflicted innumerable pains upon each other. My hope resides in the fact that many are beginning to glimpse that all societies and ecological systems are interrelated. What we are still lacking, however, is the global acceptance and a pragmatic ethics attuned to this condition of worldness, to use Glissant's term.

...this earthly totality that has now come to pass suffers from a radical absence, the absence of our consent. Even while we of the human community experience this condition, we remain viscerally attached to the origins of the histories of our particular communities, our cultures, peoples, or nations. And surely we are right to maintain these attachments, since no one lives suspended in the air, and since we must give voice to our own place. But I also must put this place of mine in relation to all the places of the world. Worldness is exactly what we all have in common today: the dimension I find myself inhabiting and the relation we may lose ourselves in. The wretched other side of worldness is what is called globalization or the global market: reduction to the bare basics, the rush to the bottom, standardization, the imposition of multinational corporations with their ethos of bestial (or all too human) profit, circles whose circumference is everywhere and whose center is nowhere. What I would like to tell you is that we cannot really see, understand, or contest the ravages of globalization in us and around us unless we activate the leaven of our worldness. (Glissant 2002: 287-288)

I wanted DJ Shadow to continue philosophizing, and maybe I would have been able to distill if he thought our acceptance of our worldness, our global

interrelation, would still the divinity and the demonical we supposedly carry within us, but he had enough. He was tired and would just like to relax and not think or rap about politics and things of that nature. I understood and bode him farewell. Coming out of the studio and waving down a bus to take me home I thought, if there was a mystical battle raging in each and everyone one us, maybe SXMers like DJ Shadow were wise to play it safe. Be ideologically against embarking on the road of nationalism, assert the recognition of Rastafari individuality on the island, but remain a pragmatist, safely in the bosom of France and the Netherlands where the winds of Capitalism were relatively speaking rather mild. Worldness was a condition most of us still had to accept. It is still in the making.

As I reflect back on that meeting I realize that DJ Shadow was the ultimate politician - someone who is able to entice others to follow his or her vision for the political future of SXM society - and deep down inside he probably knew it. No politician I had met on the island, those with and without political backing, was as skilful as he was in addressing people from all walks of life.

He was also a well-spoken organic intellectual that had produced a universal category that went beyond national affiliation. His philosophy of Rastafari individuality was a radical democratic move that deconstructed the myth of the autonomous individual. In the end, all great thinkers remind us that life unfolds on two realms: history and destiny. We make history, and in doing so our sense of self, but we do so under conditions that are part of a multitude of human and non-human interactions. The community that nurtures us exists because it interacts and reacts to other communities and the environment. It is not bounded; like the selves it produces, it is itself a product of relations (c.f. Glissant 2000).

Those who recognize this know that one day our current organization of the world in nation-states will wither away. They are anti-national pragmatists that have accepted our condition of worldness.

NOTES

i. To inhabit the space of an anti-national pragmatist is to be ideologically against nationalism. This entails that in one's praxis one constantly seeks to open up nationstates to the Other, in the hope that one day the logic of the nation will be superceded.

ii. Radio is the most influential local media on the island. The viewing and reading

practices of most SXMers are geared to American cable TV and regional newspapers. This makes the influence of radio disc jockeys even more pronounced.

iii. In 2002 I spent a year on SXM conducting fieldwork among popular radio disc jockeys.

iv. One has to make a distinction between state formation and the imagined community of nation-states in which we have divided the world today. The former is as old as the first human settlements at rivers such as the Tigris, Nile, and the Ganges (approximately 10,000 years ago). The peoples living in the kingdoms that developed out of these settlements did not see themselves as part of a single nation. They were distinct peoples and kinship groups ruled through the mediation of vassals and feudal lords. They did not see themselves as sons of the soil, equals, across ethnic boundaries. Nation-states are new inventions. The USA was the first nation-state founded in 1776 followed by Haiti in 1804. By the end of the 1820s most Latin American countries were independent nation-states. On the other hand nation-states that present themselves as having existed since time immemorial such as Germany and Italy were only founded in respectively 1870 and 1871. A little acknowledged fact is thus that during the Berlin conference of 1884-1885—which led to the formal division of Africa and Asia among the European powers—there were already post colonies in the Americas.

v. I am quite aware that the nation-state is also gendered, but such a discussion does not tie into the points made by DJ Shadow. It is an important omission but one that if elaborated on would exceed the scope of this chapter.

vi. The bad track records of nationalism have led some to argue that this social construct has to be transcended. This what Derrida has to say on the matter: 'like those of blood, nationalism of the native soil not only sow hatred, not only commit crimes, they have no future, they promise nothing even if, like stupidity or the unconscious, they hold fast to life'. (Derrida 1994: 169) See also Glissant (2002, 2000), who espouses similar views. Others have argued that in a world where a further expansion of global capitalism in the guise of WTO recommendations, which advocates that all tariffs of trade should be lifted, it is unwise to promote a wholesale deconstruction of nationalism and nation-states. Doing this would exacerbate the poverty of millions already adversely affected by capitalism. One has to change the global configuration before disbanding nationalism. For an ethnographic study that forwards this point see Glick Schiller, N. & Fouron, G. Georges woke up laughing: long distance nationalism & the search for home. Durham: Duke University Press, 2001.

vii. These are the Shadow's views. It is congruent with the views of many SXMers. Academically speaking, however, one cannot easily compare the colonization and decolonization process of Latin America, Africa, and Asia. Perhaps we need to rethink the adequacy of capturing the realities these countries in concepts such as colonialism and post-colonialism. In doing so we might come to the conclusion that we need new concepts and classificatory schemes. This may unfreeze the manner in which 'the West' and 'non-West' are framed as immutable and internally consistent positions. These questions escape the scope of this essay.

viii. Bob Marley even sang at the independence celebration of Zimbabwe.

ix. See also Gilroy (2000, 1992), Glissant (1999), Price (1998), Mintz & Price (1976). These authors have averred that to research Caribbean racism without taking the foundational role in plays in Western polities into account is a grave mistake. The position of blacks in these societies directly inflects on how Caribbean societies deal with this matter.

x. Curaçao like Cuba, Puerto Rico, Aruba, and Venezuela see themselves as part of Latin Caribbean culture.

xi. The Dutch Kingdom consists of three parliaments: the Netherlands, the Dutch Antilles, and Aruba. Dutch SXM is part of the Dutch Antillean polity, which consists of five islands. In this political constellation which regulates the internal affairs, Curaçao, as the largest island, with numerically the most inhabitants, has a virtual monopoly in parliament. 14 of the 22 seats are occupied by Curaçaolean politicians. Due to the coming of age of Dutch SXM as an economic power rivaling Curaçao, the protests of the other smaller islands, and the further integration of the Dutch Kingdom within the EU, there are plans to change the political constitution. How this will be arranged is still under discussion. What is sure is that neither Dutch SXM nor the other islands will become independent in the nearby future.

xii. See also West (1994), Frankenberg (1993), Rose et al. (1995), The Black Public Sphere Collective (1995).

xiii. For interesting studies that shows how the idea of Europe as a distinct continent came into being based upon the colonization of America and thereafter the rest of the world see Trouillot (1995), Hulme & Jordanova (1990).

xiv. This is of course a hypothetical situation, since both France and the Netherlands are committed to stay on SXM.

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Extended Statehood In The Caribbean ~ Comparing Notes On Extended Statehood In The Caribbean



Great Variety of Extended Statehood

Great diversity is apparent in the organization and day-to-day operations of extended statehood in the Caribbean. Some point out that in the 1990s similarities have been emerging in the three sets of territories that are part of British, Dutch and French extended statehood systems, especially in terms of ‘good governance’ with its focus on democratic politics, competent administration, justice and civil liberties. At the same time it is expected that these territories are likely to retain much diversity in terms of constitutional status, citizenship rights and prospects for independence.**[i]**

Not only are there wide differences between the European partner countries in the relations they maintain with their overseas territories; also relations between a partner country and its various territories differ. These differences are mainly due to historical factors and to the partner countries’ constitutional structures.**[ii]** A brief survey of the variations of extended statehood in the Caribbean may serve here as an introduction to a number of issues that spring to the fore when comparing different extended statehood systems.

French Caribbean

Martinique, Guadeloupe and French Guyana have been since 1946 integrated territories in the French Republic; they are French territory, designated as overseas departments (*Départments d’outre-mer*) (DOM). Strictly speaking, unlike

the USA, Dutch and British territories, the DOM have no constitutional links with France since they are part of France itself.**[iii]** Réno asserts that the most undeniable success of the Assimilation Act is social equality with metropolitan France. The flipside of the legal and political assimilation is, however, blatant economic failure. The state has become the breadwinner.**[iv]** The integrated *status* implies that 'the French state was seen from the outset as the key to development (...) bringing about a new world that would meet every expectation expressed by the local population'.**[v]** As the DOM are integrated into the institutions of the French Republic, it naturally followed that catching up with the standards of living in France became the norm for the public's aspirations. The financial transfers from France to the DOM are by and large regular transfers of resources within the French public sector; they do not qualify as assistance or development aid allocations.**[vi]**

It may be assumed that the public conceives these transfers, perhaps even more so the local politicians, as undisputable rights to provision the DOM public domain. In addition, being part of France implies large funding of the DOM by the European Union. In actuality the European Union provides much more funding to the DOM than France itself. Construction of seaports and airport terminals has been heavily subsidized by the European Union.**[vii]** Nowadays the currency used in the DOM is the Euro. The inhabitants of the DOM are French citizens with voting rights in the French elections; they have their own representatives in French parliament. The topics these representatives raise in Paris and the way these topics are being dealt with by the French ministers concerned, receive elaborate attention in the local media on the islands; these representatives do count more than they number.

Dutch Caribbean

The Netherlands Antilles and Aruba are autonomous countries in the Kingdom of the Netherlands with each country having its own parliament, cabinet of ministers as well as local government institutions for each of the five islands of the Netherlands Antilles. These six islands are not integrated parts of the Netherlands in Europe; not the Euro but the Netherlands Antillean Florin (NAF) and the Aruba Florin (AF) is the respective national currency.

In 1954 the Netherlands Antilles and Suriname achieved the status of autonomous states as successor to the former colonial status. The Caribbean

countries claimed *autonomy*, not *independence* nor *integration* into the Netherlands. They aimed to be partners on equal footing with the Netherlands. The 1954 Charter of the Kingdom designated the Kingdom as a 'more or less' federal state, comprising three autonomous countries, the Netherlands, Suriname and the Netherlands Antilles. Suriname became independent in 1975 with a majority of only one vote in the Surinamese parliament. With the benefit of hindsight, most Dutch politicians today agree that the way Surinam's independence was handled was not a grand act of post-colonial stewardship. The remaining Dutch Caribbean islands have not wanted to follow Surinam's example and become independent states. The Netherlands cannot make statehood amendments against the will of the Caribbean countries; the Charter stipulates that any changes require the unanimous consent of the parties involved. Arubans and Netherlands-Antilleans hold Netherlands' citizenship and passports and have the right of abode in the Netherlands. Aruban and Netherlands-Antillean residents in the Caribbean have no voting rights in the Netherlands elections nor do they have representatives in the Dutch parliament. Unlike the inhabitants of the DOM who feel they belong to 'Les Français', the Dutch Antilleans and Arubans consider themselves primordially nationals of their respective island who hold a Netherlands' passport.

For a long time, a system of Dutch development aid and assistance, mainly in the form of hundreds of projects of all sorts and sizes, formed the core of the Kingdom's governmental relations with its overseas countries. The Dutch aligned their aid with the development priorities as determined by the autonomous Caribbean governments and assumed that with the help of this aid, the islands would eventually become viable self-governing units. It was believed that one day the Caribbean countries would become independent, politically as well as economically. Whatever the outcome, the Dutch felt they were serving the well being of the island communities, which made for 'one big happy family' in the post-colonial era. Nevertheless, the Dutch parliament and media did occasionally scrutinize their aid to the Antilles as the islands fell into the category of high income countries. **[viii]** Not much happened though. As long as the prospect of independence prevailed, the development aid would eventually come to a natural conclusion and so end this debate. The effectiveness of all this aid was also occasionally questioned. Did it really make a difference? This question itself mattered little since the cost of aid to the Antilles was rather insubstantial in relation to the total government budget. Financially it made little difference for

the Netherlands.

The Netherlands opted initially for an overseas policy of non-interference. One of the Kingdom's ministers in those years qualified the baseline of his policy as 'three times lucky', suggesting that he would - almost - always comply with Antillean proposals when these were repeated over and over again. In his view the Antilles, not the Netherlands, must set the priorities for how the Netherlands aid budget was to be spent. Moreover, he was reluctant to enter the autonomous purview of the Netherlands Antilles: 'Even when they make a mess of it, it is still their mess'. A sentiment of 'let it be' prevailed. As a result, the transfers of resources from the Netherlands were considered by the Netherlands Antilles as by and large 'our money', to be allocated according to local decision-making.

This perspective changed when the prospect of independence faded for the overseas territories. For the Netherlands, the old system of development aid became obsolete as recognition of the obligations of good governance and the rule of law in the Netherlands Antilles and Aruba took precedence. In former years, Antillean development policy, if it existed at all, drove the Netherlands aid, resulting in big budgets directed at infrastructure such as harbors and airports, roads, houses, and the restoration of monuments. However, now the nature and direction of the aid has come under serious scrutiny. The obligation of the Kingdom to safeguard the principles of good governance in the overseas countries has become a more compelling rule of conduct with regard to the appropriation of the aid budget. All parties welcomed the turnaround in status perspective at the beginning of the 1990s, although the new direction of the aid budget created strong disagreements between the Antillean polity and the Netherlands' officials in The Hague. In the Antilles it was no longer felt that the Netherlands' aid budget was 'our money'.

USA Caribbean

The United States seized Puerto Rico from Spain in 1898 during the Spanish-American War. Today Puerto Rico is a non-incorporated territory of the United States of America. In 1952 Puerto Rico was granted *Commonwealth status* (*Estado Libre Asociado*); on 25 July 2002 the 50th birthday of the *Constitución del Estado Libre Asociado de Puerto Rico* was celebrated. Puerto Ricans hold American passports; they are American citizens (since 1917) and have unrestricted access to the USA. Island residents do not have voting rights on the mainland. The lack of voting rights was offset against the extension of the USA

military draft to Puerto Ricans. At the time the military draft was still enforced in the US, Puerto Ricans were included on an equal footing with American citizens on the mainland. The *Commonwealth* has no vote in Congress; Puerto Rico elects one non-voting representative to the U.S. House of Representatives, known as the Resident Commissioner. Puerto Rico is exempt from federal income tax. U.S. minimum wage laws apply in Puerto Rico.

Various USA interests have over time dominated the relationship. Grosfuegel's socio-historical analysis points to three dominators: economic, military and symbolic. For instance, the US's symbolic interest is closely tied to the type of Puerto Rico's development model exercised during the 1950s and 1960s, the years of the cold war with the Soviet Union. To counteract the Soviet claim that Puerto Rico's status symbolized US colonial aims in the world, several local government positions were opened to Puerto Ricans. In addition, a program of industrialization through massive foreign investments was implemented. Puerto Rico's development had to be a showcase of democracy and capitalism; its 'success story' was sustained by massive USA federal assistance in areas such as housing, health and education. Puerto Rico was treated like any other U.S. state in need of federal assistance while Puerto Rico's residents did not have to pay federal taxes. This model was advertised by the USA to Third World countries as opposed to the competing Soviet model. **[ix]**

Generous US federal tax incentives, since 1976 embodied in *Section 936* of the Internal Revenue Code, have all along been the cornerstone of Puerto Rico's economic development. These incentives allowed companies to repatriate profits nearly tax free, while also permitting income generated from investments in Puerto Rico to be repatriated to their US-based parent firms. As a result, outside investment greatly increased, however without creating enough jobs to compensate for the declining number of jobs in agriculture. Since the beginning of the twentieth century, both US investment on the island and migration to the mainland have been significant factors in Puerto Rican history. **[x]** Duany emphasizes that: 'Puerto Rico is a divided nation in which nearly half of its members live outside the Island. The Puerto Rican government has sponsored large scale migration to the U.S. mainland as a safety valve for the Islands' overpopulation and unemployment problems'. **[xi]**

Since 1952 an endless debate in Puerto Rican politics on the *status* question proceeded, by and large divided between the option of becoming an integral part

(*incorporated*) of the USA in the form of a separate state, so called statehood option, or the option of retaining the *status quo* (as such, or with modifications). This debate encompassed issues as diverse as economic development, welfare, deficits, immigration, culture, and foreign policy. Of course, *independence* has its niche in this debate but has never drawn substantial attention. A fervent *independentista*, Juan Mari Bras, stated in 2003: 'I feel very happy to have dedicated my life to the struggle for independence because I know eventually it will succeed (...) maybe in seven years. Maybe in seven centuries'.**[xii]** The *status* issue of Puerto Rico had not come to a definitive conclusion at the end of the 20th century. Perusse's conclusion that: 'The United States and Puerto Rico have been cohabitating for nearly a century. Now is the time to get married or to separate'**[xiii]**, rings very similar to recent commentaries in the Kingdom of the Netherlands with regard to the strained relations between the Netherlands in Europe and the Netherlands Antilles in the Caribbean. Others warn that Puerto Ricans should be wary of embracing *statehood* as a panacea for their colonial predicament. Morin, for instance, expects that in view of the Hawaiian experience, Puerto Ricans will be vulnerable to losing their language, and culture and national identity under *statehood*.**[xiv]** US Congress began the phase-out of the key industrial investment incentive, Section 936, in 1996. As it stands now, this incentive will end in 2006 while no clearly defined alternative economic strategy has been articulated. Baver suggest that: 'With the loss of 936, Puerto Rico's future is difficult to predict'.**[xv]**

British Caribbean

Britain's *permanent empire* counts 'a fistful of islands'.**[xvi]** The British Overseas Territories (OTs) in the Caribbean are few and with few inhabitants. The territory with the largest population is the Cayman Islands (37,000); Anguilla counts only 12,000 people while Montserrat's population figure has gone down from almost 11,000 to ca. 4,500 after the dramatic volcanic activity in 1995 when around 8,000 people left. The British Virgin Islands number 29,000 and the Turks and Caicos 20,000 people. These territories vary significantly in prosperity; the GDP per capita of the Cayman Islands is US\$30,120; of Montserrat US\$6,400; and of Turks and Caicos US\$6,000. Tourism and international finance services are by and large the main pillars of the OTs economies. For each and every OT, the constitutional relationship with the UK is tailored to its unique specifications and with different degrees of local autonomy. The United Kingdom assumes that these territories are self-sufficient; it does not provide structural aid. If aid is offered in

the form of expertise or funds, it is for specific projects.**[xvii]** The money transfers from the mainland to the British OTs are next to nothing when compared to the USA, Dutch and French Caribbean. The staff of the Overseas Territories Department of the Foreign and Commonwealth Office keeps the problems of the OTs at arms length and is wary of micro-management. This relaxed frame of mind may be partly due to world-wide diplomatic service background of the OT-desk officers; the problems of the OTs fade when compared with the stark realities of development countries in the Third World.**[xviii]** All in all an ambience of *benign neglect* prevailed on the part of Britain.

These territories are the last in line; they did not follow the British colonies in the Caribbean, which became independent at various dates after World War II. In total 12 territories obtained independence and remained part of the British Commonwealth as *dominions*.**[xix]** At the time of independence, some islands seceded from the territory they were part of under the colonial regimen; they feared their domination more than the distant authority of the mother country.**[xx]** They qualify since then as separate British Overseas Territories: Cayman Islands from Jamaica, Turks & Caicos Islands from the Bahamas and, Anguilla from St. Kitts-Nevis.

For more than 20 years, until the enactment of the Overseas Territories Bill in 2002, the inhabitants of the British overseas territories did not have the status of British citizens and thus the right of abode in the UK; nor did they hold British passports. In 1981 the Nationality Act replaced full British citizenship rights with a new special status of British Dependent Citizenship. Former full British citizens born in the UK's Dependent Territories could no longer enjoy free movement between the islands and the British mainland.**[xxi]** Now that migration from Hong Kong (since 1997) can no longer inundate the isle of Britain, a British government policy paper (1999) recognized a sense of overseas grievance and a strong desire to have these citizen rights restored. The residents of the British overseas territories were offered British citizenship and the right of abode in the UK in 2001.**[xxii]** Considering the argument that such would lead to new wave of primary emigration, the British government argued: '(...) residents of the larger and richer territories such as Bermuda, the British Virgin Islands and the Cayman Islands might well be more likely to want to stay where they are. (...) We would not expect large number of those currently resident in the less prosperous, smaller territories to take up the option of coming to live and work permanently

in the UK'.**[xxiii]** Citizenship rights are non-reciprocal; residents of the UK will not have the right of abode in the Overseas Territories, as the size of the Territories and their populations would not allow the influx of possibly large numbers of outsiders. Those in the Overseas Territories who do not want full British citizenship can remain British Dependent Territories Citizens. People who do take advantage of the new status gain the right to travel freely throughout the European Union (EU) and, if they go to Britain to study, are entitled to support themselves by working during that time.**[xxiv]**

At the end of the 20th century the British government outlined a new direction for the relationship between Britain and the Overseas Territories, encouraging good government in terms of human rights, finance, combating drug trafficking and drug related crime.

The variations are many and some differences are rather surprising, also in comparison to the mainland. Fully 70% of all the people in the British Caribbean Overseas Territories live in territories with a higher income per head than in Britain. Puerto Rico's standard of living is higher than in Latin American countries but lower than the poorest states of the United States. Half of Puerto Rico's population lives under the poverty level. Aruba refuses to register same-sex couples who are married in the Netherlands, as married. Civil servants in the French DOM enjoy higher salaries than in metropolitan France. Welfare in the Netherlands Antilles is a small allowance that keeps people far below the poverty line. Homicide on Curaçao is higher (per capita) than in the Netherlands; in 2004 it was 30 times higher.

What Is the Best System?

What is the *best system*? Some maintain that a comparison of different extended statehood systems to determine which one is the most successful should not be undertaken as this would introduce value judgments into the eminence of academia. Politicians must argue and decide what is more important: political autonomy or social security; *Patrimonio Nashonal***[xxv]** or economic partnership; national identity or public safety. According to this non-judgmental scholarly position, these questions cannot be answered by academics. Moreover, such a judgment would be a very complex undertaking as it also depends upon the perspective one has. For instance the perspective of an islander will be different from that of a metropolitan citizen.

*It is not only the complexity of the argument which makes this impossible, but also the fact that any judgment is inevitably normative, in the sense that one should have to weigh up ... different dimensions and decide which ones are the most important. There is no such thing as an impartial yardstick to measure the relative weight of material gains (as in financial aid, a metropolitan passport and the right of abode) against the value of genuine sovereignty and an 'authentic' cultural identity - or better, to stay away from the essentialist claims, at least a national identity, not essentially dependent on a metropolitan model.***[xxvi]**

There is some truth in this argument. On the other hand, this reservation ought to apply as well to academic judgment on the differences between independent and non-independent nations. Many a Caribbean scholar has not backed away from statements that the non-independent Caribbean is better off than the independent nation-states in the region. Also this study's baseline has been from the beginning that it benefits Caribbean territories to have a constitutional relationship with former motherlands. Of course, it all depends on the perspective when arguing these benefits. But one cannot maintain that all perspectives are equally essential and therefore should all be given equal consideration with as a result that no other conclusion can be drawn than that *it all depends*. Certainly there should be no hesitation in proclaiming that the island of Saba (one of the five islands of the Netherlands Antilles) with of a population of a little more than 1000 is better off to be part of the Kingdom of the Netherlands. For certain, Sabans themselves have not hesitated when voting on the island's constitutional future in a referendum in 2004. Not all, but a large Saban majority opted for the Kingdom's extended statehood option. Following this outcome and much to the chagrin of the Netherlands's minister for Kingdom Affairs, a Saban delegation paid a visit to the UN decolonization committee in New York in August 2005. Saba's complaint was that the Netherlands has for decades dragged its feet in reconfiguring Saba's status in the Kingdom. Saba now wants to depart from the configuration of the Netherlands Antillean nation-state and become a Kingdom Territory and be administered directly by the Netherlands.**[xxvii]**

So once again, what is the *best system*: the French, British, Netherlands or American?**[xxviii]** There is no best system. Each extended statehood system is a *sui generis* system of government with different scores on a wide range of issues. The answer to such a question can only be that *when taking all into account* (which variables, and how many) *on average* system X is to be preferred over

system Y. And yet this rating must be watered down with qualifications of the downsides of the *best system*. So this is not the right question, it does not help to shed light on what matters most when reviewing extended statehood in the Caribbean. A choice has to be made when comparing extended statehood in a number of perspectives in order to make sense of things that matter today.

Comparing Notes. What Matters Most Today?

The baseline of this study has been all along that extended statehood is a permanent phenomenon, not only in the Caribbean but also elsewhere. That was not always the case. For many years it was believed, at least with regards to the British and the Dutch Caribbean that the post-colonial constitutional relations with former motherlands were temporary and would one day be severed. In that transient perspective not much effort was made to define and regulate these relations. A radical exception took place in the French Caribbean where in one big sweep the Caribbean island territories became *Départments d'Outre Mer* and as such territories that are embedded in the French state.

Being *de facto* a permanent form of statehood, it matters how dependable the constitutional relationship with the metropolitan is. What is its mission and what regulatory mechanisms are in place? Can citizenship be counted upon? Are basic standards of government guaranteed? Significant is the makeover from a transient mission of de-colonization to a coherent statehood package, not a temporary arrangement but a more or less permanent institution. In many ways extended statehood in the Caribbean is a work in progress. What issues present themselves as significant characteristics of this 'work in progress'

Firstly, a review of extended statehood's 'mission' and its 'work in progress' is presented, and followed with an analysis of the unity (or fragmentation, or lack) of policy and regulation of extended statehood. Then the 'who are we?' question of citizenship and identity will be discussed, and a synopsis is attempted of social-economic development (welfare resorts?) and public security (a far cry?) as part of the extended statehood package. A cross examination of a territory's autonomy, its allure and illusion follows next. Finally an appraisal is made of extended statehood's coherence and dependability in the Caribbean. Have some forms of extended statehood in the Caribbean become entrapped in *Gordian knots* that are difficult to cut?

Mission

Does extended statehood in the Caribbean have a mission or does it simply operate as some unruly offspring of colonial and post-colonial relationships without much reflection on how to operate in modern times? What is the message and what are the variations? The specifics of the historical background of extended statehood in the Caribbean vary. For the USA, Puerto Rico had to be a symbolic capitalistic showcase during the Cold War, and during World War II Puerto Rico was militarily significant for the USA. The French DOM's are a hanger-on of the French 'mission civilatrice' in the wide world. The British COTs are leftovers from the British Empire ('confetti of empire'). After the Allies including Britain had won World War II, the British Empire was over. Not until the USA invaded Grenada and corruption and drug trafficking had starkly manifested itself in the UK COT, was there any real interest in London for the leftover 'overseas territories'. As in The Hague, a laissez-faire attitude with regard to the Caribbean existed in London as well.

The Netherlands may not have expected, in 1954, when the Kingdom's Charter was enacted, to be still present in the Caribbean more than 50 years later. The Dutch empire had come to end when Indonesia declared its independence on 17 August 1945. [xxix] Surinam became independent in 1975 after the Netherlands could no longer feel comfortable possessing colonies in the Caribbean. As for the Netherlands Antilles, the Netherlands' discomfort did not matter. Gradually the Netherlands found an alternative reassurance in doing well through development aid. The Netherlands financed thousands of development projects over the years on the Caribbean islands. It was assumed that development aid prepared the islands for ascendance to independent statehood. So a benevolent mission engineered the Kingdom's operations. A 'do-good-feel-good' syndrome was manifest in Netherlands politics with regards to the Caribbean *islands in the sun*. The Caribbean love for *Royal Orange*, the name of the Dutch Royal family, exceeded the dynastic sentiments on the mainland. In those days the Dutch were charmed by the islands, instead of being embarrassed by a quasi-colonial relationship.

Many a Dutch politician and administrator, in-office or retired, has declared that *Antillean* affairs were an enriching experience both to office and personal life. This 'feel-good' approach had no strong mission when *good governance* became an issue. The Kingdom of the Netherlands had set forth in 1954 a rather high mission of safeguarding good governance, democracy and human rights in the

Caribbean countries. Since the beginning of the 1990s, it became painfully clear that the Kingdom's safeguarding role was not regulated but became incidentally activated when good governance was in jeopardy or had already been derailed. It was used as an ace in the hold, in plain Dutch *als een stok achter de deur*. As a result the Kingdom's safeguarding role has been compromised and, when acted upon, runs into a finicky debate about colonial intervention and Antillean autonomy. During a presentation of 'The Kingdom Charter' (*Het Statuut*): *Fifty years in the wilderness* in 2004 on Sint Maarten, Netherlands Antilles, the question of the Netherlands's mission in the Caribbean *Why are the Dutch still here, please explain?* was answered concisely:

I have never been able to figure out what exactly keeps Holland involved with us. The answer I have distilled from several Dutch authors is mostly a colonial hangover that they do not know how to cure. [xxx]

For the French DOM, the extended statehood mission is in some way rather straightforward. The *départementalisation* of the Caribbean territories implies an institutional assimilation; all territorial institutions operate like their metropolitan equivalents. The principle of *republican equality* is entrenched in French West Indian citizenship and politics. Laws and regulations enacted in Paris apply automatically to the DOM. The Kingdom of the Netherlands does not recognize *equality* in social and economic terms for its Caribbean constituency. Solidarity with the outlying parts of the Kingdom of the Netherlands is expressed in the annual policy address of the Crown to Parliament, at times of disaster (hurricanes) and as well for people in need. These expressions, however meaningful, do not extend equal social-economic rights to the Netherlands Antillean citizenry. Neither do these declarations sustain a cohesion mechanism to balance the social-economic divide between the Kingdom's citizens. In the wake of the vote in the Netherlands on the constitution of the European Union, the Dutch prime-minister felt it necessary to address the international media about the Dutch no vote and raised the question:

'What kind of European Union do we want? (...) one that pursues reform and displays solidarity with the less prosperous member states and the world around it?' [xxxi]

Solidarity in the European Union involves strengthening social and economic cohesion in the whole of the European Union through extensive regulation and

substantial structural funds.**[xxxii]** The Kingdom of the Netherlands does not recognize such solidarity; it is a Kingdom-lite.

America's mission to *showcase* Puerto Rico's economic development as a western capitalist alternative in the Cold War has lost its rationale. The Cold War is over and the United States of America is the only superpower left, for now. In the 1990s the symbolic and military importance of Puerto Rico for the United States became a secondary concern. Puerto Rico was perceived more as an expense to the USA than as an important military bastion or symbolic showcase.**[xxxiii]** This changed since combating '9/11 terrorism' became a benchmark of USA foreign politics. Also USA dependency on oil from Chavez. Venezuela has made Puerto Rico once more a significant USA outpost in the Caribbean. Grosfuegel argues that *autonomy* or *independence* of Puerto Rico is today no longer an issue in U.S. politics because there is no real 'independence' or 'sovereignty' in the periphery of the modern capitalist world. On the other hand, the option of incorporation of Puerto Rico as the fifty-first state of the Union (*statehood*) is considered by some as a threat. The alleged *Latinization* of the United States influenced representatives in US House of Representatives to oppose in 1998 the option of *statehood* for Puerto Rico: '*a Spanish speaking 'Afro-Caribbean state*'. The local referendums, which were held in the 1990s in Puerto Rico, included this option; the US federal government did not recognize these referendums.**[xxxiv]** In the 1993 referendum, more than 70% of the electorate participated: 48% voted in favor of maintaining the Commonwealth; 46% voted for statehood; and only 4% for independence.

Extended Statehood: A Work in Progress

In both the Netherlands. Caribbean as well as the UK COT, extended statehood is a work in progress. For a long time the operations of extended statehood were marked by 'muddling through' (in the Dutch Caribbean) and 'benign neglect' (of the British COT). An attitude prevailed that the Caribbean would eventually disappear from the British and Dutch agenda. Deliberate policy making was conspicuous by its absence. By and large, at the same time, both in Britain and the Netherlands, a more active hold on the Caribbean linkages became apparent. For the Netherlands, the decisive moment was in the early 1990s when Aruba made it clear that it did not have the ambition to become an independent nation-state. From then on it became obvious that the Kingdom's presence in the Caribbean was not going to end some day but was to continue indefinitely. In

Britain, volcanic eruptions on Montserrat and several money laundering scandals in the UK COT energized Britain's engagement with the Caribbean, which concurred with the time that the New Labour government wanted to make its mark as a *new government*. Moreover, it should not be overlooked that British engagement became manifest only after Hong Kong was no longer classified as a British Overseas Territory.

On the part of the Netherlands, several attempts have been made to redefine the Kingdom. A 'Future of the Kingdom' conference in 1993 failed as the Caribbean authorities did not want to discuss the autonomous status nor the need to strengthen good governance. More than 10 years later, on the eve of the 50th anniversary of the Kingdom's Charter, the issue of the Kingdom reform once more gained momentum. Both Sint Maarten and Curaçao wanted a separate country status as Aruba had gained in 1986. This would entail the end of the Antillean nation-state comprising 5 island territories. An advisory report (Jesurun) in which all islands of the Netherlands Antilles as well as the Netherlands had participated concluded similarly but added that the Kingdom's authority should be expanded and demanded regulation and monitoring of the overseas country's public finances. Another committee of distinguished members of Dutch and Antillean civil society followed this blueprint but appended an expansion of the Kingdom's safeguards with regards to education, public health, and combating poverty. **[xxxv]**

All eyes and ears were set to know what the Netherlands' government position would be. The initial reaction was disappointing: time was needed for study and analysis. And in his letter to Parliament, a few months later, the minister for Kingdom Relations spelled out his conditions for further reform of the Kingdom in such vague and formal language that each reader could make his or her own interpretation. **[xxxvi]** The conditions that were listed could be read as lofty principles and safeguards, which were already, enshrined in the 50 year old Charter from the start. It was lacking in operational language and did not unambiguously clarify the Netherlands position with reference to the roller coaster history of bygone years. Once again, Antillean politics had a free hand in formulating what it now wished: dismantling the Antillean nation-state, a separate Country status for Curaçao as well as Sint Maarten, and debt relief provided by the Netherlands' public coffers. As one Netherlands' insider stated, every other day another page was torn out of the blueprint for Kingdom reform. **[xxxvii]** In the

meantime, referenda were held on the islands which outcomes indicated indeed that a majority of the public preferred a separation of the configuration of the Antillean nation-state. This outcome of a *separate* status was in Antillean politics immediately translated into an *autonomous* status for Curaçao and Sint Maarten, with equal or more autonomy than Aruba's *status aparte*. Apparently the Netherlands had not succeeded in putting across that since the mid 1980s times had changed and that Antillean autonomy had now to be offset against good governance, public safety, international security and European integration. The Kingdom of the Netherlands still lacks consensus on a blueprint of the kind of statehood that should be extended to the Caribbean countries. Dutch attempts to redraft the Kingdom's reform continue to be caught up in essentialist claims of Antillean autonomy first, as well as being hampered by the indecisiveness of the Netherlands itself when these things are on the agenda.

For the Netherlands' officials, any resemblance to neo-colonialism must be preempted. This attitude is frustrating the reform of the Kingdom by skeletons that are still in the Kingdom's closet. In the fall of 2005, a new Netherlands' minister for Kingdom Relations explicated firmly that any restructuring of the Netherlands Antilles as a nation state had to be preceded by addressing head-on and first the financial-economic disorder. [xxxviii] A few weeks later, after strong Antillean objection because 'the people had spoken', the minister agreed to a parallel trajectory of government reform and financial economic repair operations. However, the Netherlands position continued to dither when the 2006 budget of the Department for Kingdom Relations once again stated resolutely the priority of *good governance* including public finance and law and order, and a healthy social-economic order as anterior conditions for a restructuring the Antillean nation-state. Britain's reengagement with the Caribbean was more distinct and outspoken. The period of 'benign neglect' had lasted for decades and the extended statehood package had been rather minimal. But most importantly, British new pro-active Caribbean policy carried an essentially positive message: UK citizenship rights for residents of the UK COT were going to be restored and the right of abode in Britain became once more part of the extended UK statehood package. During the constitutional review process to establish the new terms of engagement, 'red lines' were set out for the COT. It was explicitly stated that greater UK involvement might be required in some areas, which up till then the island governments may have considered their own realm. The COT push for greater constitutional autonomy was

countermanded by a clear message that the UK government would not go along unless the COT embark on a process of independence. This was a road upon which the COT did not want to set foot.

In the case of the French DOM, as of 1947 a process to integrate the Caribbean territories into the French nation-state was initiated. So, in its true sense, extended statehood does not apply to the DOM configuration. Rather than some degree of extension of French statehood to former Caribbean colonies, these territories were integrated within metropolitan France, and have been regarded as European territories since 1957. French citizenship, including voting rights in the French Republic was part of the deal. Moreover, a mission to 'catch up' with France in social matters became part of DOM politics and was sustained by the mainland. The principal markers of the French state include the Caribbean *Départements* and the DOM's statehood is as such not principally different from that of the mainland; the (extended) statehood package for the DOM's is, by and large, the same as in metropolitan France. This makes for significant differences from the more loosely arranged extended statehood systems like those of the British and the Dutch.

Unity of Policy

The French unity of policy on a wide range of affairs and the regulation of its implementation accounts for a more dependable (consistent) relationship between France and the Caribbean DOM. For instance, the review and expansion policy of prison capacity of the French state extends as a *matter of course* to Martinique and Guadeloupe and includes the necessary finances. The same applies to the restoration of monuments. In the Netherlands Antilles, years of wheeling and dealing about the degree of Netherlands' colonial interference delayed the upgrade of prison conditions on Curaçao. At one point, the Antillean minister of Justice preferred a loan from a private bank instead of public finance from the Netherlands for this reason. The provisions for the DOM are structural and embedded in the operations of the French state, which stands in sharp contrast to the day-to-day upheavals about what must be done in the Caribbean part of the Netherlands' Kingdom. All kinds of issues of Antillean government and administration present themselves to the Netherlands authorities as incidents that must be taken care of: inhumane prison conditions, inadequate hospital provision, high rates of school dropouts, oversized government bureaucracy, wide spread poverty, deteriorating neighborhoods. Crisis management instead of

embedded statehood regulation frequently determines the order of the day in the Kingdom of the Netherlands in the Caribbean.

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 1990s the Netherlands' budget was being spent on hundreds of projects, most of them decided individually and according to proposals by the islands' authorities. Every so often this format was criticized for various reasons: too labour intensive; encouraging donor micro-management; disrespecting integrated development planning; black-boxing recurrent costs etc. Despite all these objections, the *project* endured as a strong symbol of Dutch assistance. Before *recipient ownership* became de rigueur, *donor control* scored high marks in the world of development cooperation. A *project* suggested optimal donor control because of its well-defined scope, definitive size and financial specifics. This applied especially to construction projects, which initially formed the core of Dutch assistance. Also, the project format is dear to many civil servants as they can identify their professional self with *their* projects. In other words, *the project* was hard to beat. At the same time, management of the enormous project portfolio became an acrobatic exercise.

At the end of the 1990s, *The Hague* made a strong effort to get away from the task of financing hundreds of individual projects, not only because of the time consuming workload but even more so for reasons concerning the desire to have a stronger impact and coherence of the portfolio. For some, the minutia of an immense project portfolio was a self-defining asset, for others it became a nightmare. To begin with, future aid would be limited to a few specific sectors only: good governance, education, sustainable economic development, and law enforcement. For each sector, a program had to be defined and politically agreed upon between donor and recipient. Only activities falling under these programs would be considered for Netherlands finance.

Being tired of micro-managing an immense project portfolio by the offices in The Hague and the Netherlands Representation in the Caribbean countries, the Netherlands encouraged that *Development Funds* were set up, first on Aruba and in 2004 also in the Netherlands Antilles. A formal agreement between the Netherlands and the Netherlands Antilles, respectively Aruba, concerning the specific programs that qualify for Dutch financial assistance, forms the policy framework for the Fund's operational allocations. The respective governments

appoint the Board of Directors of these Funds and the administration of the Fund is handed over to an existing or a newly created local finance institution. Whether this *outsourcing* of the Netherlands financial assistance will add to a stronger local *ownership* still has to be seen. Equally uncertain is whether the elaborate project administration will be trimmed. But this move does certainly liberate the Netherlands offices in *The Hague* and *The Netherlands Representation* in the Caribbean countries from the burden of a project bureaucracy.

What emerges, as a rather surprising difference is the lack of Netherlands' policies and programs that are all-inclusive for the whole of the Kingdom, including the Caribbean parts. Every so often emergency money is thrown at a problem. Notwithstanding the patronizing overtones, the prime minister of the Netherlands Antilles was happy to take home, at the end of his visit to the Hague in August 2005, a chunk of Euro 4,5 million for combating poverty.

For Puerto Rico, USA federal labor legislation and welfare benefits had been extended to the island since the 1930s. Puerto Rico receives substantial regular transfers from the federal government as a result of various inclusive policies of the metropolitan: social security, veterans benefits, Medicare, food stamps, programs for educational grants, and mortgage and housing rent programs. The combined share of federal transfers in nutritional assistance, housing subsidies and scholarships has declined between 1980 and 2000. Duany states that most of the transfers nowadays are not *simply* welfare but earned benefits, especially social security and veterans 'benefits'. As USA citizens, Puerto Ricans pay social security contributions and receive USA social security, whether they live on the island or on the continent. Initially, USA *social security* was meant as a supplement for retirees but almost one quarter of its recipients live on *social security alone*. [xxxix] And the veterans benefits of Puerto Ricans who served in the U.S. armed forces are earned benefits. The free movement of capital, goods and services has tightened the linkages between the island and the continental US. *The Free Associated Statehood* package contains inclusive policies that extend regular mainland programs to Puerto Rico.

Moreover, federal services are operating in Puerto Rico, from the postal service to the Federal Bureau of Investigations (FBI). Various USA mainland policies do include the overseas Puerto Rican constituency, though on a lesser scale than the wide ranging unity of policies between France and the DOM. In these forms of extended statehood, the overseas territories are included in mainland policies

which entails that regular departmental procedures and administration, and structural financial transfers are part and parcel of extended statehood.

Who Are We? Identity, Citizenship, and Migration

In the introduction to this study Miles' question has been quoted: 'Can cultural dignity be preserved in the absence of political sovereignty?' **[xI]** A review of extended statehood may provide some answers. What significance does extended statehood have with regards to Caribbean identity, citizenship and culture?

Extended statehood in the Caribbean shows a wide variation in citizenship rights as well as differences with metropolitan citizenship. In various ways second-class citizenship has emerged, either by the registration as *allochthons* (foreigners) in the Netherlands statistics of people from the Netherlands Antilles who are residing in the Netherlands, or by denying voting rights for parliament and other statehood institutions as in the USA, the Netherlands and the UK, or by making a difference in withholding mainland citizenship and passports as was until recently the case in the British COT.

Recently 15 European countries became new member states of the European Union and upon that moment their peoples became EU citizens with voting rights for the *European parliament*, unlike for instance the residents of the Netherlands Antilles and Aruba, and the UK COT. The new-Europeans are now entitled to European passports, which also carry the name of the country they belong to. In a way this passport indicates a double bind, a double nationality. In the USA, the Voting Rights Act of 1965 was 'a shining moment in the conscience of man' and did more to advance equal rights in the United States than any event since Abraham Lincoln signed the Emancipation Declaration. **[xli]** In the Caribbean only the French have been unequivocally clear on full citizenship, including social rights, irrespective of residence on the mainland or in the Caribbean. In contrast, the residents of the British COTs have for a long time been excluded from the privileges of British citizenship. On their part, the government of Netherlands Antilles has announced to use all options to forbid the Netherlands government to make amendments to Netherlands citizenship for any category of the Netherlands Antillean peoples. According to the Antillean government, restriction of free movement of Netherlands' citizens from the Netherlands. Caribbean isles to the Netherlands is unacceptable and will be fought up to the highest courts.

Caribbean identity and metropolitan citizenship do not necessarily oppose each

other; they may go hand in hand. Martiniquans are French citizens. Even in the foreign press there is no doubt that vacationers from Martinique in foreign lands are French citizens. [xlii] On the other hand, Puerto Ricans remain *Puerto Ricans* wherever they travel, with American passports and as American citizens. Vacationers from Curaçao in Orlando, Florida, present themselves as *Dutch Antilleans or yu di Korsou*, and Arubans are proud to be Aruban, all with Dutch passports and Netherlands' citizenship. And the Caribbean festival in Rotterdam has become a major part of the Netherlands' festival agenda. The DOM's demand for recognition of cultural *specificity* has not been hampered by French citizenship and identity or by the political ambition to 'catch up' with France. In Puerto Rico, instead of aiming for a nation-state, a vibrant sense of cultural nationalism has been nurtured, one which unites Puerto Ricans on the Island with those in the USA. A common language, Spanish, serves as a bonding metaphor and a cultural borderline with *Yankee* USA, even though quite a number of Puerto Ricans born in the USA do not speak Spanish, at best a few words of *Spanglish* only.

Crossing the border no longer automatically changes identity. A deliberate Puerto Rican migration policy has encouraged migration to the USA when the island experienced big labor surpluses as a result of a turnaround of its agricultural economy. Migration became a survival strategy for thousands of Puerto Rican families. For Puerto Ricans circular migration, back and forth, has now become one of the characteristics of a 'nation on the move'. [xliii] Until a few years ago, Britain deliberately blocked migration of residents of the UK COTs to the mainland. They were denied the right of abode in Britain. Migration to the Netherlands was not sustained by any consistent policy; it ebbed and flowed in correspondence with social-economic conditions in the Netherlands Antilles and Aruba as well as such conditions in the Netherlands. Moreover, varying degrees of separation and discrimination in the Netherlands' mainland have been significant factors in the rise and fall of migration figures. In recent years, the Netherlands made attempts to block Antillean migrants who cannot prove that they have a documented educational or employment status in the Netherlands. These attempts have severely soured relations as the Netherlands Antilles felt that a second-class citizenship was in the offing.

Until recently, migration was considered a permanent change from the (is-) land of origin to a new homeland. Children of European migrants who in the beginning of the last century settled in the USA tell over and again that their parents had

left for good and thought it better not to talk about 'home' any more. **[xliv]** These days, many people do not migrate for good and keep strong contacts with their country of origin by frequent visits, country-based media, telephone and internet. Hirsch Ballin has pointed out that in the Netherlands:

*(...) neither (migration) policy nor legislation is attuned to this; on the contrary the illusion is fostered (...) that people can only be at home in one country. This means that a major opportunity, namely the option of a transatlantic Kingdom with shared nationality, is being missed. Were this principle to be embraced, policy in all countries of the Kingdom would have to focus more on educating people in cross-border citizenship, including matters such as language skills and historical awareness. **[xlv]***

For the Kingdom of the Netherlands, something may be learned from the USA with its long history of immigrants coming from all parts of the world. Italian-American, Polish-American, Chinese-American are just a few examples of the hyphenated identities American citizens use to identify themselves. And what to think of the *Nigerian-American Muslim Integrated Community* building in Dean Street, Brooklyn, NY, next to *Bethel United Zion* church. Strong *original* identities do not necessarily put a strain on USA citizenship, integration and American identity. The notion of the *American people* has created an identity of its own which is all embracing and yet allows those millions of immigrants to remain *hyphenated* to their origin. **[xlvi]** Notwithstanding the all-embracing concept of *the American people*, American identity however still faces a strong racial divide, so much that for many Americans 'American' equals 'white':

*The United States is a white country. By that I don't just mean that the majority of its citizens are white, though they are (for now but not forever). What makes the United States white is not the fact that most Americans are white but the assumption - especially by people with power - that American equals white. Those people don't say it outright. It comes out in subtle ways. Or, sometimes, in ways not so subtle. **[xlvii]***

Not so subtle was William J. Bennett, former Secretary for Education, who stated in public that the USA nation's crime rate could potentially be reduced through aborting black babies. **[xlviii]**

The Netherlands may find fault these days with some of the incoming Netherlands

citizen-immigrants from its *own* Caribbean parts, but on the other hand, the Netherlands may have been lacking an extended statehood mission that better regulates its overseas operations in preventing school drop-outs, guaranteeing better education and fighting poverty. An advisory committee of high standing in Dutch Caribbean affairs recommended in 2004 that the Kingdom should expand its function to these areas, not to be operated on a project format but as a regular government all-inclusive provision. The promise in 1954 of equal Netherlands' citizenship for people in all parts of the Kingdom has not been substantiated in social-economic terms. Why not? This question was of major concern on a Congress on the 25th Jubilee of Queen Beatrix in 2005, and was not answered. **[xlix]** Could the answer be an echo of the Kingdom's colonial and racist past when people in the Dutch Caribbean were treated as second-class people, at best? Does there still exist a racial divide between the countries of the Kingdom that must be held accountable for these differences in Netherlands' citizenship?

Social-Economic Development. Welfare Resorts?

The extension of the rule of law of the mainland to the Caribbean islands has facilitated economic development and foreign investments in most Caribbean territories. Especially the financial offshore in the UK COT and the Netherlands Antilles which has for many years benefited from the umbrella of the rule of law of the mainland. In recent years, however, *good governance* adjustments were required to validate this umbrella in view of the standards that were applied by the regulators of the international financial market. Britain as well as the Netherlands has put pressure on the Caribbean territories to bring their fiscal regulations and banking practices in line with international standards. Extended statehood was brought into play to arrive at compliance of the Caribbean territories with these international standards. Caribbean opposition was toned down as the respective island's banking sectors were well aware of the inevitability of upgrading the standards of banking practice in order to survive in the changing world of offshore banking.

In addition to the economic effects of the law and order component, extended statehood does effect major social-economic variations. Large differences in the mode and amount of financial incentives and transfers from the mainland to the overseas territories do exist. The British COT are by and large self-supportive and do not receive substantial transfers from London. Puerto Rico has been transformed as a result of USA federal and Puerto Rican local tax exemptions and

other incentives. The economic development of the Netherlands Antilles has been rather autonomous from the input of Netherlands development aid. Numerous projects were financed every year. The total economic effect of all these projects for the islands of the Netherlands Antilles is difficult to estimate.

Until the mid 1990s a major part of the resources transferred to the Netherlands Antilles was used to finance investment in infrastructure (harbours, airports), public utilities and public housing.**[ii]** With regards to the Netherlands' financial input, Haan concludes, 'the case of Curaçao strongly suggests that being a recipient of lasting and substantial development aid may lead a country to cling to unproductive institutions'.**[ii]**

This may apply to the DOM as well. The French DOM are integral parts of France and are thus part and parcel of the regular financial traffic within the French state. French financial input in the DOM social-economic realm, together with the transfers of the European Union, is by and large the most expansive. On Martinique and Guadeloupe, the standard of living is high, public utilities are of modern quality, the level of education is competitive, and social security is adequate. But unemployment is very high. Good education does not guarantee employment. To be employed or not does not make for lack of income. *Social security* in the DOM is guaranteed by the French state while residents of the British COT and the Netherlands Antilles and Aruba rely on the rather minimal unemployment benefits their island governments provide.

Also in Puerto Rico, despite decades of uninterrupted migration, unemployment rates are high and have never fallen below 10%. Puerto Rico receives a selective package of federal assistance. US federal minimum wage was extended to Puerto Rico during the 1970s with a result that labor intensive industries moved elsewhere in the region where wages were significantly lower.**[iii]** Federal social programs cut short the social and financial misery of being unemployed, at least in comparison to other nations in the Caribbean region. Some portray Puerto Rican demands for parity in federal assistance and funding as claims that foster a *welfare paradise* and *labor-laziness* while others maintain that Puerto Rico has been exploited by US wars and US corporations and thus deserve equal civil and social rights. According to this line of thought *labor-laziness* is in the eye of the beholder and its stereotype is used against the proponents of equal rights.**[iii]**

A territory's own economic earning power to guarantee basic levels of social

services has become a nagging issue in the operation of extended statehood. To some extent the provision of basic levels of social services is a matter of political will, distribution of wealth and income, levels of taxation and the way public funds are allocated. But it may also be a consequence of being short of public revenues to meet the standards that are today applied. Especially when a territory's extended statehood entails a strong cohesion with the metropolitan, including equal social and civic rights, the standards of provision may be too high to be met out of local public coffers. Exactly this equality is for some of the territories a *raison d'être* to maintain metropolitan extended statehood. Even so, the economic order is affected as a consequence. Wage levels are out of step with the region, the motivation to work is eroding, and the trappings of a *welfare nation* manifest themselves. This perspective of unintentionally creating such economic disorder is mortgaging endeavors to turn extended statehood around to balance social differences with the metropolitan. The *law of unintended consequences* requires that a recognition of equality of basic social rights must contend with its adverse economic effects in the overseas territories.

Public Safety

Public safety is a major concern in the Caribbean, also on the islands that benefit from extended statehood relations with the metropole. The numbers of murders per capita are alarming. Puerto Rico's number of murders per 100,000 is 20.1. This is higher than any state on mainland USA, except for Washington D.C. where this figure reaches 46.2. Louisiana has the highest number among the American states: 13.4.

On Curaçao, the figure for homicides is high and has risen dramatically. During the period 1997-2001 there were on average 16 murders each year, but by 2003 the number had reached 53. The figure for 2004 was 47. **[liv]** This number equates to a murder rate of 36.2 per 100,000 inhabitants. For a large part, these crimes are considered to be the settling of scores by those involved in the drug trade. According to the prosecutor's Office in the Netherlands Antilles, Colombians are largely involved, either as victim or attacker. **[lv]** In comparison with the independent countries in Central America, Curaçao's homicide figures are alarming. For instance, in Costa Rica it was projected that there were 260 *asesinatos* in 2004 (based on the figure of 238 per 19th December 2004). This number equates 6.1 per 100,000 inhabitants. **[lvi]** The figure of Curaçao is almost six times as high. And compared with the number of homicides in the Netherlands

in 2003, Curaçao murder rate 30 times higher. **[lvii]** The homicides on Curaçao are very high in numbers, but must *feel* even chillingly higher as they happen on an island with a bit more than 130,000 inhabitants. **[lviii]** It is no wonder that more and more people are hiding behind bars, dogs and walls, when they can afford to do so. These figures raise serious questions about local autonomy as well as the real worth of Kingdom's safeguards, both at home and on the streets. Indeed, it was not until the Netherlands Antilles. Parliament unanimously asked for assistance in November 2004, that the Netherlands government initiated a 'Security Plan Netherlands Antilles' which provided for technical and police assistance, though for a limited time and under the control of the Antillean government. The murder rates of Martinique and Guadeloupe are much higher than in the metropole. Martinique saw 9.6 per 100,000 in 2001 and Guadeloupe 11.4 in 2000. In France meanwhile, a figure of 3.7 murders per 100,000 was recorded in 2001. Also noteworthy is that French Guyana on the South American continent had a much higher rate of 20.8 in 2001. **[lix]**

The drug related crimes on Curaçao and Puerto Rico are connected to the fact that these islands offer easy passage to lucrative Western markets *precisely* because of their extended statehood status. The heavy trade of drugs and towering crime figures in the Caribbean are related to easy border access over water and to the lawlessness of neighboring narcotic states in Latin America. On the other hand, the Caribbean authorities make sure to point to the whereabouts of the principal consumers of the contrabands: mainland America and mainland Europe. Where is the home of the narcostate: the country of the producer or of the consumer?

The US Coast Guard and the Royal Netherlands. Coast Guards cooperate in patrolling the Caribbean waters and seize substantial amounts of drugs. But in view of these homicide figures, overall policing is ineffective and does not guarantee public security in the overseas territories. In particular the stark difference in number of murders per capita in the Netherlands and Curaçao signals that different standards apply in the Kingdom. Dutch public and politics would not have accepted such a degree of public disorder in the Netherlands; the policing would be intensified. But not after an unanimous Antillean Parliament had cried for help, some extra police force was sent to Curaçao in 2005, to help out for a limited time. This belated reaction, *after the fact*, is a telling moment of the Kingdom's peripheral interest in its outermost regions.

All in all, public safety as indicated by rates of homicides seems to be higher in the DOM and very low in Curaçao, the Netherlands Antilles. Puerto Rico's murder rate is also quite high but lower than on Curaçao. In the Netherlands the murder rate has fallen to 1.2 per 100,000 [lx] and France's murder rate stands at 3.7. The figures of all the overseas territories are painfully different from the much lower murder rates in their metropolitan. A most striking difference is Curaçao's 30 times higher rate in 2004 than the one in the Netherlands. Extended statehood of a Caribbean territory does not provide for a level of public safety that is comparable with the relative comfort on the mainland. Circumstances exist that in one way or another explain the higher rates of violence the overseas territories are living with, but such evidence does not minimize some of the stark differences with the mainland. A comparison with independent nation-states in the Caribbean is needed to complete the picture of extended statehood's (in-) significance in controlling violence.

Allure and Illusion of Autonomy

In some circles *autonomy* has become sanctified as a stand-in for political independence and dealt with accordingly. How a territory's *political status* is defined, is one of the most debated characteristics when considering extended statehood in the Caribbean. The status of a territory includes the kinds of formal statehood extensions that are in place in relation to the mainland. Various legal, constitutional and administrative terminologies are in use to denominate a territory's status such as: incorporated/integrated (Département d'outre-mer (DOM)/France), non-incorporated (Puerto Rico/USA), autonomous (Netherlands Antilles/Aruba), dependent/overseas (British territories). The term *associated* is in use as well; it applies to statehood extensions of Puerto Rico/USA and also to the constitutional arrangement of the Netherlands Antilles and Aruba's within the Kingdom of the Netherlands. [lxi] These definitions often carry colonial connotations. Grosfuegel summarizes the different alternative statuses which the four colonial powers in the Caribbean pursued after World War II for their colonies: 'The British established a self-governing federation within an imperial Commonwealth community; the Dutch conceded autonomy; the French annexed the territories; and the US basically concealed its colonial relationship with the semi-autonomous 'Estado Libre Asociado', or 'Free Associated State'. [lxii]

For the island territories concerned, *status* is often dealt with as a matter of principle. Not surprisingly as such *status* is historically related to the former

colonial position of a territory and its people. In many colonies in Asia and Africa the colonial status was fought with the sword and independence arrived only after protracted and bloody wars, which ended a long period of white overlordship. What is even more significant is the equation of *independence* with individual self-respect, self-determination and human rights. Consequently the peoples and territories that did not choose to become independent had for themselves to define meaningful answers to these fundamental issues. One way of dealing with non-independent *status* is to underline the territory's free choice or autonomy. Puerto Rico accentuates that its association with the USA is a *free* association; the Netherlands Antilles and Aruba claim that they are *autonomous* countries in the Kingdom of the Netherlands; the Départements d'outre-mer emphasize that they have *chosen* themselves to be part of France.

The Charter of the Kingdom of the Netherlands aimed indeed to maximize the autonomy of the Netherlands Antilles and Suriname.**[lxiii]** In later years, however, Antillean autonomy was questioned in view of a growing significance of standards of *good governance*. The Netherlands' insistence on Caribbean self-reliance (*zelfredzaamheid*) has done more harm than good as it resulted in a split-level Kingdom. Furthermore, the Charter's *equal partner doctrine* has mortgaged the operations of the Kingdom with false promises, which are impossible to fulfill.**[lxiv]** Aruba and the Netherlands Antilles, for good reasons, did not choose to become independent countries, a commendable choice. But some parties define themselves as *autonomistas* and are as such oversensitive to any Dutch involvement. Right or wrong, Antillean autonomy first. For them, it is more a mental condition than a political reality. In the past, such Antillean comportment has been duly understood and respectfully dealt with. But now that widespread poverty and social dislocation are part of Antillean life, the unbending deportment of the *autonomistas* has lost this respectability with the Netherlands' public and policy makers alike.

In the early 1990s, the time perspective of the Kingdom's presence in the Caribbean region changed. Netherlands politics agreed to the permanency of the Kingdom's relations with the Caribbean territories. But the Charter's original definition of limited functions and safeguards was not revised. Citizenship was not redefined to include basic social provisions. Caribbean 'self-reliance' and 'autonomy' had to take care of such rights. The social and political elites in the Caribbean countries opposed an overhaul, for several reasons. It did not serve

their interests and the Dutch intentions were suspected of having colonial overtones. Autonomy was there to stay and a redefinition of citizen rights was not brought up.

As a result, the intervention of the Kingdom in areas where the local governments are failing has become a very complex and very trying issue. A paradoxical situation has surfaced. The emphasis on local autonomy had not resulted in a relaxed relationship with the Netherlands. On the contrary, the wide-ranging autonomy created a very laborious and unwieldy partnership. In significant areas where the Caribbean governments' performance does not meet the standards of good governance, the Kingdom does not act to safeguard these standards and to improve the situation. The Kingdom's instruments to do so are only rarely being used as the Netherlands continues to hesitate to trespass the political borders of autonomous Caribbean countries. Half a century after the inauguration of an enlightened post-colonial order, these limitations now result in ugly scratches on one of the jewels of the Crown, its undivided and equal citizenship. What was once a progressive liberal concept has become unworkable in the 21st century. **[lxv]**

For the *autonomistas* in Antillean politics, the suggestion that the Kingdom reform must include monitoring of Antillean government practice in areas such of public finance, public health, education and law and order, has become a bone of strong contention. The *autonomistas* do not want to hear of a redefinition of the Kingdom's safeguards even when in these areas dramatic upgrades are urgently required, and that already for quite some time. The most outspoken *autonomistas* in Antillean politics demand that the Netherlands repair the public debt without strings attached or future monitoring put in place. A situation of the Kingdom monitoring essential areas of Antillean government practice is seen as undermining Antillean autonomy; no less than Antillean self-respect is at stake. A bit of pragmatic anti-nationalism would certainly be of help in reforming the Kingdom in order to address the daunting social-economic problems. These problems cannot be fixed with some extra funds from the Netherlands but require substantial political and governmental reforms. One Antillean former administrator bluntly stated why he had left Curaçao: 'Curaçao is an island loaded with problems and complexes. I really had to leave'. Another senior head of department, and of high civil standing, forewarned that Curaçao's decline will not turn around: 'before we come to our senses, the situation has to become worse,

much worse; and that will not happen in my life time’.

Much larger nation-states, in Europe and elsewhere, have opted for extensive power sharing at the expense of their national public authority. Monitoring systems are set up to preempt disruptions and to provide support where necessary. For instance, in view of European monetary policy even Paris has to comply with the financial deficit procedure of the European Union.**[lxvi]** Would this be too much to ask of the Netherlands-Antillean government? The old maxims of national autonomy and self reliance do not apply any more in a highly interactive world where trade, travel and migration, television, internet and, last but not least, terrorism and organized and corporate crime, have made border crossings much more significant than the national borders themselves.

Antillean autonomy is claimed by democratically established parties and elected politicians who, by definition and election, assume that they know what is in the public’s best interest. Several politicians in the Netherlands Antilles have more than once indicated that if they had to choose between the island’s standards of living and Antillean autonomy, they would prefer lower standards than having to accept Dutch interference in Antillean affairs. For certain, a politician anywhere is on average better off than his constituency. On the other hand, a majority of the Netherlands-Antillean respondents did not agree with the statement ‘that Holland interferes too much in the governing of our country’. For this majority, Antillean autonomy must be balanced with the added value of the Kingdom in the administration of justice, fighting crime and corruption, and safeguarding democracy.**[lxvii]** The public’s best interests may differ from a politician’ claim that running their own affairs is under all circumstances of paramount importance. Autonomy is not an absolute concept, but must be mapped out in relation to other significant political benchmarks such as social-economic development, regulation of public finances, international security and the protection of human rights. The world has changed and inter-dependence among states, from the largest to the smallest, has gained muscle over the once splendid isolation of the nation-state.**[lxviii]**

The Netherlands Antillean territories. best interest is to be part and parcel of a larger transnational public order which is dependable and in which they somehow participate in public decision-making processes. According to a review of the Council of State of the Kingdom of the Netherlands, the alternative is to be at the mercy of what other, more powerful states or transnational institutions

unilaterally, or in communion with others, decide for themselves without recognition of the small-scale world of the Caribbean territories. [lxix] It does not make sense any more to play the drums of a quasi colonial era [lxx] and rigidly claim an illusory autonomous status. What matters today for the Caribbean territories is to be part of a robust constitutional order that is empowered to safeguard democracy and the rule of law as well as a public and social order that is safe and sound for its citizenry, irrespective of their residency. That is at present not the case in the Kingdom of the Netherlands.

Coherence of Extended Statehood

Over the years significant changes have taken place in various characteristics of the operations of extended statehood. The question is how coherent and dependable this form of statehood has been. Do the operations hang together with the mission that is proclaimed? Can extended statehood be counted upon?

It should not come as a surprise that the French DOM is the most integrated extended statehood system. Its mission does not divide but essentially unites the overseas territories with the metropolitan. The boundary between the DOM and mainland France is first of all a geographical and administrative distinction. For most French citizens it is rather unimaginable that this boundary will ever be applied to control the free movement of the residents of the DOM. A DOM is part and parcel of the French State and as such state actions, policies, processes and regulations sustain them as any other *Département* of the French Republic.

Puerto Rico's *Commonwealth* status is less coherent in its mission and operations than the French DOM. Citizenship rights are incomplete. Though federal taxation does not apply, a range of federal programs is extended to Puerto Rico. The USA interests to maintain Puerto Rico's extended statehood have varied over time. On the part of Puerto Rico, both Grosfuegel and Duany have arrived at the conclusion that a redefinition of Puerto Rico's extended statehood must not be sought in essential status alternatives. Status alternatives are not essentially progressive or reactionary. More expedient is an approach that reviews what works for Puerto Rico. A pragmatic approach is to question which status alternative will protect and improve Puerto Rico's ecology, quality of life, and democracy:

Which status alternative will protect, deepen, and expand the social and democratic rights already recognized under the current colonial status (for example, federal minimum wage, unemployment benefits, social security, abortion

rights, civil rights)? [lxxi]

The United States' interests as dominant power in the world have all along been paramount in designing Puerto Rico's status as an unincorporated territory that 'belongs to but is not a part of the United States'. On the other hand, Puerto Rico's interest requires that a range of issues must be dealt with: expansion of citizenship rights, economic development, democratic representation, social justice, and security. Duany concludes that these issues will most likely be advanced within the limits of the associated free state. The victory of the Commonwealth status in past referendum leads to a pragmatic approach in addressing the missing links in Puerto Rico's extended statehood package. But in the end the USA will determine at its convenience the options and limits of Puerto Rico's attempts to upgrade the extended statehood of its *Commonwealth*.

The constitutional arrangement of the British Caribbean territories has recently been revitalized by the restoration of citizenship rights and the right of abode in England. A *partnership* declaration by the British government defines areas with obligations and responsibilities for both sides such as the environment, financial standards, good governance and human rights. Britain has made assistance and funds available, though in moderation, to live up to these responsibilities. In few instances the UK COTs have been confronted with commands that have imposed British will in the territories. Without consult or input the death penalty for murder was abolished in the overseas territories. The UK government made clear that 'high standards of observance' were required on the part of the Overseas Territories in order to comply with the same international obligations to which Britain is subject. The British expect that the Overseas Territories will enact the necessary reforms themselves, but made clear that in the absence of local action, legislation could be imposed on the Caribbean territories.

The UK COT extended statehood seems to develop into a partnership indeed, and one with a limited set of linkages. 'To be or not to be' a UK COT is in practice rather well agreed upon without much ado about 'autonomy', 'sovereignty' and 'neocolonialism'. As long as the UK COT hold on to their partnership obligations, they are left on their own and take care of themselves.

The extended statehood of the Caribbean countries in the Kingdom of the Netherlands is by far the most ambiguous. The Kingdom's operations in the Caribbean are still caught in between a temporary development aid-shelter in

anticipation of future independence and a permanent structure of extended statehood. In many ways, the Kingdom still operates as a temporary provision and its operations are often activated by incidents instead of embedded in a regulated practice. The Kingdom's operations have become compromised by ad hoc crisis management of day-to-day affairs. Unity of policy for the whole of the Kingdom is restricted, standards of government are limited and regulation of its administrative practice is deficient. For many years the Kingdom has acted as a 'project organisation' to dispense money without much underlying policy and regulation. The operations of the Kingdom basically still reflect the epoch of transitional relations: lofty safeguards, plenty of cooperation and very little regulation. The question is whether the makeover to a permanent structure of extended statehood of the Caribbean countries will ever be made.

After 50 years of Chartered rule, the public debt of the Netherlands Antilles is out of proportion to the size of the local economy. Were it operating in the Netherlands, the main hospital on Curaçao would have to close immediately, because of health hazards. This applies to Curaçao's oil refinery as well. School dropouts without any perspective on the labour market populate the drug trade in large numbers. And the number of homicides on Curaçao is staggering. The Netherlands-Antillean and Aruban insistence on being autonomous has only added to the Kingdom's deficient operations. On the other hand, the willingness of the Netherlands to expand the Kingdom's extended statehood must be doubted. Since the early 1990s, only in the margins of the Netherlands and Antillean politics, proposals have been launched to expand the Kingdom's safeguards to some basic social- economic rights of the Netherlands citizens in the Caribbean territories. It may well be that in the nature of the Kingdom Relations the option of 'muddling Through' is considered the less worse of all other options.

Extended statehood's design in the Caribbean depends in large measure on what politicians on the mainland decide. Notwithstanding all proclamations of partnership, cooperation, consultation, solidarity and support for *their* Caribbean territories, metropolitan positions and sentiments determine by and large the statehood package that is extended. Some territories have a democratically elected representation in metropolitan institutions, but most have not. Consultation procedures, hearings and arbitration have over the years made allowances for overseas participation in the itinerant design of extended statehood. In any case the small number of Caribbean representatives becomes

washed out in the metropolitan representative institutions. Exactly because of their small size and numbers, the Caribbean territories seek and maintain extended statehood from the mainland. They do not, however, have enough clout to make much difference in decisions about the nuts and bolts of what extended statehood should include and how it must operate. This imbalance in position calls for external controls and reviews, not by the existing Decolonization Committee of the United Nations but perhaps by a body along the lines of a UN Extended Statehood Committee for Overseas Territories, or by a platform organized by the territories themselves. But will the mighty powers, and the not so mighty ones, agree to such external reviews?

NOTES

- i.** Helen M. Hintjens, *Governance Options in Europe's Caribbean Dependencies. The End of Independence*, p. 543. In: *The Round Table* (1997), (pp. 533-547).
- ii.** Conference report. *The Economic development of the Caribbean overseas countries and territories: the role of the European partners*, p. 13. Ministry of the Interior and Kingdom Relations. The Hague, 20-21 June 2001.
- iii.** Conference Report. *The economic development of the Caribbean overseas countries and territories: the role of their European partners*, p. 14 (The Hague, 2001).
- iv.** Fred Réno, *Re-sourcing Dependency. Decolonisation and Post-colonialisms in French Overseas Departments*, p.10. In: *ITINERARIO Volume XXV, 2/2001*.
- v.** Justin Daniel, *Development Politics in the French Caribbean: From State Centrality to Competitive Polycentrism*, p. 98.
- vi.** Helen M. Hintjens, *Alternatives to Independence. Explorations in Post-Colonial Relations*, p. 35. Dartmouth Publishing Company Ltd, 1995.
- vii.** Helen M. Hintjens (2001), p.35. *ITINERARIO Volume XXV, 2/2001*.
- viii.** In the Netherlands Antilles the GDP per capita (1998) is around US\$ 11.000 and in Aruba US\$ 16.000. Pitou van Dijck, *Opportunities in the region*, table 1. In: Conference report. *The economic development of the Caribbean overseas countries and territories: the role of the European partners*. The Hague, 20 - 21 June 2001.
- ix.** Ramón Grosfuegel, *The Divorce of Nationalist Discourses from Puerto Rican People: A Sociohistorical Perspective*, p.58. In: Frances Negrón-Muntaner and Ramón Grosfuegel (eds), *Puerto Rican Jam. Rethinking Colonialism and Nationalism*. University of Minnesota Press, 1997.
- x.** Sherrie L. Baver, *The Rise and Fall of Section 936: the Historical Context and*

possible Consequences for Migration, p. 46. In: CENTRO Journal, Volume XI Number 2, Spring 2000.

xi. Jorge Duany, The Puerto Rican Nation on the Move. Identities on the Island and in the United States, p. 282. The University of North Carolina Press, Chapel Hill and London 2002.

xii. The San Juan Star, Mari Bras. message tempered, but still intact. April 21, 2003.

xiii. José O. Diàz (1995), p. 207.

xiv. José Luis Morín, Indigenous Hawaiian under Statehood: Lessons for Puerto Rico, p. 21/22. In: CENTRO Journal, Volume XI Number 2. Spring 2000.

xv. Sherrie L. Baver, the Rise and Fall of Section 936: The Historical Context and Possible Consequences for Migration, p. 52. In CENTRO Journal Volume XI Number 2, Spring 2000.

xvi. George Drower, Britain's Dependent Territories. A Fistful of Islands, p. 195. Dartmouth Publishing Company Ltd. 1992.

xvii. Conference report. The economic development of the Caribbean overseas countries and territories: the role of their European partners, p. 14. The Hague, 2001.

xviii. John Zevenbergen, Verslag van stage/participerend onderzoek bij de Overseas Territories Department van de Britse Foreign and Commonwealth Office te Londen, p. 7. The Hague, Report 17th November 2000.

xix. Independent became: Antigua & Barbuda (1981), Bahamas (1973), Barbados (1966), Belize (1981), Dominica (1978), Grenada (1974), Guyana (1966), Jamaica (1962), St Kitts-Nevis (1983), St Lucia (1979), St Vincent & the Grenadines (1979), Trinidad and Tobago (1962).

xx. E.M.H. Hirsch Ballin, The constitutional relationship between the Caribbean Overseas Countries and Territories and their mother countries. In: Conference Report (2001), p. 25.

xxi. Helen M.Hintjens, Governance Options in Europe.s Caribbean Dependencies. The End of Independence, p. 533-547. In: The Round Table (1997).

xxii. White Paper, Foreign and Commonwealth Office, Partnership for Progress and Prosperity. Britain and the Overseas Territories, p. 17. London 1999.

xxiii. White Paper (1999), p. 18.

xxiv. Website: <fco.gov.uk>

xxv. In the Netherlands Antilles, in 1990th labor unions and political parties acted as guardians of the Patrimonio Nashonal and successfully blocked cooperation between Antillean and Dutch companies. The Royal Dutch Airlines (KLM) was

frustrated in attempts to participate and upgrade the Antillean Airline Company (ALM). The Dutch Telecom was blocked from participating in Antillean Tele companies. In: Lammert de Jong, De werkvloer van het Koninkrijk. Over de verhouding van Nederland met de Nederlandse Antillen en Aruba, pp. 60-67. Amsterdam: Rozenberg Publishers, 2002

xxvi. Gert Oostindie & Inge Klinkers 2003: p. 223.

xxvii. Saba bij de dekolonisatiecommissie VN, Amigoe, 11 August 2005.

xxviii. Inge A.J. Klinkers, dissertation, De weg naar het Statuut. Het Nederlandse dekolonisatiebeleid in de Caraïben (1940 - 1954) in vergelijkend perspectief, analyzes the Netherlands decolonization policies in a comparative perspective. When she presented the comparative findings of her study to a collective of civil servants of the Netherlands' department of Kingdom relations, mr. Jan-Paul Dirkse, the department.s director, concluded sarcastically: 'so we can not learn anything from your analysis for our work'.

xxix. In 1949, after war and bloodshed, the Netherlands finally recognized an independent Indonesia. But not until 2005 the Netherlands was prepared to acknowledge that 17 August 1945 was Indonesia's independence day.

xxx. Denicio Brison, The Kingdom Charter (Het Statuut): Fifty years in the wilderness, 2005, p. 40.

xxxi. 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.

xxxii. Mito Croes 2005, p. 79.

xxxiii. Ramón Grosfuegel 2003, p. 60.

xxxiv. Ramón Grosfuegel 2003, p. 5-8.

xxxv. Comité 2004, Investeren in gezamenlijkheid, edition 041004. Website.

xxxvi. Letter to Parliament by the Netherlands minister for Government Reform and Kingdom Relations, 17 December 2005.

xxxvii. Interview with Ron van der Veer, secretary Committee Kingdom Relations, an NGO.

xxxviii. Letter of mr. Alexander Pechtold, Minister for Government Reform and Kingdom Relations to Parliament, Beleidsinzet Nederlandse Antillen, 24 August 2005.

xxxix. In 2005, the average USA Social Security payout is US\$955 a month, US\$11,460 annually. The benefit can be more or less, depending on the number of years that has been worked, how much was earned and the age of starting taking payments. If the amount is less than US\$579 one can get Supplemental Security Income. That just brings the monthly income up to US\$579. Source:

AARP.

xl. William F.S.Miles, pp. 50-57.

xli. Book review of Ira Katznetson (author), *When Affirmative Action was White. An untold History of Racial Inequality in Twentieth-Century America*, by Nick Kotz (review). *The New York Times Book Review*, 28 August 2005.

xlii. A chartered airliner carrying French passengers home to Martinique crashed in Venezuela, killing all 160 people aboard. *The New York times*, August 17, 2005. *Idem dito, de Volkskrant*, 17 August 2005.

xliii. Jorge Duany 2002.

xliv. NY Times, August 2005.

xlv. Hirsch Ballin 2005, p. 11.

xlvi. Even building sites make a reference to the American people: *Building for the People of the United States of America. A New US Court House. High Street, Brooklyn, NY, May2005.*

xlvii. Robert Jensen, *White People's Burden: It's time for white Americans to fully acknowledge that in the racial arena, they are the problem.* AlterNet. Posted August 31, 2005. Editor's Note: This essay is excerpted from *The Heart of Whiteness: Confronting Race, Racism and WhitePrivilege*, forthcoming from City Lights, September 2005.

xlviii. *The New York Times*, 1 October 2005.

xliv. *De Nederlandse Constitutionele Monarchie in een veranderend Europa. Congres ter gelegenheid van het 25-jarig regeringsjubileum van Koningin Beatrix. Groningen, 29 and 30 September 2005.*

i. Edo Haan 1998, p. 320.

ii. Edo Haan 1998, p. 320.

iii. Grosfuegel 2003, pp. 58-59.

liii. Grosfuegel 2003, p. 10.

liv. Bureau of Statistics of the Netherlands Antilles, *Moord / doodslag pa Korsou.* (Source: KPNA: bureau Communicatie en Voorlichting). *The Jaarplan 2003, Openbaar Ministerie Nederlandse Antillen*, p. 8, lists for 2002 a number of 45 murders/killings. 11 February 2003. These figures have been checked and adjusted by Shaida van Triest-Martis, Department of Justice, Netherlands Antilles, e-mail to author, 27 January 2005. She lists homicides in 2002, 53 in 2003 and 47 in 2004.

lv. *Jaarplan 2003*, p. 8. Openbaar Ministerie Nederlandse Antillen.

lvi. For 2003 a total of 300 homicidios were registered by the Oficina de Planes y Operaciones del Organismo de Investigación Judicial (OIJ) of Costa Rica. The

figure of Curaçao is almost 6 xs higher than Costa Rica's score of homicides. In the rest of Central America, the figure is much higher than in Costa Rica. According to the Organización Panamericana de la Salud (OPS), the average number per 100.000 inhabitants is 27 asesinatos. Compared with Central America's average figure of 27,6 per 100.000, Curaçao's number of 36.2 per 100.000 is still 13 % higher. Central America includes Guatemala, Belize, Honduras, Costa Rica, El Salvador and Nicaragua.

lvii. 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/.

lviii. In 2003 the number of homicides in Amsterdam was 43, that is 6,14 per 100.000.

lix. The Ministry of Interior and INSEE (Institut national des statistiques et études économiques).

lx. Centraal Bureau voor de Statistiek, Niet-natuurlijke dood naar diverse kenmerken.

Website, statline. Cbs.nl/Stat/Web/.

lxi. The term 'associated' is also applied at one point to former British colonies before they became independent. See Paul Sutton, *Two Steps Forward, One Step Back. Britain and the Commonwealth Caribbean: Britain believed the islands individually did not have the resources to sustain economic development and to carry the burden of sovereignty. It therefore evolved a novel form of 'decolonisation' (borrowed from New Zealand's arrangements with the Cook Islands in the south Pacific) of 'associated statehood' which allowed for internal self-government but reserved defence and foreign affairs to Britain*, p. 43. In: *Intinerario, Volume XXV, 2/2001. European Journal of overseas History*.

lxii. Ramón Grosfuegel, *Caribbean Immigrants in the Metropoles: A Research Agenda*, p. 85. In: *CENTRO. Bulletin Volume VII, Number 1. Hunter College 1995*.

lxiii. Hirsch Ballin 2005, p. 9.

lxiv. Douwe Boersema, *50 Jaar Statuut en verder*. In: *Lammert de Jong & Douwe Boersema 2005: pp. 81-99*.

lxv. Lammert de Jong 2004, pp. 223-241.

lxvi. Only because it is expected that the 2005-budget deficit will remain within the 3% norm of the Stability- and Growth Agreement, the French Republic escaped the application of the deficit-procedure in 2004.

lxvii. Oostindie & Verton 1998, pp. 184-186.

lxviii. Hirsch Ballin 2005, p. 10.

lxix. Raad van State, Verdieping of geleidelijk uiteengaan? De relaties binnen het Koninkrijk en met de Europese Unie, p. 8. Den Haag, februari 2004.

lxx. Gert Oostindie: Nog steeds woont zo'n vijftien procent van de 37 miljoen Caribiërs in niet-onafhankelijke landen. Cultureel en ideologisch kleven er grote nadelen aan hun status; natievorming onder koloniale rook is immers geen eenvoudige opgave. De teloorgang van een bijzondere relatie, p. 32/33. In: Pitou van Dijck (red.): Doe toekomst van de relatie Nederland-Suriname. Amsterdam, Rozenberg Publishers 2004.

lxxi. Grosfuegel 2003, p. 75.

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Website: <fco.gov.uk>

Extended Statehood In The Caribbean ~ About the Authors



Peter Clegg is senior lecturer of politics and international relations at the University of the West of England, Bristol, and a visiting fellow at the Institute of Commonwealth Studies, University of London. His research interests focus on the international political economy of the Caribbean, and the politics of European-Caribbean relations. He is author of *The Caribbean Banana Trade: From Colonialism to Globalization* (2002) and has contributed recent articles to *Social and Economic Studies*, the *European Review of Latin*

American and Caribbean Studies, and the *Journal of Transatlantic Studies*. Clegg teaches on Caribbean and Latin American politics, as well as international political economy. Further, he is a member of the Caribbean Board, a group that provides advice on the region to the British Foreign and Commonwealth Office. Clegg is the newsletter and book reviews editor for the UK-based Society of Caribbean Studies.

Dr. Justin Daniel is professor of political science at the University of the French Antilles and French Guiana and, since 1994, director of the 'Centre of Research on Local Powers in the Caribbean'. He holds a French Doctorate in Political Science [Sorbonne, 1983]. He co-edited *Politique et développement dans la Caraïbe* [Politics and Development in the Caribbean], Paris, l'Harmattan, 1999; *1946-1996: Cinquante ans de départementalisation outre mer* [1946-1947: Fifty years of overseas departmentalization], Paris, l'Harmattan, 1997 and *Les îles caraïbes: modèles politiques et stratégies de développement* [Caribbean Islands : Political models and Strategies of Development] Paris Karthala, 1996 and numerous articles on Puerto Rico, the French Antilles and the Caribbean. Daniel is an active member of different professional associations, included the *Caribbean Studies Association*. He is currently the coordinator of a comparative research project on *Democracy and peripheral territories* at the 'Centre of Research on Local Powers in the Caribbean' in cooperation with the University of Puerto Rico.

Dr. Jorge Duany is chair and professor of the Department of Sociology and Anthropology at the University of Puerto Rico in Río Piedras. He previously served as director of the *Revista de Ciencias Sociales* and as Visiting Professor of Latino Studies at the University of Michigan. He recently received a research fellowship from the Smithsonian Institution in Washington, D.C., and was a Visiting Scholar at the Population Studies Center of the University of Pennsylvania. He earned his Ph.D. in Latin American Studies, specializing in anthropology, at the University of California, Berkeley. His main research interests are Caribbean migration, Latinos in the United States, and ethnic and national identity. He has written extensively on these topics for professional journals and academic books in Puerto Rico, the United States, Europe, Latin America, and the Caribbean. He is the coauthor of *Cubans in Puerto Rico: Ethnic Economy and Cultural Identity* (1997) and *El Barrio Gandul: Economía subterránea y migración indocumentada en Puerto Rico* (1995). He is also the author of *Quisqueya on the Hudson: The Transnational Identity of Dominicans in Washington Heights* (1994). His most

recent book is titled *The Puerto Rican Nation on the Move: Identities on the Island and in the United States*.

Dr. Francio Guadeloupe (1971) works at the Anthropology and Sociology Department of the University of Amsterdam. After having lived and traveled throughout the Caribbean, he moved to the Netherlands at 18 years of age. In 1999, he obtained his Master's degree in anthropology/development studies at the Radboud University of Nijmegen. Guadeloupe has published two books on Brazil: *A vida e uma dança: the Candomble Through the Lives of Two Cariocas* (Nijmegen, CIDI, 1999), and *Dansen om te leven: over Afro-Braziliaanse cultuur en religie* (Luyten & Babar, 1999). Guadeloupe has researched how popular radio disc jockeys on the bi-national island of Saint Martin (French) & Sint Maarten (Dutch) combine Christian derived ethics and Caribbean music to forward a politics of belonging which includes autochthons as well as newcomer population. This research is the basis of his PhD thesis which will be finished in the beginning of 2006.

Dr. Lammert de Jong served 9 years between 1985 and 1998 as resident-representative of the Netherlands government in the Netherlands Antilles. Prior to this he was attached to the University of Zambia and the National Institute of Public Administration in Lusaka, Zambia (1972-1976). In the People's Republic of Bénin, he was director of the Netherlands Development Aid Organization (1980-1984). He received a PhD in Social Sciences at the Free University, Amsterdam (1972) and published during his academic years about public administration and participation. He concluded his civil service career as Counselor to the Netherlands government on Kingdom relations. Since then he writes as a free-lance scholar on post-colonial statehood. He is the author of a book on the operations of the *Kingdom of the Netherlands in its Caribbean parts* (2002) (*De werkvloer van het Koninkrijk. Over de samenwerking van Nederland met de Nederlandse Antillen en Aruba*); *Cracks in the Kingdom of the Netherlands. An Inside Story* (2004). In 2005 he edited with Douwe Boersema, *The Kingdom of the Netherlands in Caribbean: 1954 - 2004. What next?*

Dr. Dirk Kruijt is professor of Development Studies at Utrecht University, the Netherlands. Between 1968 and 2003, he alternated between academic teaching and research, and activities as policy advisor to Latin American planning institutes and multilateral and bilateral donor agencies. He was a visiting professor at the Institute of Development Studies (IDS) at the University of

Sussex, at El Colegio de Mexico, IUPERJ (Rio de Janeiro), the Instituto de Estudios Peruanos, and at the Facultad Latinoamericana de Ciencias Sociales (FLACSO) in Costa Rica, Guatemala, El Salvador and Santiago de Chile. From the mid-1990s on, he evaluated a couple of times the development relations between the Netherlands and the Netherlands Antilles, and the Netherlands and former colony Surinam. His published work is mostly about poverty and informality, war and peace, and military governments. He is the author or co-author of ca. 30 books and ca. 100 articles.

Emilio Pantojas-García is a Senior Researcher and former Director of the Center for Social Research of the University of Puerto Rico in Río Piedras. He also served as Director of the Caribbean Resource Center at the University of Puerto Rico. He previously taught at the University at Albany and the University of Illinois at Chicago. He holds a Ph.D. in Sociology from the University of Liverpool and a B.A. in Sociology from the University of Puerto Rico. He has written extensively on questions of development, industrialization, and globalization in Puerto Rico and the Caribbean. He is the author of *Development Strategies as Ideology: Puerto Rico's Export-Led Industrialization Experience* (1990) and coeditor of *El Caribe en la era de la globalización* (2002). He served on the editorial board of the *Latin American Research Review* (2000-04), and was president of the Caribbean Studies Association (2004-05).